



KARNATAKA LEGISLATIVE ASSEMBLY  
FIFTEENTH LEGISLATIVE ASSEMBLY  
SEVENTH SESSION

**THE KARNATAKA MUNICIPALITIES (AMENDMENT) BILL, 2020**

**(LA Bill No. 28 of 2020)**

A Bill further to amend the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy first year of the Republic of India as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Municipalities (Amendment) Act, 2020.

(2) It shall come into force on such date as the State Government, may, by notification, appoint.

**2. Insertion of new Chapter IIIA.-** After section 80 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), the following shall be inserted, namely:-

**"CHAPTER III-A**

**NEIGHBOURHOOD GROUP, AREA SABHA AND WARD COMMITTEE**

**80A. Definitions and application.-** (1) In this Chapter, unless the context otherwise requires.-

- (i) "Area Sabha" means, the Area Sabha consisting of representatives selected from the Neighbourhood group within the specific polling station under section 80-G;
- (ii) "Association" means a trust, society, association or organisation registered under Karnataka Societies Registration Act, 1960;
- (iii) "Neighbourhood group" means an association or group consisting of one hundred voters or less of a polling station as specified in section 80-B;
- (iv) "Nodal Officer" means any official of the Municipality designated as such by the Municipal Commissioner or Chief Officer as the case may be;
- (v) "Polling Station" means Polling station set up for conducting elections to the Municipalities;
- (vi) "Ward Action Plan" shall be the annual action plan prepared by the Ward Committee on a priority basis; and
- (vii) "Ward Committee" means a committee constituted under section 80-M.

(2) The provisions of this Chapter shall apply to all Municipalities in the State.

**80B. Constitution of Neighbourhood group.-** There shall be a Neighbourhood group for approximately every one hundred voters in the polling

station area of every ward from the same locality or street or layout or Residents Welfare Association or apartment or any other contiguous area of a ward. If such a locality is bigger and has more voters, then more than one Neighbourhood group shall be constituted in the same locality.

**80C. Meetings of the Neighbourhood Group.-** (1) The Neighbourhood groups shall hold their meetings and their deliberations in the same locality in any facility meant for the social gathering in that area, irrespective of the ownership.

(2) The Neighbourhood group meetings may be called as per the requirement but not less than once in three months.

(3) It shall be the duty of the representative selected among the Neighbourhood group to call the meeting of the Neighbourhood.

(4) All the decisions in the Neighbourhood group shall be taken by simple majority.

(5) The representative of the Neighbourhood group shall become member of the Area Sabha of the polling station area of the ward and participate in the proceedings of the Area Sabha as representative of the Neighbourhood group.

(6) The representative of the Neighbourhood group shall raise any issue or debate on any issue in the Area Sabha only after getting the mandate and deciding on the stand to be taken in the meeting of the Neighbourhood group.

(7) The representative shall communicate the decisions or crux of the deliberations of the Area Sabha to the members of the Neighbourhood group in the immediate next meeting of the Neighbourhood group after the Area Sabha meeting.

(8) There shall be no secretarial assistance to the representative of the Neighbourhood group, they have to arrange meetings, draw up proceedings and maintain the records.

(9) The records of the Neighbourhood group shall be maintained for a minimum period of five years and if the Neighbourhood group wishes it may be maintained for long period.

**80D. Representative of the Neighbourhood group, term of office and allowance.-** (1) The Neighbourhoods shall select one among them as representative of them who shall preside over the meetings and deliberations of that Neighbourhood group.

(2) The Neighbourhoods shall also select one additional representative who shall stand in for representative in the absence of the representative. However, the additional representative shall attend the meetings of Area Sabha along with the representative and shall assist the representative if required in all the functions.

(3) The representative and additional representative shall be selected by the members by lot from the available eligible members.

(4) The representative shall strictly be a non political and must declare that he is neither sympathiser nor a member of any political party or outfit.

(5) The office of the representative shall be for a tenure of thirty months and no person shall be eligible to be a representative for second term within five years.

(6) The position of representative and additional representative shall not be from the same gender and the same shall be rotated every year.

(7) The first year after the election to the Municipalities, the position of representative shall be allotted to female and that of additional representative shall be allotted to male.

(8) The representative shall not be paid any allowance, sitting fee or remuneration.

(9) The Neighbourhood groups shall conduct meetings without incurring any expenditure and there shall not be any reimbursement by either the Municipality or by the Government.

(10) The Neighbourhood groups shall not demand presence of any officials of either the Municipality or otherwise.

**80E. Powers and functions of the Neighbourhood group.-** (1) The neighbourhood group shall perform and discharge the following functions, namely:-

- (i) selection of beneficiaries;
- (ii) watch and ward over street light operations and maintenance;
- (iii) ensuring that property tax is paid by all households of the locality;
- (iv) ensuring individual water connection to each household, metering and ensuring that water tariff is paid by all households;
- (v) assisting or taking up Primary collection and segregation of solid waste management;
- (vi) watch and ward over sanitation of the Neighbourhood locality;
- (vii) suggesting civil works relating to water supply maintenance, street light maintenance, solid waste management, de-silting of drains, etc.;
- (viii) suggesting any development works which are localised in nature to be taken for the current year and for the whole of the five year period;
- (ix) protecting all Government and Municipality properties from encroachment by anyone;
- (x) participating in all socio-economic programmes of the Government and municipality like housing, poverty alleviation, etc as required;
- (xi) actively participating in public health aspects and programmes of the Government and municipality; and
- (xii) it shall perform such other functions as may be assigned to it by the municipality.

(2) The procedure to be adopted by the ward neighbourhood group in the transaction of its business shall be as may be prescribed.

**80F. Removal of representative/ additional representative of the neighbourhood group.-** The representative who has taken a stand contrary to the mandate of the neighbourhood group shall be replaced by the neighbourhood group by simple majority of the total members of the neighbourhood group.

**80G. Constitution of Area Sabhas.-** (1) There shall be one Area Sabha for each polling station area of the ward of the Municipality.

(2) The Area Sabha shall consist of representatives and additional representatives of all the Neighbourhood Groups within the limits of the polling station area of the ward of the Municipality:

Provided that, the additional representatives shall not have voting rights if the representative is present in the meeting.

**80H. Meetings of the Area Sabha.-** (1) The Area Sabhas shall hold meetings as per the requirement but not less than once in three months.

(2) The meetings shall be conducted in any of the public buildings belonging to either the Municipality or any other Government Department or Government Undertakings.

(3) In the event of Government building or public premises not being available, the meetings may be held in any private premise offered by any organisation or individual free of charges.

(4) It shall be the duty of the representative of the Area Sabha to call the meetings and record the proceedings.

(5) There shall not be any secretarial assistance to the Area Sabha and the Area Sabha representative shall maintain the records. The records shall be maintained atleast for a period of five years.

(6) All the decisions in the Area Sabha shall be taken by simple majority.

(7) The representative of the Area Sabha shall become member of the Ward Committee of the ward and participate in the proceedings of the Ward Committee as representative of the Area Sabha.

(8) The representative of the Area Sabha shall raise any issue or debate on any issue in the Ward Committee only after getting the mandate and deciding on the stand to be taken in the meeting of the Area Sabha.

(9) The representative shall communicate the decisions or crux of the deliberations in the Ward Committee to the members of the Area Sabha in the immediate next meeting of the Area Sabha after the meeting.

(10) There shall be no secretarial assistance to the representative of the Area Sabha, they have to arrange meetings, draw up proceedings and maintain the records.

(11) The records of the Area Sabha shall be maintained for a minimum period of five years.

**80I. Representative of the Area Sabha.-** (1) The Area Sabhas shall select one among them as representative of them unanimously or by lot who shall preside over the meetings and deliberations of that Area Sabha.

(2) The Area Sabhas shall also select one additional representative who shall stand for representative in the absence of the representative. However, the additional representative shall attend the meetings of Area Sabha along with the representative and shall assist the representative if required in all the functions.

(3) The representative shall strictly be non political and must declare that he is neither sympathizer nor a member of any political party or outfit.

(4) The position of the representative shall be for a tenure of thirty months and no person shall become a representative again within five years.

(5) The position of representative and additional representative shall not be from the same gender and the same shall be rotated every year.

(6) The first year after the election to the Municipalities, the position of representative shall be allotted to female and that of additional representative shall be allotted to male.

(7) The representative shall not be paid any allowance, sitting fee or remuneration.

(8) The Area Sabhas shall conduct the meetings without incurring any expenditure and there shall not be any reimbursement by either the Municipality or by the Government.

(9) The Area Sabhas shall not demand presence of any officials of either the Municipality or otherwise.

**80J. Powers and functions of the Area Sabhas.-** (1) The Area Sabha shall perform the following powers and functions, namely:-

(i) It shall co-ordinate over all the functions of the Neighbourhood groups;

(ii) It shall weed out any ineligible beneficiary selected by the Neighbourhood group but shall not add any new beneficiary or rectify any other decision of neighbourhood group which is binding on any individual or group of people or on the Municipality;

(iii) It shall strategise and work through the Neighbourhood groups for all the matters relating to the collection of property tax, collection of water supply tariff, maintenance of water supply, maintenance of street light operations, maintenance of solid waste management, maintenance of sanitation, etc.;

(iv) It may also take up responsibility of retailing of water supply as and when handed over by the Municipality retailing of water supply shall include buying bulk water from Municipality, retailing and collecting water tariff on behalf of Municipality;

(v) It shall do well in Solid Waste Management, may share their experience in the neighboring wards;

(vi) It shall also maintain the list of properties of Government and Municipality in their area and shall protect them from any encroachment by reporting it to the concerned authority;

(vii) It shall strategise and work through Neighbourhood Groups for all the socio-economic programmes, health and sanitation programmes of the Municipality and the Government;

(viii) It shall consolidate proposals of neighbourhood groups regarding civil works which are localised in nature to be undertaken in the current year and forward the same to ward committee for incorporation in the action plan of the Municipality;

(ix) It shall not add any work or item more than 25% of items other than what is suggested by the neighbourhood groups but shall delete or prioritise both for current year as well as for period of five years;

(x) It shall revise the action plans at any point of time with the consent of neighbourhood groups;

(xi) It shall take up social auditing of the projects of the Municipality and other Government departments and bodies related to the Urban Local bodies; and

(xii) It shall maintain vigil on the quality of the development works taken up by the Municipality or by any other Government Departments and bodies like ensuring the information board relating to the work is put up on the site, ensuring that safety precautions as per the tender conditions are taken and seek information on whether the work is being executed as per the tender conditions, etc. Such function shall not be taken up by any individual member of Area Sabha but shall be taken up by the Area Sabha as a whole.

(2) The procedure to be adopted by the Area Sabha in the transaction of its business shall be as may be prescribed.

**80K. Appeal.-** Either the individual beneficiary or a citizen or the Neighbourhood group may prefer appeal against any of the decision of the Area Sabhas to the Ward Committee. The decision of the Ward Committee shall be binding on the Area Sabha.

**80L. Removal of Area Sabha Representatives or Additional Representatives.-** (1) The representative who has taken a stand contrary to the mandate of the Area Sabha shall be replaced by the Area Sabha by simple majority of the total members of the Area Sabha.

(2) No person shall continue to be a Area Sabha Representative or Additional Representative if at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being in force for the purpose of election to the Municipality concerned.

**80M. Constitution of Ward Committee.-** (1) There shall be a ward committee for one or more wards within the territorial area of the Municipality.

(2) The Ward Committee shall consist of the following members, namely:-

- (i) all the representatives and additional representative of area sabhas shall be members;
- (ii) the Councilor of the Municipalities representing the Ward, who shall preside over the Ward Committee;
- (iii) five other members to be nominated by the Deputy Commissioner of the District from amongst the residents of the Municipal area, who shall not be a member a political party possessing knowledge and experience in Municipality Administration or matters relating to Public Health, Town Planning etc., out of which, there shall be,-

(A) at least two members belonging to the Scheduled Castes and the Scheduled Tribes;

(B) at least two members representing Residents Welfare Associations of whom one shall be a woman, satisfying all conditions mentioned below, namely:-

(a) its registered office shall be located within jurisdiction of that ward; and

(b) it shall be a registered Association, comprising of individuals who serve in a fiduciary capacity.

(3) Any person disqualified from being elected as a Councilor shall not be nominated as member of the Ward Committee.

**80N. Meeting of the Ward Committee.-** (1) The Ward Committee shall meet as and when required but at least once in a month. The Ward Councilor shall preside over the meeting of the Ward Committee.

(2) The date of first meeting shall be fixed by the newly elected council by its resolution and such date need not be altered. If Ward Committee Representative is unable to attend the Ward Committee meeting on a particular date, then Ward Committee members may unanimously select any one among them to preside over the meeting on that day.

(3) The Ward Committee shall select one among them as Secretary unanimously or by lot of the Ward Committee.

(4) The Secretary of the Ward Committee shall be the convener of the meeting of the Ward Committee who shall convene the meeting in consultation with the Chairman.

(5) All minutes of the proceedings of the meeting of the Ward Committee shall be recorded and video graphed by the Secretary and a copy of the same shall be forwarded to the Municipal Councils within a fortnight.

(6) An officer of appropriate rank shall be designated as representative of Municipal Commissioner or Chief Officer who shall provide information or clarification on any procedure, rules, etc., but shall not perform any role in the Committee.

(7) All decisions in the Ward Committee shall as far as possible be arrived through a consensus of all the members present. When there is no consensus, the decision shall be taken by the majority of the members present. In case of equality of votes, the presiding authority shall cast his vote to break the tie.

(8) No act done or proceedings taken under this Act by the Ward Committee shall be invalid merely on the ground of any vacancy in it.

(9) The Commissioner or Chief Officer of the Municipality as the case may be or his nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairperson of the Ward Committee may request the representatives of the concerned department as special invitees to participate in the meetings.

**80-O. Functions of the Ward Committee.-** (1) The Ward Committee shall discharge the following functions, namely:-

The Ward Committee,-

(a) shall co-ordinate over all the functions of Area Sabha like, tax collection, water supply, surface drainage, underground drainage, solid waste management, street lighting, etc.

(b) shall strategise on all these items and work on any initiatives through the Area Sabhas and Neighbourhood Groups.

(c) shall give advice to the Neighbourhood groups and Area Sabhas but they are not binding in nature.

(d) shall consolidate the action plans for works localised in nature from the list suggested by Area Sabhas as action plan for the five year term of the elected council for all the development works which are localised in nature.

(e) shall prioritise the works among them and prepare annual action plans for implementation every year.

(f) shall as far as possible select works for annual action plan from the action plan consolidated from Area Sabhas and desist from adding new items.

(g) shall have the power to add new items to the extent of 25% of the value of the action plan assigning reasons for choosing the works outside of consolidated action plan.

(h) shall assign sufficient reason why the new works are preferred over the works included in the action plan for five years by the Area Sabhas.

(i) shall have complete freedom to choose the works which are not localised in nature and resolve to suggest to the council to be added to the annual as well as long term action plans.

(j) The works or items chosen in the ward committee shall only be included in the action plans prepared by the Municipality both for works of localised and non-localised in nature.

(k) shall take up social auditing of developmental works of Urban Local Bodies or any Government Department or undertaking in its jurisdiction with the help of Area Sabhas and Neighbourhood groups.

(l) shall take up the responsibility of maintenance of parks or supervise the same.

(m) shall take up the responsibility of afforestation and maintenance or supervision of the same.

(n) shall take up the responsibility of rainwater harvesting and maintenance or supervision of the same.

(o) shall maintain list of Government properties and take all steps to report to Council if any encroachments are noticed by anyone.

(p) shall take steps to prevent encroachment of streets, roads, foot paths and parking spaces by anyone especially by the shop owners, hawkers and street vendors;

(q) shall be responsible for preventing unauthorised layouts or buildings or developments coming up without proper license being obtained.

(r) shall report to the Commissioner or Chief Officer of the Municipalities about unauthorised layouts or developments or buildings and assist to the Commissioner or Chief Officer of the Municipalities for control of the unauthorised developments.

(s) shall take steps along with the officer assigned the responsibility of preventing unauthorised developments to immediately stop such an unauthorised developments.

(t) shall take up any other responsibility assigned to it by the Municipality.

(2) The procedure to be adopted by the Ward Committee in the transaction of its business shall be as may be prescribed in the rules.

**SOP. Removal of Members of Ward Committee.-** (1) The representative who has taken a stand contrary to the mandate of the Ward Committee shall be replaced



by the Ward Committee by simple majority of the total members present of the Ward Committee.

(2) Failure to identify and prevent the unauthorised developments shall also be reason for removal of the representative.

**80Q. Appeal.-** Area Sabhas or neighbourhood groups or any individual or an organisation affected by the decision of the Ward Committee shall make appeal to the Commissioner or the Chief Officer of the Municipality."

**STATEMENT OF OBJECTS AND REASONS**

It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to establish neighbourhood groups, area sabhas and ward Committees along with their specified powers, functions and responsibilities in all the municipalities in the State in accordance with Article 243S of the Constitution, on the lines of Area sabha and ward committee constituted under the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) at municipal corporation level for better Governance with participation of people of the ward.

Hence the Bill.

**FINANCIAL MEMORANDUM**

There is no extra-expenditure involved in the proposed legislative measure.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 2	<p>(i) sub-section (2) of section 80E, proposed to be inserted by clause (2), empowers the State Government to prescribe by rules, the procedure to be adopted by the ward neighbourhood group in the transaction of its business.</p> <p>(ii) sub-section (2) of section 80J, proposed to be inserted by clause (2), empowers the State Government to prescribe by rules, the procedure to be adopted by the Area Sabha in the transaction of its business.</p> <p>(iii) sub-section (2) of section 80-O, proposed to be inserted by clause (2), empowers the State Government to prescribe by rules, the procedure to be adopted by the Ward Committee in the transaction of its business.</p>
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The proposed delegation of legislative powers are normal in Character.

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