



**CENTRE FOR ENVIRONMENTAL LAW EDUCATION, RESEARCH AND
ADVOCACY (CEERA),
NATIONAL LAW SCHOOL OF INDIA UNIVERSITY**
With
CMR UNIVERSITY SCHOOL OF LEGAL STUDIES
in association with
**DIRECTORATE OF MUNICIPAL ADMINISTRATION, GOVERNMENT
OF KARNATAKA**
Organises

**REPORT OF THE ONE-DAY CONSULTATIVE WEBINAR
“ROLE AND FUNCTIONS OF MUNICIPAL ADMINISTRATION IN
INDIA: NEED FOR LEGISLATIVE AND ADMINISTRATIVE REFORMS”**

**DATE:
16TH AUGUST, 2021
PLATFORM:
ZOOM VIDEO CONFERENCE**

**GOVERNMENT OF KARNATAKA PROJECT ON
“CODIFYING, CONSOLIDATING AND REFORMING THE URBAN
LAWS IN THE STATE OF KARNATAKA”**

ABOUT CEERA



Centre for Environmental Law Education, Research and Advocacy (CEERA), established in 1997 is a benefactor of the Ministry of Environment and Forest and Climate Change (MoEF&CC), Government of Karnataka, the Bar and the Bench in India and abroad. Building an environmental law database, effectively networking among all stakeholders, building up an environmental law community and policy research in the area of environment are CEERA's main objectives. Directorate of Municipal Administration (DMA), Government of Karnataka has granted a Two-Year project to CEERA-NLSIU for *Codifying, Consolidating and Reforming the Urban Laws in the State of Karnataka*. Under the project, several existing laws including Karnataka Municipalities Act, 1964; Karnataka Municipal Corporations Act, 1976 and other related legislations are to be consolidated to one single legislation Karnataka Municipalities Bill, 2019. CEERA has also made several publications in the area of environmental law, the law and public policy along with Newsletters, CEERA March of the Environmental Law, NLSIU's first Journal on Environmental Law, Policy and Development [UGC-Care Listed] and manages two websites viz., www.nlsenlaw.org, wherein the law and policy on Environment is regularly updated, and www.nlsabs.com, a dedicated portal wherein the law and policy on Access to Benefit Sharing is updated periodically. All our publications are duly updated on our online portal www.nlspub.ac.in, which is open for subscription to all readers.

ABOUT CMR UNIVERSITY SCHOOL OF LEGAL STUDIES



CMR University School of Legal Studies was established in 2003, an institution that has been actively engaged in shaping young legal professionals since 16 years. aspires to be recognised as a principal centre of excellence in law. Striving to attract and facilitate the foray of enterprising, smart, and intelligent young individuals into the legal profession, is a conscious effort and a focal point in CMRU. The School of

Legal Studies seeks to emphasise on the integration of enterprising initiatives and creative programmes in the curricular activity, transcending conventional academic orientation so as to inculcate within each of its student, a vibrant and more real outlook towards their life and career. For the past six consecutive years, CMR School of Legal Studies has been ranked amongst the top law colleges in India by leading national magazines. Our students have been highly successful in winning several national level moot court competitions, debate competitions and model parliament competitions, besides securing the top ranks in the Karnataka State Law University examinations. Having made the transition from being affiliated to Karnataka State Law University to being a constituent department under CMR University, we hope not only to emulate our past deeds, but to progress further and reach greater heights in our eternal quest for perfection. In this regard, the University has set up five research centres under the school which seek to nurture young students and encourage them

to engage in research and academic activities. Each Centre will publish domain specific online journals and take up projects of current relevance and significance. The CMR University Journal for Contemporary Legal Affairs has recently become a part of the UGC-CARE list.

ABOUT THE WEBINAR

The one-day national Webinar was organized by The National Law School of India University (NLSIU's) Centre for Environmental Law Education, Research and Advocacy (CEERA) with CMR University School of Legal Studies in association with the Directorate of Municipal Administration, Government of Karnataka on the 16th of August, 2021. The Webinar concerning the "Role and Functions of Municipal Administration in India: Need for Legislative and Administrative Reforms" was deliberated with the objective for a comprehensive dialogue and discourse on the laws and policies governing urban planning, enforcing, and development by the Municipal Administration. The Webinar was designed to further the aims of National Law School of India University's (NLSIU's) flagship project on "Codifying, Consolidating, and Reforming the Urban Laws in the State of Karnataka". The broader target of the project, among other things, included developing a Model Bill titled Karnataka Municipalities Bill, 2020 by consolidating several municipal laws in the State of Karnataka, critically evaluating policies and regulations concerning urban governance, and understanding the relevancy and adequacy of the municipal administration in the contemporary context. Furthermore, the national Webinar included experts from law, academia, research scholars, and policymaking.

The Webinar was conducted across four sessions which dealt with the following deliberations:


1. NLSIU Draft Bill: A consolidated effort in municipal administration.
2. Urban and rural area convergence and zoning regulations: A public health approach.
3. Governance of municipality: Legislative and policy actions for financial autonomy and reforms.
4. Privatization and citizen-centric approach in municipalities: Smart cities and Technology.

The Webinar across four sessions focused on the following themes:

1. The current state of public health and Municipalities: the shortcomings and reform expected;
2. Municipal governance and relevancy of the Smart City mission;
3. Financing and structures of Urban Local Bodies with specific emphasis on autonomy;
4. The need for reforming Urban Local Bodies through legislative and policy actions;
5. Financing infrastructural projects and improving deliverance;
6. The need for state intervention in Technology and Municipal governance;

7. Legislative and executive steps to be taken for adequate water and waste management;
8. Preparedness of Urban Local Bodies vis-à-vis epidemic management, natural or man-made disasters, and lastly;
9. Analyzing the availability of land in urban and rural areas with particular emphasis on Burial grounds post COVID-19.


POSTER



ONE-DAY CONSULTATIVE WEBINAR
ON
ROLE AND FUNCTIONS OF MUNICIPAL ADMINISTRATION IN INDIA: NEED FOR LEGISLATIVE AND ADMINISTRATIVE REFORMS

Organised by
CENTRE FOR ENVIRONMENTAL LAW, EDUCATION, RESEARCH AND ADVOCACY, NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU
With
CMR UNIVERSITY SCHOOL OF LEGAL STUDIES
in association with
DIRECTORATE OF MUNICIPAL ADMINISTRATION, GOVERNMENT OF KARNATAKA

MONDAY, AUGUST 16, 2021


 **MEETING ID: 981 1283 2562**
PASSCODE: 16082021

OUR WEBSITES
ls.cmr.ac.in | nlspub.ac.in
nlsnlaw.org | nlsabs.com


THEMES FOR WEBINAR

- Public Health and the Municipalities;
- Municipal Governance and Smart City mission;
- Financing ULBs: Making them financially stable and autonomous;
- Reforming ULBs through legislative and policy action;
- Financing Infrastructure and improving service delivery;
- Managing Urban Commons;
- Technology and Municipal Governance: What the State must do?
- Water and Waste Management: Legislative and executive action and mission;
- Natural and man-made disaster and epidemic management preparedness of ULBs.
- Burial grounds and land availability in urban and rural areas.

REGISTRATION DETAILS
SCAN THE QR CODE ON YOUR MOBILE TO REGISTER




RESOURCE PERSONS



ONE-DAY CONSULTATIVE WEBINAR

To register, write to -
Prof. V. J. Praneshwaran
praneshwaran.vj@cmr.edu.in

SCHEDULE



ONE-DAY CONSULTATIVE WEBINAR ON
ROLE AND FUNCTIONS OF MUNICIPAL ADMINISTRATION IN INDIA: NEED FOR LEGISLATIVE AND ADMINISTRATIVE REFORMS
DATE: 16th AUGUST, 2021

DIRECTORATE OF MUNICIPAL ADMINISTRATION, GOVERNMENT OF KARNATAKA

DATE: 16th AUGUST, 2021

ZOOM MEETING ID: 981 1283 2562
PASSCODE: 16082021

| TIME | DATE: 16 th AUGUST, 2021 |
|-----------------------------------|---|
| 2.00 PM To 3.00 PM | <p>INTRODUCTORY NOTE</p> <p>GUEST OF HONOUR: MS. B. B. CAUVERY, IAS, Director, Directorate of Municipal Administration, Government of Karnataka GUEST OF HONOUR: DR. SABITA RAMAMURTHY, The Chancellor, CMR University PROF. (DR.) T. R. SUBRAMANYA, Dean, School of Legal Studies, CMR University. PROF. (DR.) NIGAM NUGGEHALI, Registrar, NLSIU PROF. (DR.) M K RAMESH, Professor of Law & Chair on Urban Poor, NLSIU. PROF. (DR.) SAIRAM BHAT, Professor of Law & Coordinator, CEERA, NLSIU</p> |
| SESSION - 1 3.00 PM To 4.00 PM | <p>NLSIU DRAFT BILL: A CONSOLIDATED EFFORT IN MUNICIPAL ADMINISTRATION PROF. (DR.) SAIRAM BHAT, Professor of Law & Coordinator, CEERA, NLSIU MS. MADHUBANTI SADHYA, Teaching Associate, CEERA, NLSIU MR. RAGHAV PAKTHASARATHY, Teaching Associate, CEERA, NLSIU MS. ARUNA L., Assistant Professor and Team, School of Legal Studies, CMR University</p> |
| SESSION - 2 4.00 PM To 4.45 PM | <p>URBAN AND RURAL AREA GOVERNANCE AND ZONING REGULATIONS: A PUBLIC HEALTH APPROACH MR. RAVICHANDER V., Hon'ble Director, Bangalore International Centre. PROF. C.N MANJAPPA, Advocate and Legal Consultants Aman Associates</p> |
| SESSION - 3 4.45 PM To 5.30 PM | <p>GOVERNANCE OF MUNICIPALITY: LEGISLATIVE AND POLICY ACTIONS FOR FINANCIAL AUTONOMY AND REFORMS PROF. (DR.) RAMESH G., Professor, Public Policy, IIM-Bangalore PROF. (DR.) VIJAY KUMAR SINGH, Dean, School of Law, UPES, Dehradun PROF. (DR.) NUZHAT PRAVEEN KHAN, Dean, School of Law, Bennett University</p> |
| SESSION - 4 5.30 PM To 6.15 PM | <p>PRIVATIZATION AND CITIZEN CENTRIC APPROACH IN MUNICIPALITIES: SMART CITIES AND TECHNOLOGY PROF. (DR.) BISMI GOPALAKRISHNAN, Dean, MG University, Kottayam DR. JITENDRA KUMAR, Managing Director, Bangalore Bio-innovation Centre MS. WILMA RODRIGUES, Founder and CEO, Saahas Zero Waste, Bengaluru</p> |
| 6.15 PM To 6.30 PM | <p>WAY FORWARD PROF. (DR.) SAIRAM BHAT, Professor of Law & Coordinator, CEERA, NLSIU & CEERA TEAM PROF. V. J. PRANESHWARAN, Vice Principal, School of Legal Studies, CMR University, Bengaluru PROF. SREENIDHI KR, School of Legal Studies, CMR University, Bengaluru.</p> |

SUMMARY OF PROCEEDINGS

INAUGURAL SESSION

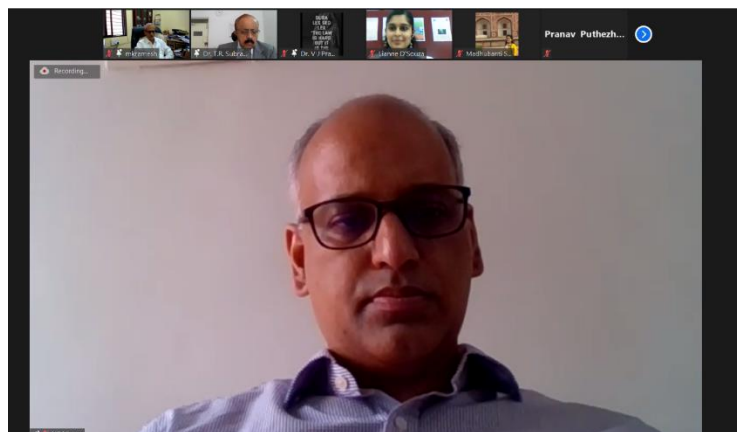
The one-day national Webinar on the “Role and Functions of Municipal Administration in India: Need for Legislative and Administrative Reforms” commenced with a short song by a student of CMR university followed by a welcome address by Prof. Dr V J Praneshwaran, Vice Principal of CMR University school of legal studies, Bengaluru.



The inaugural session was graced by dignitaries who collectively set the tone of the Webinar and gave a brief overview of the agenda for the discussions and deliberations that were to follow. To encapsulate the broad theme of the Webinar, a keynote address was presented by Prof. Dr Nigam Nuggehalli, Registrar of NLSIU. Prof. Nuggehalli eloquently emphasized the

importance of ‘urbanization’, its apex, and the need to have a holistic and comprehensive approach. Asserting for such an approach, Prof. Nuggehalli held that a holistic approach can mitigate the ‘urban sprawl’ or encroachment, haphazard development of areas, and rising urban inequality. Prof. Nuggehalli further shed light on the current state of urban governance and its fragmented practices, which fail to reach the grassroots level of the myriad issues faced by the citizen. In such an instance, Prof. Nuggehalli emphasized the need for clear delegation of functions, functionaries and funds by the Urban Local Bodies (ULB’s).

Subsequently, Prof. Dr T.R Subramanya, Dean of CMR University school of legal studies, proceeded to move the discourse by further emphasizing the need for a bottom-to-top approach to implementing fruit-bearing urbanization. Prof. Subramanya talked about the



relevance and essence of the Mauryan Dynasty administration, which bears fruit to date and is advanced for local self-government. Within this discourse, taking the example of Karnataka, Prof. Subramanya highlighted the menace of depleting water resources, interrupted electricity supply, aggravating land degradation, and negligible focus

on public space development. Providing insight on how depleting water resources supplementary burden on the municipal administration, interrupted electricity supply impacting the prospects of ‘ease of doing business’, and the prominent 9% land degradation furthering environmental concerns; Prof. Subramanya suggests a need for a real and apparent decentralization in governance. By highlighting these societal issues and personal anecdotes concerning the same, Prof. Subramanya also suggested the need for citizen participation in development and provided insight on “Smart Cities”. Prof. Subramanya asserts the need to develop smart cities, to begin with, small towns, as this would help reduce the migrant worker’s crisis. Prof. Subramanya beautifully argues that developing these towns like Hindupur, Dharwad, Belagavi, etc., would generate employment and livelihood, inevitably reducing migration into metropolitan cities like Bangalore. Prof. Subramanya asserts that by providing core infrastructure facilities, a clean and sustainable environment and giving a decent quality of life to its citizens; inclusive development can concur in compact areas.



Following Prof. Subramanya, Ms Shivani Rajesh introduced the Webinar’s guest of honour, Dr Sabita Ramamurthy, Chancellor of CMR University. Dr Ramamurthy, through her short address, stressed the importance of an autonomous and efficient municipal administration. Dr Ramamurthy briefly highlighted the major

hurdle faced by Urban Local Bodies; too many legislations and redundant laws enacted have lost their relevance in the contemporary context. This way, the law as legislation and law as a practice has been unaligned. Dr Ramamurthy continued to emphasize the need for collaborative partnerships to encourage discourse revolving around urban governance and ‘innovation’ to prosper development. With specific reference to ‘innovation’ and collaboration, Dr Ramamurthy encouraged formulating public-private partnerships (PPP) with an aim to expand and deepen private sector investments in infrastructure. Lastly, Calling for a common categorisation of urban bodies across the country so as to assist a systematic planning process and devolution of funds, Dr Ramamurthy hopes to understand the myriad perspectives in governance reforms through this discourse.

Following Dr Ramamurthy’s short address, Prof. Dr M.K Ramesh, Professor of Law at NLSIU, very efficaciously set the tone to the main contents of the Webinar. Prof. Ramesh, who had a critical role in the deliberation of the draft bill, provided a summary of the holistic reform package proposed to revolutionize the Municipal Administration. Prof. Ramesh suggested that the first step to such a ‘reform package’ would be the challenge of harmonizing

and coordinating between the various departments at the municipal level. Prof. Ramesh provided great information on the environmental angle in development, Prof. Ramesh asserts that, there should not be environmental damage in the veil of development or furthering the country's economy; such a compromise proves to be futile in the long-term. Additionally, Prof. Ramesh delved into the role of MLA's and MP's to ensure such harmonization. Prof. Ramesh took a similar stance as Prof. Subramanya and added the need for a potent 'institutional memory.' In context to 'harmonization', Prof. Ramesh suggests integrating various urban development and related programs at local, state, and national levels to develop sustainable city or metropolitan regions. In this manner, there is a clear division of duties and roles that strengthen each individual department of the urban administration. Lastly, Prof. Ramesh, adding on the migrant crisis and unintended settlements like slums that arise during the development and planning stages, suggested methods to overcome this hurdle. These methods included prevention of encroachment, passive rehabilitation, and greater assumption of possibilities during the planning stage.

Taking over from Prof. Ramesh, Prof. Dr Sairam Bhat, Professor of Law and Coordinator of CEERA, thanked and welcomed all the coordinators from partner institutions. Prof. Bhat began by introducing the resource persons for the Webinar, starting from Mr Ravichander V., Honourable director of Bangalore International Centre, Prof. C.N. Manjappa, Advocate and



Legal consultant at Aman Associates, Prof. Dr Ramesh G., Professor of Public Policy at IIM Bangalore, Prof. Dr Vijaykumar Singh, Dean of UPES Dehradun, School of Law, Prof. Dr Nuzhat Praveen Khan, Dean of Bennett University, School of Law, Prof. Dr Bismi Gopalakrishnan, Dean of MG University, Kottayam, Dr Jitendra Kumar, Managing director of Bangalore Bio-innovation Centre, Ms Wilma Rodrigues, Founder and CEO of Saahas Zero Waste, Bengaluru, and Prof. Sreendhi K.R, CMR University, School of Law. Furthermore, Prof. Bhatt expressed his sadness at the non-availability of the guest of honour, Ms B.B. Cauvery, IAS, Director of the DMA.

Delving into the Webinar, Prof. Bhat provided his deep insight concerning urban governance and urbanization. Prof. Bhat rightfully said, "Law can be an architect, implementation of the law remains the true test." Prof. Bhat further ascertained four broad challenges that need to be overcome to run a municipality systematically:



1. Prof. Bhat suggests the governance framework in itself poses a degree of fault; this assertion is justified by instances of red-tapism and stupendous bureaucratic hurdles.

2. Prof. Bhat indicates the need for uniformity in the governance framework vis-à-vis municipal administration; this way, the twin fold objective of

harmonization and coordination is achieved.

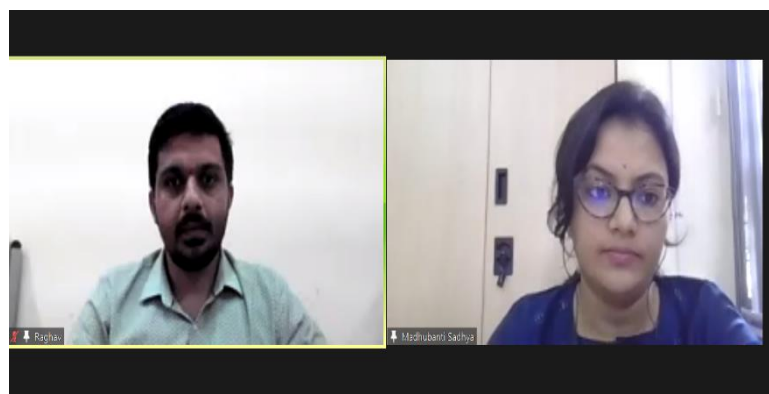
3. Prof. Bhat asserts the ground reality of the lack of autonomy experienced by Municipal Administrations in matters of finance and planning. Emphasizing that law must facilitate not only planning but also facilitate sustainability, Prof. Bhat recognizes the need to tackle societal issues like public infrastructure, healthcare, and public space, along with waste management. Prof. Bhat suggests that a decentralized government and Public-Private Partnerships (PPP) are pivotal in creating sustainable infrastructure for over a decade.
4. Prof. Bhat highlights the various environmental concerns such as cementing, encroachment, felling of trees, pollution, etc., that complement development.

Following, these assertions Prof. Bhat allows Mr Raghav Parthasarathy to commence session 1 of the Webinar, which concerns the NLSIU Draft, Bill.

SESSION 1 - NLSIU DRAFT BILL: A CONSOLIDATED EFFORT IN MUNICIPAL ADMINISTRATION

The first session put forward the Draft Karnataka Municipalities Bill that was drawn with the collective efforts of NLSIU and School of Legal Studies, CMR University. Prof. Dr. Sairam Bhat, in the introductory session, had already set the tone for this session by throwing light upon the importance to plan critically

in terms of sustainability. He had briefly discussed the key factors that stood barriers to the efficient functioning of the urban local bodies.



Three speakers, belonging to both the universities, deliberated and discussed the key provisions and the overview of the draft Bill. Mr. Raghav Parthasarathy, Teaching Associate, CEERA, NLSIU, began the session and covered a brief history of local administration, how the Draft Bill is different from the existing legislations and the core objective of the Bill. A glimpse of what was discussed by Mr. Raghav is accentuated as follows:

OVERVIEW OF THE BILL

To formulate a new policy and laws pertinent to such a policy, it is primary to understand the existing system in place. Grassroot level governance taking the form of Municipality had first come into existence in the early 1600s. Madras was the first city to introduce local body administration. The British had then slowly set up such bodies in important cities, especially those of dense population, in order to cater to the local needs such as water supply, health and sanitation facilities, drainage systems, etc. The Government of India Act, 1935 was the first legislation to define Municipality as self-governing bodies. Several legislations governing such local bodies had then come into existence. City Improvement Act, 1903 aimed at improving infrastructure by developing areas in terms of health and sanitation, resource allocation, etc. Some of the legislations pertinent to the State of the Karnataka include:

- City of Bangalore Municipal Corporation Act, 1949
- Karnataka Village Panchayats and Local Boards Act, 1959
- Karnataka Improvement Boards Act, 1976
- Bangalore Development Authority Act, 1976,
- Karnataka Urban Development Authority Act, 1987

The 73rd and 74th Constitutional Amendments were instrumental in bringing significant dimensions to rural (Panchayats) and urban (Municipalities) local bodies respectively. Part IX and Schedules XI & XII of the Constitution provide a detailed framework for local body governance. Entry 5, List II, Schedule VII empowers the State to make laws with respect to local governing bodies.

The objective of the Karnataka Municipalities Bill, 2020 is to consolidate all laws concerning municipal governance and administration in Karnataka, considering constitutional principles and all relevant legislations including amendments to establishing a smooth governance routing from a local level. It also aimed at decentralization of powers, so as to equip the local authorities. Such a consolidation can be seen previously from legislations such as Union Government's Modern Municipal Law, 2003 and Rajasthan Municipalities Act, 2009. The Draft Bill has 14 chapters, consolidating about 11 legislations some of which include:

- The Karnataka Municipalities Act, 1964
- The Karnataka Municipal Corporation Act, 1976
- The Karnataka Urban Development Authorities Act, 1987
- The Karnataka Town and Country Planning Act, 1961

- The Bangalore Development Authority Act, 1976
- The Bangalore Metropolitan Region Development Authority Act, 1985
- The Karnataka Urban Water Supply and Drainage Board Act, 1973
- Bangalore Urban Water Supply and Sewerage Board Act, 1963

The Draft Bill essentially covers the following aspects:

- Composition of Municipality and Authorities
- Election, Power and Functions, Conduct of Business, Municipal Property
- Financial Management of Municipalities
- Municipal Revenue
- Urban Infrastructure & Services
- Planning & Development
- Municipal Regulatory Commission, Municipal Vigilance and Authority
- Powers, Procedures and Legal Proceedings

The primary legislations concerning the local governments in Karnataka are the Karnataka Municipalities Act, 1964 [hereafter KMA] and the Karnataka Municipal Corporation Act, 1976 [hereafter KMCA] that oversees governance of smaller and larger urban areas respectively. The Draft Bill finds its basis from these legislations and seeks to improve the scope to increase the efficiency of the local governing bodies.

The KMA governs areas which has a population ranging from 20,000 to 3,00,000, while the KMCA governs area of population exceeding 3,00,000. However, the draft bill proposes that such categorization must be beyond population considering demographic, economic and other factors. The rationale for this is that, for an Act to be operative without turning redundant for a period of 30-40 years, it is essential to keep in mind that the population is likely bound to rise. The Bill also covered metropolitan areas which are generally those that cover areas of more than a population of 10,00,000, as provided by the KMCA.

Further, the KMA and KMCA has named the primary authorities to be Municipal Councilors and Municipal Corporators respectively under which Mayor and Deputy Mayor constitute as the executive heads. Moreover, the councilors and corporators are empowered to constitute standing committees for taxation, public health, education, etc. The Draft Bill proposes that apart from the authorities enlisted under the previous legislations, it is also important that Chief Municipal Officer, Ward Committees and Area Sabhas are duly established. This was incorporated in the Bill in reference to the High Court order in 2013-14 wherein directions were given to properly set up and utilize ward committees effectively. Further, as against the existing legislations wherein standing committees were established only for about 7-8 subjects, the bill proposes a further extensive coverage by such committees in various fields such public health and sanitation, education and social justice, taxation and

finance, town planning and infrastructural development, water supply and for all other necessary areas.

PLANNING AND DEVELOPMENT



The next segment was addressed by Ms. Madhubanti Sadhya, Teaching Associate, CEERA, NLSIU. She had extensively dealt with various aspects of the legislation concerning the planning and development of administration that is required to be done by the concerned authorities. The

following is the brief account of the important aspects deliberated by her.

The objective of the Act is to consolidate several legislations to prevent overlapping administrative functions so as to save and employ resources efficiently. Therefore, the Draft Bill has referred and consolidated provisions from the following legislations:

- The Karnataka Town and Country Planning Act, 1961
- The Bangalore Development Authority Act, 1976
- The Bangalore Metropolitan Region Development Authority Act, 1985
- The Karnataka Urban Development Authorities Act, 1987
- Jawaharlal Nehru National Urban Renewal Mission
- Rajasthan Municipalities Act, 2009

The Authorities under the previous legislations included:

- Planning Authority under the Karnataka Urban Development Authorities Act, 1987 and the Bangalore Development Authority Act, 1976.
- Director of Town Planning under the Karnataka Town and Country Planning Act, 1961
- Bangalore Metropolitan Region Development Authority under its Act of 1985

However, the Draft Bill proposes the following authorities in charge:

- Director of Town Planning
- District Planning Committee
- Officers in the Standing Committee of a Municipality
- Bangalore Development Authority

- Karnataka Urban Development Authority

The Draft Bill provides that the Municipality must formulate appropriate relevant plans as called as 'Master Plan' within 2 years from the date of enactment of this Bill and must submit it to the Director of Town Planning who will review the same and submit it thereafter to the Karnataka State Government. However, if the Municipality fails to do the same within the stipulated time, the Director of Town Planning can make their own plans, where the expenses of drawing such plans being undertaken by the Municipal and put forward the same to the State Government.

The Master Plan must address the following out of the many other aspects:

- Zoning of land based on its use
- Designing street and traffic circulation Patterns
- Areas demarcated for recreation, public open spaces, buildings and institutions
- Areas earmarked for spatial planning to balance and redistribute population
- Areas earmarked for future development
- Reserving land for Central and State Government or any approved authority/enterprise
- Declaring areas where special control has to be exercised in light of regulations such as building line, height, floor ratio, etc.

The Draft Bill provides for a City Development Plan under which the Municipality has to plan and secure a balanced and integrated development. In order to prepare the same, the existing land has to be surveyed; the potential of the land, suitability, demographic and environmental factors have to be studied, and devise a strategy that procures development. The same has to be prepared with the consultation of the District Collector and other departments such as public works, health, irrigation, education etc. and may also seek assistance and opinions of experts in the field if the need arises. The City Development Plan has to be incorporated in the District Master Plan, which is further a part of the State Plan.

Further, the Draft Bill also provides for a City Investment Plan and Financing Strategy, which is inspired by Jawaharlal Nehru National Urban Renewal Mission. This Plan has to be prepared by every Municipality to carry out the objectives of the City Development Plan. The underlying aim of this plan is to make an estimate and analyse the cost of implementing a reformed agenda or for service provision and upgradation. For the same, the Municipality has to consider the following financing options:

- Municipality's own resources
- Grants and loans awarded by the State as well as the Centre
- Aid from financial institutions and capital markets
- Off-shore financing

- Private Sector investments

The Master Plan operates as soon as it is notified in the Official Gazette. Post declaration of a land as per its specificities, no person shall change the use or develop the land without written permission from concerned authorities except in the instances as provided by the Act itself. The Draft Bill also levies penalty for unauthorised development or use, contrary to the Plan and empowers the Municipality to remove or stop unauthorised development.

The Draft Bill also lays down that the Chief Municipal Officer can implement the Redevelopment Scheme when buildings are found to be unfit for human habitation for reasons such as lack of repair or unsanitary conditions, or if the arrangements prove to be dangerous or injurious to the health and well-being of the local population. Such schemes have to be approved by the Municipalities.

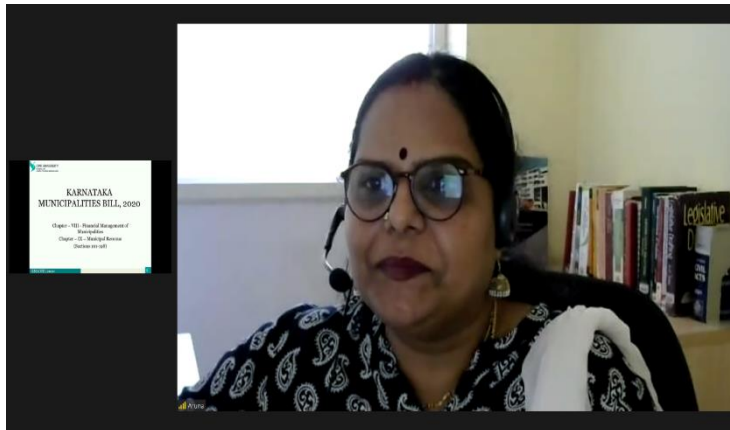
The Draft Bill provides for the establishment of Karnataka Municipal Regulatory Commission which is vested the status of a body corporate. It is a 5-member body with members possessing experiences ranging from urban affairs, municipal finance, economics, engineering, management to law, headed by a Chairperson. The members are to be appointed by a Selection Committee. The Commission can further appoint a State Municipal Advisory Committee which can have about 21 members. The Regulatory Commission can collaborate with private entities to have them aid in its functioning. Further, it has to aid in dispute resolution, assist the State Government in levying charges as well as in the overall municipal administration. With the powers of adjudicating disputes being vested with the Commission, there is also a provision that provides for an appeal to the High Court within 60 days from the date of decision.

Further, the Draft Bill envisages the setting up of the State Municipal Vigilance Authority (which contains no members of the Municipality/ Councillor or Officer) to inquire into corruption, malpractice or misdemeanor and the State Municipalities Union wherein different municipalities can come together and examine issues of common interest, assist and support each other.

The Draft Bill has also vested the Chief Controlling Authority with Directorate of Municipal Administration and empowers the State Government to:

- Call for records
- Inspect and supervise
- Inquire into municipal matters
- Suspend execution order of Municipality
- Perform when the Municipality defaults

FINANCIAL MANAGEMENT



The last segment concerning finance and revenue resources of the Municipalities was dealt by Dr. Aruna L, Assistant Professor and Team, School of Legal Studies, CMR University. The importance of financial independence of these local bodies has been emphasised in order to freely allot resources in proportion to the requirements and

hence increasing revenue has become integral in ensuring such autonomy. Tax is one of the primary sources of revenue. Dr. Aruna had rightly quoted Albert Bushnell's words '*Taxation is the price which civilized communities pay for the opportunity of remaining civilized*'. The crux of what Dr. Aruna had discussed is briefly as follows:

The Draft Bill has two Chapters - Chapter VIII & IX that deals with Financial Management of Municipalities (Sections 101-150) and Municipal Revenue (Sections 151-198) respectively. Chapter VIII has discussed the following aspects in parts:

- Part A throws light upon Municipal Finance and Municipal Fund. The State Finance Commission allots the consolidated funds while the Municipal Fund under Section 104 is the primary source of funds for all the municipalities. However, no payment is to be made out of the Municipal Fund unless covered under the Budget grant.
- Part B provides for Budget Estimates which provides roles for the Chief Municipal Officer and the Standing Committee. Exceptions for not items to not be accounted in the Budget are also provided under this Part.
- Part C deals with Accounts Audit which includes internal, external and special audit, and CAG.
- Part D enshrines borrowings in the form of bonds, short term loans, sinking fund as well as provision for surplus funds when financial management is done effectively.

Chapter IX has discussed the following aspects in parts:

- Part A discusses sources of Internal resources under which taxes, charges, surcharges, cess, fee, income from rent, undertakings and investments constitute a major proportion. Further, deficit parking is a mode to collect charges where vehicles are parked on the roads. Similarly, congestion charges are levied when roads are cramped and this has been inspired from places such as Singapore. Taxes on pets is also incorporated in the Bill. Such taxes are already levied in Delhi and Punjab and the proposal had also earlier been made by the Bengaluru Municipal Corporation in 2016. Similarly, advertisements in the form of hoardings and large posters can again be charged as surcharges as opposed to the current license fee.

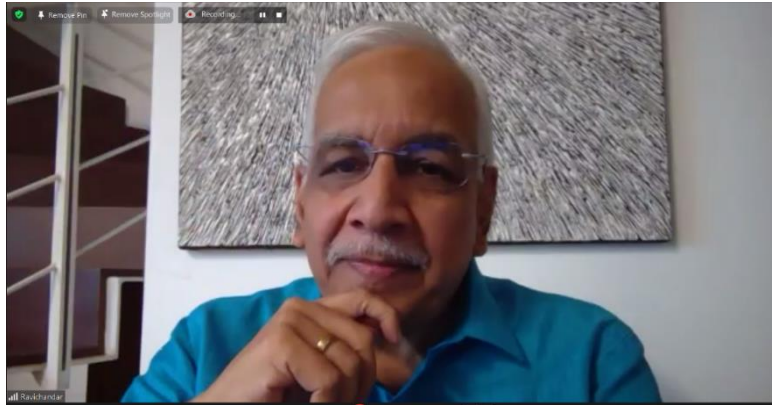
- Part B deals with assessment of and liability to tax on buildings and lands which included property tax, luxury tax (upon residential complexes more than 4,000 sq. ft. and commercial spaces exceeding 10,000 sq. ft. and penalty levied upon unlawful building. The review for such taxes must be made once in 3 years as opposed to the current once in 5 years mechanism. Further, it was proposed that the property tax should rather be levied based on development and population than zones.
- Part C lays down the provisions for tax on lands and buildings and related taxes other than property tax. These include surcharge of 1-1.5% on the transfer of property and fire fee (as modelled from the Rajasthan Municipal Act, 2009).
- Part D provides for other taxes and tolls including taxes levied for urban planning and development.
- Part E enlists provisions concerning payment and recovery of taxes. It was suggested that instead of particularly appointing surveyors for the same, entering into a liaison with EB surveyors duly make records and incentivizing them would help in more efficient saving of funds. Further, in order to ensure the tax payer is motivated to pay and avoid invasion of tax, a 5% rebate on the amount collected should be rewarded to such payer if they make proper payments for a period of 5 years. Similarly, a 10% rebate for whistleblowers and 25% rebate in property tax for those manage waste properly was provided.

The session had duly come to an end after the three speakers had elucidated the important aspects of the Draft Bill due to paucity of time. However, the construction of such framework, its purpose and rationale were adequately covered by the speakers.

Consultative webinar on ‘role and function of municipal administration in India: need for legislative and administrative reforms’

SESSION 2 - URBAN AND RURAL AREA GOVERNANCE AND ZONING REGULATIONS: A PUBLIC HEALTH APPROACH

Ms. Geethanjali K.V. introduced the two speakers for this session, **Mr. Ravichander V**, Hon'ble director, Bangalore International Centre, and **Prof. C.N. Manjappa**, Advocate and Legal consultants, Aman Associates. The session dealt with different issues within the municipal administration in India.



Mr. Ravichander V started the session by sharing his expertise in the field of urban issues and provided a brief of various projects he had worked on. He stated that he wished to bring in a citizen centric perspective towards this conversation. The BBMP restructuring committee's recommendations

was introduced. Over eight zones and a thousand people were surveyed during the making of these recommendations and experts were consulted. Mr. Sudhir Krishnaswamy and Mr. Mathew Idiculla provided their assistance in drafting of this bill.

The broad solution proposed for the Bangalore city, had various key elements. One key element that was advocated was deep decentralization at one level and appropriate centralization at the apex level, and both of which co-existed in the proposed framework. He proposed a three-tier structure, where the lowest level constituted ward committee and multiple corporations or a single corporation with multiple zones. The idea was inspired by the greater London authority which have thirty-two burrows and Mr. Ravichander, stated that they had suggested five.

He went on to argue that in reality, BBMP had become increasingly irrelevant in Bangalore and parastatal have become more important. The parastatal has recently set up a solid waste management authority and have had discussions to take over operations and maintenance of major roads. He further contends that there is a constitutional defect at birth, wherein the Centre and state were clearly defined but at the third level, only the term 'local bodies' were used and there was this notion, that the local bodies could not manage themselves. The same was attempted to be fixed by the 73rd and 74th Amendment Act, 1992, which according to Mr. Ravichander, failed to achieve this motive. He quoted one of the makers of the 74th Amendment, who himself had expressed the same especially in his book wherein he suggested megacity governances to overcome the limitations of the 74th amendment. Mr. Ravichander further critiqued the 18th schedule which has items listed in the metropolitan planning council (MPC) and he argues its shortcomings by referring towards how the schedule has left out important areas such as transportation, housing, and areas of commons.

Referring to the recommendations, within the deep decentralization proposal, he states that the element of innovation in the same if the way the ward committee is to be constituted. It will have a total of twenty members, where ten members will be elected and ten will be from civil societies, slum bodies, and other groups. The recommendations further allow candidates who lost in the counsellor elections for an area, to nominate a person if they had attained 10% of the total votes. Mr. Ravichander further explained the shortcomings of the ward committee as it is constructed presently. One such drawback it suffers due to the nomination system, such as intake of unfit candidates. Further the ward committee is met with complaints of it being elitist and it is having inadequate representation of the marginalized communities. Further he states that even the latest BBMP Act has made the ward committee a municipal authority, but the powers are advisory in nature. Mr. Ravichander argued that powers being advisory in nature is limiting and leads to inefficiency in implementation.

Mr. Ravichander further critiqued that Area Sabha. The BBMP Act states that the zonal authorities will represent the Area Sabha and represent electors in that particular area, but Mr. Ravichander brought to light, the lack of representation in the ward committee. Though they have functions, there is no authority. There is ambiguity as to if they are elected or nominated. He further firmly stated that it is essential all loose ends of the Area Sabha be addressed.

Moving to the issue of taxation, he stated that the recommendations provide a percentage of additional taxes collected this year over the last year, is to be directed to the ward committee. This expenditure of which will be decided by the committee itself and this was provided to incentivize the committee.

The second main recommendation addresses the middle level, is to constitute five corporations. This recommendation received backlash as it was seen as splitting Bangalore, but Mr. Ravichander clarified that BBMP is not synonyms with Bangalore. The recommendations pushed for multiple corporations, whereas the BBMP Act undertakes a different route, wherein it incorporates the Zonal commissioner. He stated that this is another way to achieve the multiple corporation goal but with a single corporation method. However, he argued this method would fail in a city like Bangalore, if there isn't an architecture to integrate the activities of the BBMP to the parastatal, including the lake development authorities, BDA, BESCOM, BMTC. Without this, the outcome one wishes to achieve would fail.

Mr. Ravichander further stated that we are guided by the subsidiary principle and the essence of it is that "you do things at the level that its best done." He further stated how an associative activity mapping was conducted as to gauge 'what was best done at what level'. For example, it was concluded that garbage collection and waste management was best done in the lower level but transportation as better done by a higher authority in the regional level. The primary

contention put forth, is that ‘one size fits all’ does not work. The need is for a city-wide bill which aims to fix the city as it operates. Every city has different peculiarities, and hence ‘one size fits all’ approach fails.

He further questioned the role of the MLA and MLC in the municipal corporation. He further threw light on uneven growth patterns observed in cities such as Mysore and Mangalore, wherein areas immediately outside the city develop urban characteristics and start to grow in a separate manner. These areas become difficult to control and are said to have far gone. Given these kinds of issue, Mr. Ravichander stated that one needs to keep in mind the question, of how to grow in an orderly manner as we move forward.

The last proposal, Mr. Ravichander put forth is the idea of ‘5 km City’ or the 15 Minutes City. The idea behind it being that 90% of one’s lives will be lived within the 5km radius, hence places such as place of employment, schools, healthcare, and social infrastructure ought to be within this radius. The biggest reform towards implementation of this idea is social rental housing. At the country level, he argued that people should be able to rent houses for about 1/5th of the total family income and this is what we ought to work towards. He further stated the need for zoning regulations and policies to sync in and push for social rental housing.

Lastly, he critiqued masterplans and its inefficiency. He stated that the model is flawed as it stands today. He cites that during 1985 when the masterplan had commenced, Bangalore had 25% of open areas and the latest masterplan only has 4%. To conclude, he repeated the prime takeaways, a) one size fits all approach doesn’t work, b) the need for a new paradigm which breaks the mold and only takes up the element that work and c) a clear articulation and clarity over who is in charge in running the city. Even the BBMP Act is very vague with regards to the last point.



Prof. C.N. Manjappa, spoke about issues pertaining to burial grounds and crematoriums. He started by stating that the issue of burial ground and crematorium has been in the focal points during the pandemic. Professor Manjappa went on to elaborate over how everyone is born free, with dignity and equal rights and one ought to be treated with respect even after their demises. The primary two questions, he states with respect to death is a) whether one is to be cremated or buried with all the honor according to their religious rites or not? And b) if the disposition is environmentally friendly? These

are the two main questions, since one shouldn’t be disrespected under any circumstances and if one does, it should be treated as an offence according to Professor Manjappa.

He further provided a brief into the provisions in the local self-government enactment with respect to the burial grounds and crematorium. Specific reference was made to the 74th amendment, and item number 14 provides great emphasis for burial grounds and crematorium. He moved to draw a comparison between the Municipality Act, 1964 and the Municipal Corporation Act, 1976, and argued that the latter is an improvement over the former legislation. There exist only two provisions in the Municipality Act with respect to burial ground and crematorium in contrast, in the Municipal Act has almost 10 sections, ranging from Section 391-400. Professor Manjappa further highlights how this bylaw has no mention of principle of recollection and is silent on the issue of control and supervision of burial ground and crematorium. This calls for a separate bylaw to address these specific issues. Professor Manjappa draws upon Section 423 (20) of the municipal corporation act and Clause 324 (1h) of the municipalities act to state that these provisions have empowered the municipalities to promulgate the bylaw for burial ground and crematorium. However, till date there has been no bylaw introduced across the state. He further throws light into how this isn't a special or unique feature of the urban government, but similar provisions it is also provided in the panchayat raj act. However, he states that the panchayat raj system isn't empowered enough and there exists a total vacuum on this issue, a legal vacuum. To overcome this issue, Professor Manjappa introduced the bylaw which he has been drafting titled, 'Karnataka Municipal Corporation Regulation of Burial Grounds and Places of Cremation.'

Professor Manjappa highlighted four issues relating to the bylaw, it being

1. Levy of fees,
2. Verification of the dead body,
3. Time limit to inspect,
4. Time limit observed wherein the dead body is brought to the legal person to observe the last rites.

These are the four major issues as per Professor Manjappa and he stated that they have been addressed in the bylaw. The next important element is constituting a committee as per Professor Manjappa. This committee shall consist of elected representatives from the municipality, or the municipal corporations and the members shall be drawn from all sections, that is from both reserved and general category. This committee as envisioned by Professor Manjappa, shall monitor, and supervise the functioning of the crematorium and the burial ground. Further, Professor Manjappa argued for the importance of clear definition of duties of various stakeholders. Duties in question include duties of citizen, chief officer, or commissioner, and the immediate relatives/kin of the deceased person. He emphasis that these stakeholders cannot function in their free will and their activities and duties should fall under the legal framework and for that it is crucial that their duties ought to be defined.

Professor Manjappa also critiqued the penal clause with respect to the bylaw and the provisions within the bylaw. If the penal clause is defined and it would be facilitate the

punishment as per the provisions of the bylaw. Further he states that the penalties is defined by the commissioner or the chief officer, which are the appellate authority in the corporation council or municipality.

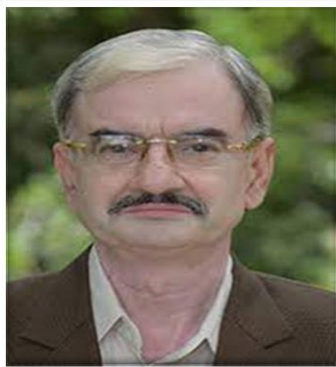
Lastly the bylaw has four forms included in its schedule, the first is the license form, second being the format of letter of seeking information of the dead. The third schedule provides for registration of burial and cremation of the deceased person and the last schedule has format for issuance of certification.

Professor Manjappa concluded by stating that the proposed bylaw is very small in nature but would meet the legislative requirements and fit under the requirement as mentioned in the corporation and municipalities act. He reiterated that the purpose of the bylaw was to protect and preserve the honor and dignity of the deceased individual and also protect the environment.

SESSION 3 - GOVERNANCE OF MUNICIPALITY: LEGISLATIVE AND POLICY ACTIONS FOR FINANCIAL AUTONOMY AND REFORMS

Mr. Raghav introduced the three speakers of this panel. The first speaker was Prof. (Dr.) Ramesh G, Professor, Public policy, IIM-Bengaluru. The second speaker was Prof. (Dr.) Vijay Kumar Singh, Dean School of law, UPES, Dehradun. The last speaker for this session was, Prof. (Dr.) Nuzhat Praveen Khan, Dean, School of law, Bennett university.

The session commenced with Professor Ramesh, who provided an insight into the importance of financial autonomy. He explains that if an organization doesn't have financial autonomy, by nature and design of the revenue system then the local bodies would be dependent on the state government similar to how the state government is dependent on the central government. This dependency allows the state government to influence municipalities and policy making. However, he noted that the Bangalore municipalities budget is more than other small states, so the concern doesn't arise from lack of funds, but that they have a huge commitment.



What Professor Ramesh recommended is the creation of a flow of revenue for these municipalities which isn't influenced or controlled by any external entities. Hence these municipalities aren't left at the mercy of the state and are rather driven by policy. This is exactly what the Finance commission has also been working at implementing, as per Professor Ramesh. For example, the IRDA, RBI, SEBI must operate independently as it cannot function based on the budget allocation provided by the Ministry of finance. Professor Ramesh put forth that it is essential, that these

institutions have their own sources of revenue through which they can sustain themselves, only then they will have administrative autonomy. He also argued that these municipalities have never attempted to gain financial autonomy.

The proposed way to achieve financial autonomy is through creation of laws, which allow for resource mobilization, and through guidelines which can be decentralized. One ought to legally examine the kind of autonomy provided to these institutions in determining their own source of revenue. He further stated that the second element we need to look at is the department expenditure. He observed that when one compares today's municipality with the municipality which existed 30 – 40 years ago, one would notice that many activities have been hired and the activities undertaken by the municipality now is very limited. They now only cover municipal roads, streetlights and street sweeping, whereas fields such as healthcare, school, transport are taken off and now managed by un-elected bodies. He argues that these elected bodies are now fighting for small things such as roads, waste management and this is an anomaly.

The third issue, Professor Ramesh states which the legal experts ought to address is whether the regulatory body can regulate an elected body. If not the elected body but at least the operational activities of the elected body, such as regulate the quality of water supply. He states that this is something he wishes should be addressed for better governance since regulation brings in more rationality and accountability in the whole system as seen in the case of the power sector. He further stated that this was a place to improve in the level of governance and interorganizational governance.

He further brought to light another problem within the municipality which arises since this body is resource dependent and the locus of control is outside the municipal body. Hence, he argues we talk about both the vertical government, which is the elected body and the horizontal government along parastatal and DDMP.

Professor Ramesh further highlights the issue of weak accounting standards in municipalities. He brings to notice the lack of annual reports despite being required by law. The reasons cited for the delay in these reports can be as trivial as, a lack of accounting resource person. The reality is however, Professor Ramesh argues is the lack of accountability and governance level intervention is required. At the municipal level, reforms have happened in the accounting system, but he states that these aren't up to the mark. Further even the reporting has shortcomings. Professor Ramesh recalls the suggestion he had given to the Ministry of Urban Development to improve auditing, reporting and the financial system was, "you should introduce bond market and rating." He stated that once you introduce bond market, they will have to produce quality financial information otherwise they would be unable to raise funds. Hence automatically, all these fields in question will improve. Thus, all of them should undergo a rating process, otherwise they will be dependent on the state government.

He further also recommended that the resource people from accounting and auditing should be placed on rotation, and one should not be placed in a place for more than three years. And the audit should be done by a Chartered Accountant than an government staff. All these elements will bring in more professionalism, as per Professor Ramesh.

Professor Ramesh further noted that the complexity of accounting has increased lately, and hence from a governance point of view, it is essential to make recommendations for accounting standards, periodic and regular reporting of accounts. Further, segment reporting for water, solid waste, roads, and similar areas should also be conducted and these would aid further research. Committee should be further strengthened and he urged guidelines for these committees. Lastly, he recommended to have external audits and production of action-taken reports. He ended by stating that all the suggestions be enshrined in the legal system as this would enable one to approach the court if in case of violation.



Prof. (DR.) Vijay Kumar Singh spoke about the possibility of privatization of municipalities. He drew a comparison between housing societies as a small municipal colony, one where everyone pays the housing society for maintenance. Thus, being a small version of the municipality and it is achieved through outsourcing, but it also imbibes values of

democracy as there is an elected secretary of the housing society. The basic areas they provide cover is security, sanitation, parking space, etc. and this is the lowest level.

Professor Singh then drew upon certain important laws pertaining to municipality. Article 243 (w) of the Indian Constitution lays down the power and authority of the municipalities and outlines the work to be undertaken by them. The 12th schedule of the constitution has enlisted eighteen duties of the municipalities. Further he referred to the amendment made to the constitution to inculcate the idea of local self-governance. He stated that there is two part of governance as envisioned in the constitution, which is political governance which meant providing service to the people. He argued that the idea was to get more people involved in the local level and provide them autonomy over structuring their municipalities. This he argued is like housing societies.

One of the major challenges, as per Professor Singh is the lack of delegation, which was also pointed out by Mr. Ravichander, an earlier speaker. Hence it boils down to the relationship between the state and the Centre and this leads to an endless blame game and when it comes to the relationship between state and municipality, the relationship further deteriorates due to

lack of boundaries. Hence, providing financial autonomy is key as pointed out by Professor Ramesh.

Professor Singh refers to two documents, the first being the Municipal Performance Index, 2020 and the second is the Ease of Living Index, 2020. Bangalore has been labelled as number one in the ease of living index, and this index is based on 3 major parameters and 14 categories and over 50 indicators. It takes into account the quality of life which includes housing, education, health, shelter, security and sustainability. Professor Singh states that ease of living is linked with the municipalities and their good functioning is essential especially in urban cities. Bangalore in the ranking of municipalities and municipal performance index has ranked at 31. The difference is due to different performance parameters as per Professor Singh. The ease of living index gives maximum parameters to services such as education, health, sanitation, 20% is allotted to governance, 15% is provided to technology, 15% for planning and 20% for finance. Under finance, revenue management, expenditure management, fiscal responsibility, and fiscal decentralization – these are the four major areas talked about in the municipality performance index. Under the finance component, Bangalore ranks at 40. One of the major challenges that municipalities face in revenue management is the lack of funds. They don't have sources to get funds and are dependent on the grants they receive and the few sources of tax, hence he argues that revenue generation is missing. He recommends the introduction of privatization or the issuance of municipal bonds to solve this issue.

Professor Singh identified another major challenge which is the lack of uniformity within different municipalities with respect to financial reports. This makes it impossible to compare and draw upon a comparative chart. He makes reference to the recommendation provided in the latest report on the municipality performance index, wherein it recommends strengthening human personal and municipal personal and for the creation of national consortium of municipal bodies. This would assist in creating a standard measure to compare municipalities. He ends his segment by reiterating the urgent need for work required and urges for more participation of citizens.



Prof. (Dr.) Nuzhat Praveen Khan started by providing an in-depth into the existing laws on municipalities. She refers to the 74th amendment of the constitution, and the 12th schedule. Further amendment to the constitution has provided for addition of new articles such as Article 243X empowers state government to imposes taxes duties, tolls and fees and allows the state government to allot revenues from certain taxes to urban local government and the state can also make grants in aid to the municipalities. She cites these provisions to raise the issue of lack of financial autonomy and the problem of

finance distribution.

Article 243Y governs the distribution of taxes between state and municipalities and it also leaves it to the state finance commission (SFC) with the task of reviewing and recommending the dissolution of tax revenue and grant aid to the urban local government. She argues that this amendment has given all revenue sources of urban local government in the hands of the state government. Pursuant to this amendment, a sub-clause was added to article 280 of the constitution which gave responsibility to the central finance commission to recommend measures to augment the consolidated fund of the state to supplement the resources of the municipalities.

Urban regions are governed through territorial jurisdiction, through the constitutional mandate, we have the municipal corporation, which govern larger urban areas then we have municipal corporation for smaller urban areas and then Nagar panchayats for areas which are in transition from rural to urban. She stated that it is the duty of the state government to notify these areas about their population, employment in non-agricultural activities, and revenue generated.

She further stated that urbanization is very rapid and there is a need to position the municipalities in this structure for the transformation in the Indian economy. This can be done through enhancing and upgradation of the infrastructure by financially empowering the urban local government. Further, she highlighted the need for financial autonomy in governance of municipalities. The growing urbanization has created areas with unique challenges and are opportunities for sustainable growth of Indian economy. Urban local bodies can play an important role in the national transformation through holistic, urban planning which is based on the principle of subsidiary - which is sufficient allocation of public resources to cater the public preferences. This is facilitated by access to local knowledge, aliment of resources, local financial autonomy, delivery and planning services and accountability in services and following cost effectiveness in delivery and performances.

She referred to the United Nations Urban Development report and cites their projection which stated that India in 2018, recorded 461 million and is said to have 877 million by 2050, this itself is a peak set in the present topic of discussion. This is the largest share of urban population in the world. Professor Khan stated that financial autonomy will thus ensure good services such as affordable housing, safe drinking water, solid waste management. She urges that urban settlement are drivers of the economy and that they require to appropriate infrastructure and adequate capital investment by municipalities.

She also highlighted that in instances of disaster, the local government are the first responders, and they are the ones who can provide immediate support in times of disaster, and this further calls for financial autonomy of municipal bodies. Further, Professor Khan states that in order to mitigate and adopt to climate change, urban local bodies are needed to invest in clean energy, green tech and resilient infrastructure, poverty elevation, slum

development. This is the need of the hour and financial autonomy is crucial for the same as per her.

Professor Khan, further referred to the 15th finance commission, wherein the municipal revenue to GDP ratio in India is only 1% during the period of 2008-2018. In contrast, countries such as UK recorded 13.9%, Brazil recorded 7.4% and South Africa recorded 6% under the same category. They have more range of taxes whereas in India it is only property tax. Further she highlights the lack of intergovernmental transfer of municipal revenue, wherein India recorded 0.45 in the GDP and countries like UK, Norway, and US recorded way higher. Professor Khan recommends legislation to facilitate state transfer of funds and to share GST with municipalities. She urges that municipalities will be provided more access to internet payment tax, stamp duty tax, mining royalty, etc. She called for monetization of land values. She urges that it is essential that the fragmented government structures should be put in harmony and institution of new finance mechanism such as private-public partnership and new venture capital financing. She ends with reiterating the importance for financial autonomy within the municipalities.

SESSION 4 - PRIVATIZATION AND CITIZEN CENTRIC APPROACH IN MUNICIPALITIES: SMART CITIES AND TECHNOLOGY

Prof Dr. Bismi Gopalakrishnan being the first speaker of the session, she started her session by giving insights about the Municipality Bill, 2020. An important question that was posed by her was with respect to how national and local governments can address particular issues. Professor discussed as to how the bill interconnected the relationship between the citizens, their rights and responsibilities with the presence of a responsible government. Further emphasis was given as to how people would act as the key representatives to develop the society. The admiration shown by her to the people-centric approach of the bill was expressed very eloquently.



Professor talked about the integration of the private sector. She went on to explain the doubts people would have about the profit-making motive of the private entities, whether that would affect the needs of the people. The benefit of inclusion of the private sector, would make the function of the government standard, to act as the guardian. Therefore, the burden would shift on to the private entities and they would have to act as the forefront of enforcement, when the formation of goals, targets and regulation would be handled by the government.

An example of Kochi was given. Professor went on to explain, the lack of sewage infrastructure even after collection of 60% of the tax revenue from the city. Therefore, integration of private entities to develop cities would be beneficial. She went on to mention

the importance of understanding the problems from the ground up view, which would ensure direct contact between the authorities and the people. Examples of the Haritha Kerala Mission, K-phone which provide free internet to the poor etc. were given by professor that highlighted private investments to develop smart cities. Lastly, Dr. Gopalakrishnan extended her support and showed praise on the bill drafted by the team and was surely impressed with the issues dealt.

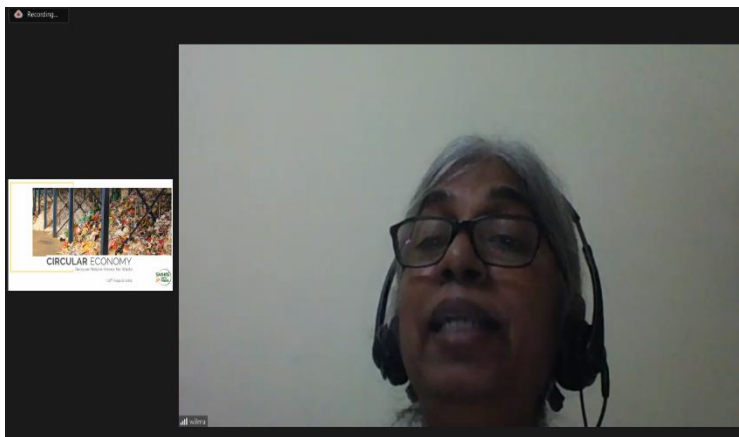
Dr. Jitendra Kumar, the second speaker of the session Dr. Kumar, MD Bangalore Bio-innovation Centre brings to light certain factors that would for a feasible way to incorporate privatization to develop cities. Dr. Kumar started his session by explaining about smart cities and the need for proper infrastructure to assure the quality of life with sustainable



environment, the problem with the same as highlighted by him was the lack of enforcement and administration. Dr. Kumar mentioned the need for sustainable planning and development for bettering the city infrastructure. He went on to give 'The BBMP Act' as an example, where the need for better idea and technology incorporation for city planning

was mentioned.

Dr. Kumar went on to explain about the need for privatization and how they could play a major part in the city development. State run tech-based incubators, entrepreneurship could play a vital role in developing new methods to combat existing problems. He highlighted the need for the municipality to develop a seamless way to integrate technology and enforcement mechanisms. Therefore, to do so, Dr Kumar emphasised "Public-Private-Partnership" as the best way to incorporation of new modes of technology that could have access to state funding and approval. Which would make the enforcement of necessary ideas quick and hassle-free, with the inclusion of legal guidelines to enforce the same. He goes on to talk about some of the necessary points which would be the driving force to derive the best from public private partnerships. Points such as funding from the government, management and authority, transparency and accountability etc. were highlighted by him. He further talked about how it would be necessary to gain investor confidence for private entity interaction, as it would help for a steady flow of developmental work. The principles of sustainability, inclusion and innovation are to be main criteria's for governments to choose private entities during collaboration. Lastly, Dr. Kumar discussed the way to forward, that include good governance, transparency, accountability, collaboration and information communication. As these would ensure in private-public-partnerships to be successful.



Ms. Wilma Rodrigues, the last speaker of the session, is the founder of SAHAS, a waste management company speaks about how sustainable development goals (SDG's) can be achieved by private players with a well-structured business model.

Ms. Rodrigues started to explain how the 'Circular Economy' principle could be a really useful

model for waste management companies. She goes on to speak about how the model helps for a holistic approach towards segregation and management. By having this model, she calls to attention the 96% recovery from the waste they receive. This model helps for people to understand that repurposing segregated waste collected from the source could bring in value to the company and the environment. She talks about how there is a need for comprehensive rules and regulation to be in place for the protection of the environment. Information symmetry of the people and inclusion of technology could play a major role in developing strong policies that would have the ability to protect the environment.

Ms. Rodrigues talks about how private entities could play a key role in the development of smart cities, helping in infrastructure development and integrating sustainable models such as the circular economy model. Quality of living, better living standards and improved job availability would be the positives from private entity entry.

Lastly, Ms. Rodrigues goes on to highlight a decentralized method to achieve SDG's. A comprehensive waste management program which handles grassroot problems and have strong municipal cooperation would bring in changes to smart city planning and development. She goes on to talk about how the appropriate business model would give way for a holistic approach towards management.

WAY FORWARD AND CONCLUSION

Prof. Sreenidhi started off emphasising that, "A way forward would be to look back", having a clear view of the events of the past would give clarity for the events of the future. He goes on to bring to light the rapid urbanization haphazard development of cities, being the root cause for unequal development throughout the areas of the city. He goes on to explain about the lack of voice of the people and their indifference would also be a factor for only a few pockets on the urban cities to have witnessed development.

Professor then goes to explain as to how the 74th Constitutional Amendment integrated municipal corporations and included them to the governance system, as this could highlight

the necessity of a well-developed local authority permitting a democratic approach to solving issues surrounding urban development.

Prof. (Dr.) V J Praneswaran, vice principal of School of Legal Studies CMR University starts his session by stressing on the necessity for seriousness in municipal governance. He highlights how planning and strict enforcement would help to curb corrupt practices and advocate good governance. Professor goes on to explain the importance of education, awareness and the participation of people to bring in change. Accountability of the authorities, proper planning and implementing laws would also help to achieve progress in development. Towards the end of his session, professor brings to light how temporary the ad/hoc or temporary modes of handling solutions have caused a lot of problems with respect to development of cities.

Prof. (Dr.) Sairam Bhat concluded the event by giving the example of white topping in Bangalore. Dr. Bhat highlights this example to discuss about the necessity of co-ordination amongst the various departments of the city. He talks about development of cities to happen with a well-formulated legal framework, that would keep co-ordination between the departments smoothly functioning. The improved quality of living and a developed urban sector would be the benefit of having a seamless means of communication. Professor concludes the event by stating, 'Law must play a friendly role to guide and enforce such developmental activities' therefore people would benefit from the activities done by the government.
