



NATIONAL ROUNDTABLE ON MODEL MUNICIPAL LAW

Organized by

Ministry of Urban Development, Govt. of India

National Institute of Urban Affairs (NIUA)

INDO- USAID, Financial Institutions Reform & Expansion (FIRE-D) Project

12 July 2007, Hotel Le Meridian, New Delhi

PROGRAM

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| 9.30 – 10.00 Hrs | REGISTRATION |
| 10.00-10.30 Hrs | INAUGURAL SESSION |
| 10.00-10.05 10.05- 10.20 10.20-10.30 | Welcome and Introduction to the Workshop: Dr. M.P. Mathur, Director-in-Charge, NIUA Keynote Address: Shri M Rajamani, Joint Secretary & Mission Director, (NURM), MoUD Address: Shri N. Bhattacharjee, Program Manager, USAID |
| 10.30 – 10.40 Hrs | TEA / COFFEE |
| 10.40– 12.00 Hrs | Session I: Panel Discussion on Salient Features of Model Municipal Law Chairperson: Shri M. Rajamani, Joint Secretary & Mission Director (NURM), MoUD, GoI Speakers: <ul style="list-style-type: none">▪ Shri K. Dharmarajan, Advisor, FIRE-D▪ Shri R.M.Kapoor, Ex-Director, Times Research Foundation▪ Mr. Lee Baker, Chief of Party, FIRE-D Project Floor Interventions |
| 12.00-14.00 Hrs | Session II: State's Response to Implementation of MML Chairperson: Shri K. Dharmarajan, Advisor, FIRE-D Presentations: <ul style="list-style-type: none">▪ Shri Vinod Sharma, Commissioner, Jammu Municipal Corporation, J&K▪ Shri B.L. Raghav, Joint Director, Department of Urban Development, Government of Himachal Pradesh▪ Shri Vijay Anandkat, City Engineer (Special), Rajkot Municipal Corporation, Gujarat▪ Shri D.S. Zagade, Commissioner & Director, Municipal Administration, Maharashtra▪ Shri Malay Srivastava, Secretary cum Commissioner, Urban Development Department, Madhya Pradesh▪ Shri Shyam Singh Yadav, Commissioner, Nagar Nigam, Agra Floor Interventions |
| 13.30-14.15 Hrs | LUNCH |

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| <p>14.15-15.45 Hrs</p> | <p>Session III: State's Response to Implementation of MML</p> <p>Chairperson: Shri S.K. Singh, Joint Secretary, MoHUPA, GoI</p> <p>Co- Chairperson: Ms. Rebecca Black, Director, Office of Economic Growth, USAID</p> <p>Presentations:</p> <ul style="list-style-type: none"> ▪ Shri R.C. Podder, CEO, Agartala Municipal Council, Tripura ▪ Shri Hitesh Kr. Makwana, Joint Commissioner of Municipal Administration, Tamil Nadu ▪ Shri B.P. Kaniram, Director, Directorate of Municipal Administration, Bangalore, Karnataka ▪ Shri P. R. Rout, City Manager's Association, Orissa <p style="text-align: center;">Floor Interventions</p> |
| <p>15.45-17.00 Hrs</p> | <p>Way Forward and Summing Up</p> <ul style="list-style-type: none"> ▪ Shri Purkayastha, Secretary, Govt. of Meghalaya ▪ Shri R.M.Kapoor, Ex-Director, TRF ▪ Shri Chetan Vaidya, Sr. Urban Management Specialist, USAID-FIRE-D ▪ Dr. M.P. Mathur, Director-in-Charge, NIUA |

Minutes of National Roundtable on Model Municipal Law 12 July 2007

The National Roundtable on 'Model Municipal Law' was held on 12th July 2007, at New Delhi. It was jointly organized by Ministry of Urban Development, Government of India, NIUA and Indo-USAID (FIRE-D) Project to review the status of its implementation in different states.

Inaugural Session

Dr. M.P. Mathur, Acting Director of NIUA welcomed the participants and delivered the introductory note to the roundtable. He said that the MML is basically a set of guidelines to the states to implement (in totality) all the provisions of the 74th CAA and empower the urban local institutions to play an efficient role to improve the living conditions of the cities. On the basis of MML the states may modify/revise their state Municipal Acts. The reforms whether mandatory or optional, include Property Tax, Accounting Reform, User chargers, etc. He added that the purpose of the Workshop is to discuss the status of implementation of MML in different states and work out the road map and how to go about it.

Shri M. Rajamani, Joint Secretary, Ministry of Urban Development, Government of India, appreciated the timely conduct of the meeting on MML and extended thanks to all. He mentioned that urban sector is in for a change due to various initiatives undertaken under JNNURM. MML is drawn in such way that it enables the ULBs to function efficiently and discharge their duties more efficiently and independently. All 62 cities submitted City Development Plans (CDPs), 59 of them have signed Memorandum of Agreement (MOAs) and submitted 216 Detailed Project Reports (DPRs) at a total cost of Rs. 20,000 crores. He said that MOUD took several initiatives before launch of JNNURM like improved municipal accounting, MML, tax-free bonds, etc.

Mr. Rajamani added that MML outlines what state governments need to do empower ULBs. States should proactively amend their municipal laws on guidelines provided by MML. He said that implementation of urban reforms is better in western and southern states. However, some states are slow in implementing the reforms. MOUD will be launching a rapid training program on August 6, 2007 on JNNURM. He informed that JNNURM has to be linked to other initiatives of the Government like Pooled Finance Development Fund (PFDF), National Urban Infrastructure Fund (NUIF), e-Governance, etc. He mentioned that the Planning Commission is willing to spend extra money for urban transport over and above Rs. 50,000 crores. He requested the concerned state executives to quickly send the project reports so that it can be taken forward. All the initiatives have to converge with JNNURM. He thanked Indo-USAID and NIUA for organizing this important meeting.

Mr. Nabaroon Bhattacharjee, Program Manager, USAID stated that the MML has tried to analyse 18 state level municipal legislations and acts put together a synthesis incorporating the spirit of the urban sector reform that is required to bring in and prepare a guideline for assisting the states to review their own municipal legislation and framework.

FIRE (D) project is presently working with states like MP, West Bengal and Rajasthan to set up state level urban infrastructure funds that will also act as nodal agencies for JNNURM. He said that some other initiatives of USAID like City Managers Association are platforms for capacity building under JNNURM and the PEARL initiative, which is Peer Exchange and Reflected Learning, another initiative under JNNURM for capacity building.

Session I : Salient Features of Model Municipal Law

The session was chaired by Shri M. Rajamani, Joint Secretary & Mission Director (NURM), Ministry of Urban Development, GOI. The first speaker, Shri K. Dharamarajan, Advisor, FIRE(D) focused on urban governance issues viz., related to 74th Constitution Amendment Act under which the definition of municipality was given. There is a debate on what should be the powers of political executives and the executives itself; decentralization at the ward level; the list of functions that are to be assigned to the municipalities; including municipal recruitment functions like UPS; to have a Vigilance Commission or Authority for a clean governance and the issue of having an Establishment Audit Commission etc.

Shri R.M. Kapoor, Ex. Director, Times Research Foundation in his presentation, discussed community participation law, development planning legislation and unfinished agenda of 74th CAA. 15 laws of 74th CAA have been amended. He mentioned that the procedure for electing the councilors vary from state to state. Delhi, Karnataka and Uttar Pradesh made their members but they did not give them the voting rights. The State Governments have not seen any correlation between functions and finances, which leads to bankruptcy level. He said that Sikkim State Assembly approved State Municipal Law and Planning and Development law. He told the participants that there is a need for a new development and planning law that goes beyond the municipal law. Planning law should not be limited to land use plans but should include social and economic planning as well enable formation of District Planning Committee and Metropolitan Planning Committee.

Mr. Lee Baker, Chief of Party, FIRE-D Project observed that MML promoted comprehensive review of urban reforms at state and municipal levels. MML was developed through active participation of all three levels of government at national, state and local levels. Success of MML gave experience to GOI to launch JNNURM.

In this session, interventions were made by Mr. Malay Srivastava, Commissioner Urban Development, Government of Madhya Pradesh, Mr. H. Makwana, Joint Commissioner of Municipalities, Government of Tamil Nadu, Mr. Rajesh Lakhani, Municipal Commissioner Chennai, Mr. Kaniram, Department of Municipal Administration,

Government of Karnataka, Mr.U. V. Singh, Regional Centre for Urban Environmental Studies (RCUES), Lucknow. Important points brought in the discussion included the need for including community participation law and disclosure law in MML; voting rights for MPs and MLAs in local bodies; review of amended municipal laws; etc.

Session 2: Response from North and Western States

The Session was chaired by Shri K. Dharamarajan, Advisor, FIRE(D) Project - Shri Vinod Sharma, Commissioner (Government of Jammu & Kashmir) brought out the salient features of municipal law in J&K and compared it to the MML and indicated that there were no significant differences. There is a provision of private sector participation for which they are trying only for parking lots etc. but not for municipal services.

Shri B. L. Raghav, Joint Director (UD), Government of Himachal Pradesh said that GoHP has constituted a committee to study its municipal law in the context of MML and draft a new unified municipal law keeping in view the peculiar geographical and sociological circumstances of the state.

Shri Vijay Anandkat, City Engineer (Special), Rajkot Municipal Corporation, Gujarat, compared the provisions given in Gujarat Provincial Municipal Corporation (GPMC) Act and raised the issues related to revenue generation particularly in Property tax (defining the carpet area) and water supply and sewerage. He pointed out that the mass transport system should be the responsibility of the ULBs. He added that primary education and disaster management are to be incorporated in the GPMC.

Shri D. S. Zagade, Commissioner and Director, Municipal Administration, Maharashtra divided the whole presentation into three parts viz. issues related to the draft MML, recommendations given by the committee appointed by the state Government and remarks of the Urban Development Department.

Shri Malay Srivastava, Commissioner and Secretary, Madhya Pradesh pointed out that the state has principally agreed to enact new municipal law for which a consultant has been appointed and the steering committee has been constituted to scrutinize the draft.

Shri Shyam Singh Yadav, Municipal Commissioner, Agra, Government of Uttar Pradesh suggested that different parastatal departments working for development and maintenance of services should be brought under one umbrella; a separate cadre for Municipal Commissioner should be made to facilitate the long term planning and its execution and the financial powers of the Municipal Commissioner must be enhanced.

Discussions on the presentations brought out issues including need for giving police powers to large municipal corporations.

Session 3: Response from South, East and North-East States

Chairperson: Shri S. K. Singh, Joint Secretary, Ministry of Housing and Urban Poverty Alleviation, Government of India chaired this post-lunch session.

Mr. S. K. Singh explained the process of developing MML through a participatory process and what its objectives would be. There is a need for public-private-partnership especially in case of water supply and sanitation and filling in the resource gaps for which some municipalities have issued municipal bonds.

Ms. Rebecca Black, Director, Office of Economic Growth, USAID and Co- Chairperson of the Session said that FIRE (D) was helping GOI and JNNURM to build capacity of urban local bodies.

Shri Piyush Ranjan Rout, Executive Director, CMA, Orissa summarized salient features of Orissa Municipal Corporation Act, 2003 and reforms undertaken in MML.

Shri R. C. Poddar, CEO, Agartala Municipal Council, Tripura brought out various provisions that are in MML but are absent in the Tripura Municipal Act. However, these provisions like, power to raise funds, power to levy surcharge on transfer of property and empowering municipality to levy fees/charges on using municipal land for public utility services are considered useful.

Shri Hitesh Kr. Makwana, Joint Commissioner of Municipal Administration, Tamil Nadu made a presentation on brief history of municipal acts in Tamil Nadu main features on TN Urban Local Bodies Bill 2000 that is presently not operational and attempts made to reintroduce the law.

Shri B. P. Kaniram, Director, Directorate of Municipal Administration mentioned that Government of Karnataka has set up a Committee to prepare a new Act for Greater Bangalore Municipal Corporation (GBMP) and the Committee is reviewing the MML. GoK will also consider amending its municipal laws based on MML to enable it to introduce urban reforms.

Way Forward and Summing up

Mr. Chetan Vaidya, Principal Advisor, FIRE (D) Project, chaired the concluding session of way forward.

Other Members in the panel were Shri R. M. Kapoor, Shri B. Purkayastha, Commissioner & Secretary, Government of Meghalaya and Dr. Mukesh Mathur, NIUA

Shri Vaidya brought out various issues on municipal laws emerging out of the discussion such as enabling provisions, spirit of 74th CAA, act vs. rules, need to develop a state level policy paper, community participation law and disclosure law.

Shri Kapoor observed that MML is based on one set of policy options and states need to develop their own options paper first before drafting the law. He further added that more powers should be given to elected council and there should be focus on financial sufficiency to ULBs.

Shri Purkayastha threw light on the special situation of North Eastern states and the need for a different approach for these states.

Dr. Mathur summarized the discussion and thanked all the participants, experts and organizers.

| List of participants for the National Roundtable on | | | |
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| Model Municipal Law | | | |
| 12-Jul-07 | | | |
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Photographs

