

In the High Court of Karnataka at Bangalore

W.P. No. 46523/2012

UNDER WRIT ORIGINAL JURISDICTION

Between :

Environment Support Group and others

... Petitioners

And :

Bruhat Bengaluru Mahanagara Palike and others

... Respondents

Memo

The 2nd Petitioner respectfully submits as follows:

1. This Hon'ble Court has been pleased to pass a variety of directions to effectuate the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000, enacted under the Environment Protection Act, 1986, as part of its various progressive and unprecedented directions to resolve the vexatious solid waste management problem of Bangalore, and in the rest of Karnataka as well.
2. The Union Ministry of Environment and Forests has been arraigned as the 3rd Respondent in the aforesaid Writ Petition No. 46523/2012 and specific directions have been prayed for ensuring that the Municipal Solid Waste (Management and Handling) Rules, 2000 and such other inter-connected laws and policies are implemented in the wider public interest. The aforesaid Respondent has been served notice, has been present through the proceedings in this matter and has thus far not filed any response to the petition or other pleadings.
3. Recently this Petitioner chanced upon an announcement in the website of the Respondent seeking public comments on its Notification dated 2nd July 2013 (No. S.O.1978(E)), released to the public for comment on 29th August 2013 for a period of sixty days, by which Notification the existing Municipal Solid Waste (Management and Handling) Rules, 2000 is sought to be amended. At no time during the pendency of the aforesaid Writ Petition has this Respondent preferred to inform this Hon'ble Court of its intent to comprehensively amend the said Rules.



4. It is a matter of acute concern to this Petitioner, and also other Petitioners in the aforesaid matter, that the proposed amendments seek to comprehensively take away a variety of progressive features of the Rules and also the import of the various directions of this Hon'ble Court in the aforesaid matter. Further, the Petitioner is deeply perturbed by the fact that the Respondent knowing fully well that this Hon'ble Court is seized of the matter, preferred not to submit its intent of so amending this critical law relating to municipal solid waste management.
5. The Petitioner has submitted objections to the said Amendment and a copy of the same is annexed at **Annexure A**. A copy of the proposed amendment to the Municipal Solid Waste (Management and Handling) Rules, 2000 is annexed at **Annexure B**.
6. The Petitioner respectfully prays this Hon'ble Court to issue appropriate direction to remedy this situation.

Date: 11th October 2013

Bangalore



2nd Petitioner
(Party in Person)



Environmental

Social

Justice

&

Governance Initiatives

Organization in Special Consultative Status with the
Economic and Social Council since 2011

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Email/Fax/RPAD

Secretary
Union Ministry of Environment and Forests
CGO Complex, Lodi Road
New Delhi 110003

09 October 2013

Reg.: Submission of comment/response w.r.t. Notification of Ministry of Environment and Forests dated 2nd July 2013 (No. S.O.1978(E)) relating to proposed supersession of Municipal Solid Waste (Management and Handling) Rules, 2000.

Ref.: Notice on the website of the Ministry at <http://envfor.nic.in/so-1978-e> stating "Comments/suggestions are invited in writing/by email on Draft Municipal Waste (Management & Handling) Rules, 2013 from all stakeholders within 60 days from 29.08.2013. Email may be sent to secy-mef@nic.in. Read Notification 1.6 MB"

Sir/Madam:

The following are our comments/responses to the aforesaid Notification:

1. At the outset we wish to state that the Hon'ble High Court of Karnataka in W.P. 46523/2012 c/w W.P. 24739-24740/2012, W.P. 30450/2012 and W.P. No. 46601/2012, Public Interest Litigations relating to municipal solid waste management in Bangalore, specifically, and in Karnataka, in general, has issued a series of progressive directions, the implementation of which is being monitored directly by the Hon'ble Court.
2. In W.P. 46523/2012 filed by Environment Support and ors., the Ministry of Environment and Forests is arraigned as the 3rd Respondent, notice has been issued, and appearance marked way back in November/December 2012. At no point in these ongoing proceedings has the Ministry filed any objections to any of the Writ Petitions, or even expressed its intention of modifying the existing Municipal Solid Waste (Management and Handling) Rules, 2000 (hereinafter referred to as MSW Rules, 2000). Therefore, the publication of the aforesaid amendment to the MSW Rules appears, *prima facie*, to be contrary to the letter and spirit of the directions issued by the Hon'ble High Court of Karnataka in the aforesaid pending PILs.
3. It is evident that the series of directions being passed by the Court are with the intention of giving effect to and implementing the existing MSW Rules, 2000, and such other inter-connected laws and guidelines. Hence, to seek to amend, at this stage, the existing MSW Rules, 2000, and without bringing it first to the notice of the Hon'ble Court, amounts to undermining the authority of the Hon'ble High Court of Karnataka. Further, it is a matter of utmost impropriety on the part of the Ministry to have resorted to such actions especially when what is being proposed by way of an amendment of the existing Rules is contrary to the purpose and import of the directions being passed by the Court in the pending litigations. We explain this contention further below.
4. The overarching thrust of the unprecedented directions issued by the Hon'ble Court has been to enforce segregation of municipal solid waste at source;



transport such segregated waste in a sanitary and just manner to transfer stations in each and every ward of the urban area (land has been identified to establish at least three such stations in every ward in Bangalore city); promote composting/bio-methanation of biodegradable waste locally, recover recyclable waste by engaging various civil society and entrepreneurial partners in such management of the material flow; and to ensure only that waste which is inert and has no further use whatsoever is transported to scientifically designed landfills. The Hon'ble Court appreciating that the prevailing mismanagement of municipal solid waste is a direct result of the lack of transparency in municipal administration, poor choice of policies (such as outsourcing to private contractors of waste removal, disposal and landfilling), lack of accountability, etc., deemed it necessary to enforce the direct involvement of citizens in civic affairs by forcing the State Government to institute Ward Committees as a measure to plan, manage, monitor and regulate various municipal issues, particularly garbage management, as is required per the Constitutional 74th Amendment (Nagarpalika) Act. Various civil society organisations, including Environment Support Group, have commented on the proposal of the Karnataka Government to formulate the Karnataka Municipal Corporation (Ward Committee) Rules, 2013, a copy of which is annexed at **Annexure A**. A copy of the Karnataka Government Notification No. UDD 507 MNY 2012, Bangalore, dated 27 August 2013, on ward committee rules is annexed at **Annexure B**.

5. The Hon'ble Court has also deemed it necessary to ensure that municipal waste produced by all bulk generators should not be allowed to be mixed with the waste stream being generated from residential areas, and that such material must be handled and managed directly by the bulk generators in separate facilities, thus unburdening the work load on municipal authorities. Towards this end, based on the directions of the Hon'ble Court, the Bruhat Bengaluru Mahanagara Palike, in coordination with the Karnataka State Pollution Control Board and the Karnataka State Urban Development Department, has identified land for the handling of waste generated by bulk generators, based on bio-methanation, recovery of recyclable material and intelligent material management to reduce generation of waste.
6. The Court has also found it necessary that penal provisions must be instituted to ensure waste is segregated at source and that its management thereafter follows various guidelines it has instituted, both for domestic and small commercial generators and also for bulk generators, along with the provisions of the MSW Rules, 2000. In compliance with these directions of the Hon'ble Court in the aforesaid PILs, the Karnataka Government has finally notified amendments to the Karnataka Municipal Corporation Act, 1976, by way of Karnataka Act No. 55 of 2013, viz., Karnataka Municipal Corporations (Amendment) Act, 2013, which has received the assent of the Governor on 19th August 2013 and a copy is annexed at **Annexure C**.
7. The Hon'ble Court has also directed the Bruhat Bengaluru Mahanagara Palike to comprehensively revamp the existing mechanism of collection and handling of municipal solid waste by private contractors as it has on thorough review found the practice to be highly inefficient, ineffective, intransparent and against the public interest. In fact the Court has held in its directions of 30th August 2013 in the aforesaid litigations that "any further extension to those contractors should be with the prior permission of this Court".
8. Particularly taking note of the highly problematic policy of the award of 'tipping fee' for landfilling operations, and the fact that such practices have only encouraged dumping of unsegregated and unprocessed waste in landfills causing massive environmental and public health problems in villages (where such facilities are typically located), the Hon'ble Court has time and again directed that the practice of landfilling has to be abandoned and that cities must move toward



- reducing waste generation, recycling and composting waste, and drastically reduce the need for landfills and resorting to them only for the handling and storage of inerts, hazardous waste, and biomedical waste, strictly following all necessary safeguards per law and evolving scientific standards.
9. Particularly taking note of the highly illegal and unscientific operations of one major landfill operator, viz., M/s Ramky, the Hon'ble Court has directed in the aforesaid proceedings on 30th August 2013 that "M/S/ Ramky Infrastructures India Pvt. Ltd., is a party in one of these writ petitions before this Court, who has been arrayed as respondent No.10 in W.P.No.46523/2012. They are duly served. It is alleged that after accepting the contract, they have done nothing to remove the garbage, but they have received the tipping fee. It is submitted that they have again made an attempt to receive tipping fee and they are working through M/s.Clean and Green Solutions Pvt. Ltd. There are several allegations made against this company. Under these circumstances, the Corporation is directed not to make any payment to them without any further orders from this Court."
 10. These and various other directions of the Division Bench of the Hon'ble High Court of Karnataka may be accessed at:
<http://www.esqindia.org/education/community-outreach/resources/esqs-initiatives-socially-just-and-ecolo.html>.
 11. Taking into consideration all the above, we reiterate that the proposed amendments to the MSW Rules, 2000 are a highly retrograde proposal and that they undermine the progressive directions of the Hon'ble Karnataka High Court, whilst promoting methods of municipal solid waste management that have been widely found to be unjust, unscientific and wholly unnecessary. In fact, we are shocked that the Ministry has undertaken this exercise entirely secretly, including choosing to keep the Judiciary in the dark on the proposal and not just ordinary citizens of the country. In the section that follows we specifically address our concerns about the nature and implications of the proposed amendments to the MSW Rules, 2000.
 12. It is a matter of great distress to us that the Ministry has sought to promote highly questionable and controversial methods of municipal waste management, including by promoting the most dangerous technology of incineration, and that too by effecting changes in the basic structure of the law governing municipal waste management. Why the Ministry is so keen on promoting incineration, as is evident per Sections 6 and 9 of the proposed Rules, belies understanding, especially considering the undeniable fact that incineration based waste-to-energy projects have comprehensively failed every where they have been tried in India, besides causing unprecedented damage to public health of local communities. Most importantly, such technologies tend to promote the view that waste generation is not a problem, and that it could be easily handled by burning it off, and producing energy in the bargain. Nothing, clearly, can be farther from the truth, and it is high time the Ministry undertakes a comprehensive and independent assessment of ongoing incineration projects, and that without being victim to any lobby pressures, especially from transnational corporations emerging based in Europe and North America who seem to be very keen on dumping such failed technologies in India. This matter has been thoroughly debated in the aforesaid proceedings before the Hon'ble Court, including a specific submission by Mr. Siddaiah, IAS (Retd.), who was Commissioner of BBMP till May 31st, 2013, and is assisting the Court in the ongoing proceedings, and has submitted these very objections to the incineration technologies.
 13. The definitions section of the proposed Rules give way to a variety of confusions. For instance, it does not specifically and accurately explain the nature of "micro-organisms"; "buffer zone" is loosely defined, without any specific clarity on the spatial extent of "a zone of no-development"; "collection" is uncategorical and lends itself to mean collection of unsegregated waste, thus promoting such

problematic practices of mixing waste at source; "composting" is defined rather unscientifically, as it has not explained what a "controlled process" involves; "construction and demolition waste" has all sorts of terminologies employed to describe including "rubble" and "waste arising from building materials debris" which could easily be re-interpreted to mean and involve everything that the builder finds a nuisance, including liquid and gaseous waste; "disposal", once again, is described in a manner that gives credence to a dumping culture, and without in the least being categorical of the consequences of such practices; "landfilling", highly problematically, promotes such environmentally disastrous practices, and being defined descriptively lends itself to a variety of subjective interpretations that could accentuate environmental and public health problems; "leachate" does not conform to the definition in science and leads to confusion when read with the definitions of "trade effluent" as defined in the Water (Prevention and Control of Pollution), Act, 1974; "materials recovery facility" is very loosely defined and could result in a wide range of highly subjective and problematic interpretations over time; "municipal solid waste", shockingly, includes "treated bio-medical waste" which questions the very purpose then of the Biomedical Waste (Management and Handling) Rules, 1998, and could potentially undermine the implementation of the latter if the former were to have a *non-obstante* clause; "operator of a facility" suggests that a "person" only qualifies for such operations, and could potentially create a host of problems to ongoing operators or potential ones, such as those who are working in compliance with the directions of the Hon'ble High Court of Karnataka on behalf of bulk generators, for instance; "pelletisation", again, is a technically unsound definition, as it cannot mean only that material that is made out of solid waste; "processing" has a highly problematic definition as it works to confuse and probably contradict the meaning of the term "recycling that follows; "segregation" quite questionably involves "industrial hazardous waste" without explaining how such material can at all be found in the municipal waste stream; "storage" quite questionably implies and promotes mixing of waste, without defining what "temporary" means and involves and rather loosely describes safeguards; "transportation" has a variety of terminologies that further qualify its meaning, such as "specially designed transport system" and "from place to place hygienically", "unsightly", etc. all of which will be subjectively used to lower the standards of management; "treatment" read with definitions relating to "treated bio-medical wastes", and also the highly questionable inclusion of "industrial hazardous waste" under "segregation" and given the emphasis "to reduce its potential to cause harm" is such a problematic way to define a critical activity, that it essentially knocks off the possibility of monitoring and regulating municipal and other wastes through evolving and appropriate techniques and standards; "vermicompost" wrongly defines the process and it results in vermicompost and not "compost" as defined; and then "waste pickers" comprehensively undermines, demeans, and messes with accepted norms of appreciating the due statutory roles of Pourakarmikas and informal waste pickers, and could possibly be a definition that undermines applicable labour laws and norms.

14. Section 4 of the proposed Rules defines the roles of various authorities in such manner that it actually promotes a top-down approach in formulating waste management strategies and policies and is thus in direct contradiction with the letter and spirit of the Nagarpalika Act. While the need for coordination of roles amongst the Centre, State and Local Governments is to be appreciated, the Constitution guarantees independent and autonomous functioning of the different layers of governance, and actively promotes the role of municipal authorities in attending to such matters as municipal solid waste management by employing progressive and citizen friendly methods. In particular, the Constitutionally guaranteed and mandated roles of District and Metropolitan Planning Authorities

- in such matters has been comprehensively overlooked.
15. Section 5, once more, comprehensively ignores the Nagarpalika Act, in particular the 12th Schedule to the Constitution, and the due roles of Municipalities as defined therein. Thus, the legality of this Section is itself in question, particularly given that the responsibilities of municipal authorities in relation to solid waste management are defined without correlating the roles as defined in the 74th Constitutional Amendment. There are also various other problematic implications of this Rule, such as equating a "municipal authority" with that of "an operator of a facility" at sub clause (10). Which, besides, is a problematic provisions as it uses unspecific and unscientific terminologies such as "high boots made of tough leather" (tough being open to subjective interpretation), "goggles" which could merely mean decorative eye-shades, "masks", which again, is a non-specific way to describe an occupational health requirement. Most questionably, the sub-clause 11 of Rule 5 actually promotes legalisation of illegal facilities, such as the one run by M/s Ramky in Mavallipura, and which is in gross violation of the letter and spirit of the Environment Protection Act, 1986, and the "Polluter Pays Principle" as has been held by various decisions of the Hon'ble Supreme Court of India.
 16. Rule 6 clear promotes a variety of confusions between the roles of the Pollution Control Boards and that of the State Environment Impact Assessment Authorities, as the former can only accord Consents, and not Authorisations, which when read with the problematic definition of "authorization" in Rule 2, further complicates the role of the aforesaid Authority as defined in the Environment Impact Assessment Notification, 2006.
 17. Rule 8 actively promotes an highly centralised approach to waste management which essentially is a municipal issue. Besides it is in absolute contradiction to the very purpose of the Constitutional 74th Amendment (Nagarpalika) Act, which seeks to decentralise and devolve plan and scheme making powers to local urban governments. Incredulously, the Rule demands consistency with the National Urban Sanitation Policy, which by itself is an highly problematic document that promotes "colonisation" of municipal affairs, when clearly it is settled law that policies have persuasive value and cannot be forced through statutory instruments.
 18. Rule 9 (1) of the proposed amendments again lend itself to a variety of subjective, and thus highly problematic, interpretations, such as the term "safe" employed in sub-clause (a); the surprising introduction of term "horticultural" without defining the same in sub-clause (b), and in the same clause drawing in "dairy waste" which clearly is an industrial by-product and should never be included in the municipal waste stream; loosely defining the role of "municipal authority" to "identify storage spaces" and problematically describing the nature of activity in such facilities, and rather uncategorically describing how such facilities will be "designed"; confusions are introduced between "storage facilities or 'bins'" when it is brought out in sub-clause (d), and that without defining either of them, yet proceeding to describe the latter but without clearly defining the operationalisation of the infrastructure so created; at sub-clause (e) "manual handling of municipal solid waste shall be prohibited" but scandalously that very clause allows for such manual handling when "unavoidable" without at all describing what such circumstances might be; at sub-clause (f) "landfill site" is mentioned without prior definition, and which with the subsequent sub-clause (g) results in essentially promoting dumping of unsegregated waste given the choice of the term "avoided" but not absolutely prevented, and confounding further the functionality of the process by stating at sub-clause (h) that "landfill shall only be permitted for non-usable, non-recyclable, non-biodegradable, non-reactive inert waste" without priorly defining any of these, and thereafter specifically promoting their reuse, and thus absolutely contradicting understanding of the nature of the

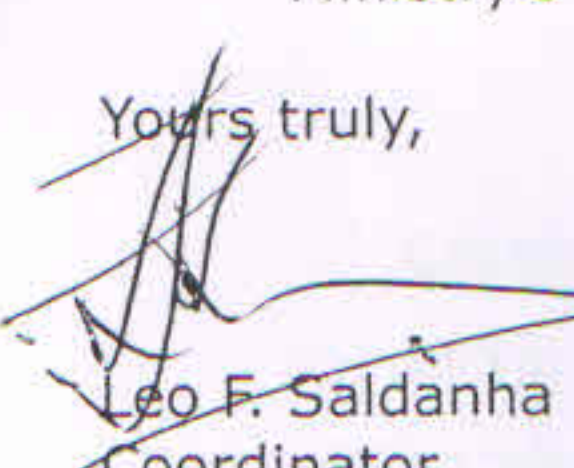


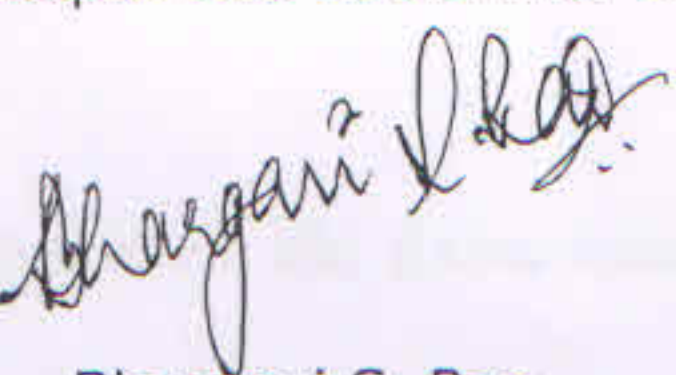
- material itself; sub-clause (i) which begins by promoting "composting" which then is further qualified as "any other end product" quickly collapses into an area of confusion when it refers to "standards as specified in Schedule-II" in which the very first item (1) provides a description of activities under "Standards of Composting" that includes everything including non-composting activities such as "incineration, pelletisation", etc., thus clearly laying ground for a series of highly confounding litigations that are certain given such provisions in law. Then, perhaps as an afterthought, a proviso is inserted at sub-clause (j) to "create awareness among all stakeholders about their responsibilities" but without defining what "stakeholders" means in law. Thereafter, the Rule at sub-clause (k) complicates matters fundamentally as it equates "authorised agency" and "waste pickers" without any clarification and qualification, and goes onto include a standard that "open burning of municipal solid waste is not permitted" which by implication lends to the possibility of burning of waste so long as it is covered.
19. Rule 9 (2) demands that these Rules shall be incorporated in "Municipal bye laws of all the Urban Local Bodies" without actually specifying the need for such legislative action and also not clarifying if this is in conformance with the Nagarpalika Act.
 20. Rule 9 (3) illustrates "suitable technology" for managing municipal solid waste rather uncritically, and thus lends itself to a variety of subjective and highly problematic interpretations. Then at Rule 9 (4) the idea of regulating "new technology" is addressed, without first describing what is old and what "new".
 21. Rule 9 (6) states that "existing dumpsite which are not engineered landfill sites shall be closed down and capped as per the provisions of the rules" without defining the "provisions" and thus opens the doors to a variety of operators who would have comprehensively violated environmental and pollution control norms, and yet getting away scot free from the penal action they deserved for despoiling the environment and damaging public health. Read with Rule 9 (7) and (8), the lack of clarity in these provisions becomes self evident.
 22. These Rules, as proposed, also promote the need to constitute yet another Advisory Body, as is proposed at Rule 10, but without explaining what then would be the roles of District Planning Committees, Pollution Control Boards, State Environmental Appraisal Authority, State Environment Impact Assessment Authority, and the like.
 23. In consideration of all of the above, we deem it fit and necessary that the Ministry of Environment and Forests summarily withdraws this Notification as being ultra vires of directions issued by the Hon'ble High Court of Karnataka, contradicting the letter and spirit of the Environment Protection Act, 1986 and connected laws and rules, and also contradictory to various progressive decisions of the Hon'ble Supreme Court. We submit that this amendment will serve to confound the nature of municipal solid waste management, open the doors for a variety of operators to dump discarded technologies in India, result in widespread breakdown of waste management strategies that have been built on the basis of MSW Rules, 2000, erase the distinction between the different waste streams, such as municipal, industrial, bio-medical, e-waste, etc., and consequently lay the ground for highly regressive actions that would result in an unprecedented environmental and public health disaster.
 24. We finally submit that there is a lot of experience and understanding of municipal solid waste management that has been developed due to sincere and consistent action by hundreds of voluntary initiatives across India, which have demonstrated the high possibility of managing municipal waste in a socially just, ecologically sensitive and economically viable manner, based on decentralised and local community engagement approaches, and which will help manage our cities in inclusive and just ways that are also climate friendly. In deep consideration of this knowledge, experience and wisdom, the Ministry should consider review of

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the existing MSW Rules, 2000 only after it has formulated a well-designed and well-thought through proposal for reform, which is then deeply and widely debated in every district of the country, and not merely by a few officials in the Ministry's headquarters at Delhi or those privileged by the Ministry's invitations.

Yours truly,


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Coordinator


Bhargavi S. Rao
Coordinator
(Education)

Davis Thomas
Research Associate


Shashikala Iyer
Programme Manager

Environment Support Group

Encl.:

Annexure A: Comments by Environment Support Group and other on the proposal of the Karnataka Government to formulate the Karnataka Municipal Corporation (Ward Committee) Rules, 2013.

Annexure B: Copy of the Karnataka Government Notification No. UDD 507 MNY 2012, Bangalore, dated 27 August 2013, proposing Ward Committee Rules.

Annexure C: Karnataka Act No. 55 of 2013, viz., Karnataka Municipal Corporations (Amendment) Act, 2013, which has received the assent of the Governor on 19th August 2013.

Cc.:

1. Union Minister for Environment and Forests
2. Union Minister for Urban Development
3. Union Minister for Labour
4. Union Minister for Social Justice and Empowerment
5. Union Minister for Parliamentary Affairs
6. Union Minister for Health and Family Welfare
7. Chairperson, Department Related Parliamentary Standing Committee on Science, Technology, Environment and Forests
8. Chairperson, Department Related Parliamentary Standing Committee on Urban and Rural Development
9. Chairperson, Department Related Parliamentary Standing Committee on Health and Family Welfare
10. All Parliamentarians
11. Deputy Chairman, Planning Commission of India
12. Chairperson, Central Pollution Control Board
13. Principal Secretaries of Urban Development Departments of all States and Union Territories
14. Principal Secretaries of Environment Departments of all States and Union Territories
15. Chairpersons of Pollution Control Boards and Committees in all States and Union Territories
16. Southern Regional Office of the Union Ministry of Environment and Forests

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Annexure A

TO THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF URBAN DEVELOPMENT, VIKAS SOUDHA
BANGALORE - 560001
SEPTEMBER 27TH, 2013

GENERAL COMMENTS ON KARNATAKA MUNICIPAL CORPORATION (WARD COMMITTEE) RULES 2013,

No. UDD 507 MNY 2012, BANGALORE. DATED 27-08-2013

INTRODUCTION

Before going into any analysis of the Ward Committee Rules, it is necessary to first refer to the 74th Constitutional Amendment as any notion of Ward Committees and the subsequent Rules spring from and must conform to the principles enshrined in the law. In the statement of purposes and objectives attached to the Constitutional amendment, it is mentioned that the intent of the law is to address the need to constitutionally define and protect the conditions that will empower local bodies as "*vibrant democratic units of self-government*".

Article 243P(e) defines a "Municipality" as an "institution of self-government constituted under Article 243Q". In Article 243S, the amendment recognises that to make institutions of self-government effective in any large municipality there is a need to devolve levels of governance of municipal affairs, and notes this recognition in the stipulation that "there shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more".

Finally, Article 243W, regarding the powers and functions of Municipalities, states that State Legislatures may endow the Municipalities with such powers and authority "as may be necessary to enable them to function as institutions of self-government" and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities. The Article goes on to state that the Ward Committees may also be endowed with such powers and authority "as may be necessary to enable them to carry out the responsibilities conferred upon them."

While all these articles, read together, show a clear intention towards the "devolution of powers" "as may be necessary to enable" these organisations to function as units of self-governance, it is obviously

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ಒಳಗಡೆ ವಿಷಯ ಗುರುತಿಲ್ಲ
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ (ಸ್ವಾಮ್ಯ ಅಭಿವೃದ್ಧಿ)
ವಿಕಾಸ ಸಾಧ. ಬೆಂಗಳೂರು-

not sufficient if they are successful in doing so in pockets of isolation; they must co-ordinate their efforts in the bigger picture. Moreover, to prevent conflict and/or encroachment of powers it is vitally essential that the hierarchy is laid clear with the ways by which the different levels are to co-ordinate and interact spelt clearly.

RULES AND OPPORTUNITIES FOR CLOSING GAPS IN THE KARNATAKA MUNICIPAL CORPORATIONS ACT, 1976:

The Karnataka Municipal Corporations Act 1976 is not explicit on how the levels of the hierarchy in a municipality are to function in a coordinated manner. It is therefore incumbent on any rules drafted to implement the Act to cover this gap. Any rules on ward committees should also be read in the light of:

1. The Area Sabha Rules
2. The functional relationship between the Area Sabhas and the Ward Committees, and particularly the means by which Area Sabhas can seek fair representation in Ward Committee deliberations and actions. The corollary being: are Area Sabha representatives ex-officio members of their respective Ward Committees?
3. The need for a clear definition of the executive powers of the Ward Committees; including control over funds, staffing necessary to implement schemes and projects, and access to professional expertise necessary to develop and monitor Ward Development Schemes.
4. Indisputable clarity in the functional relationship between the Ward Committee and the levels above it: namely the Municipal Corporation, and in the case of Metropolitan Areas the Metropolitan Planning Committee (as defined in article 243ZE of the Amendment), including how these higher bodies grant fair recognition and consideration to the deliberations decisions and actions of the Ward Committees.

In the absence of clarity on these points, it is not possible to judge the role that Ward Committees play in empowering municipalities as "institutions of self-government", and any such Rules on Ward Committees cannot be effectively evaluated. Therefore, the current draft of The Karnataka Municipal Corporation (Ward Committee) Rules 2013 should be deemed incomplete, and also incoherent, thus failing the test of its constitutionality and legality. In fact, these short (two page) Draft Rules falls far short of the standards required to implement the noble provisions of the 74th Constitutional Amendment.

SPECIFIC COMMENTS ON KARNATAKA MUNICIPAL CORPORATION (WARD COMMITTEE) RULES 2013

Preamble

- Notification should be published in local newspapers (in both English and Kannada) as per Sections 452 and 453 of the Karnataka Municipal Corporations Act, 1976. Current level of notification for inviting public comments on the draft of these rules appears insufficient.
- Period of comment should be one definite number to avoid confusion rather than the ambiguous provisions currently in place.

Rule 1. Title and Commencement

- Correction of title from Karnataka Municipal Corporations (^{Ward} Committee) Rules, 2013 to Karnataka Municipal Corporation (Ward Committee) Rules, 2013.
- The draft should specify that it will replace the existing Karnataka Municipal Corporations (Ward Committee) Rules, 1997

Rule 2. Definitions

- Rule 2(b) defining "Clear day" should exclude Sundays and public holidays as is the general norm.

Rule 3. Procedure for transaction of business of the Ward Committee + Rule 4. Preparation of Agenda for the meeting of the Ward Committee

- Rules 3 and 4 are poorly framed; Rule 4 bears the title of preparation of agenda for the meeting of the Ward Committee yet sub-rules (2) to (5) pertain to the procedure for the transaction of business of the Ward Committees. It is suggested that these two rules should be merged.
- Rule 3(1) is inconsistent with Section 13H(5) of the Act insofar as it over-rides the power vested in the Secretary to convene the meetings of the Ward Committee. The section states that the sole role of the Secretary in the convening of meetings is to act in consultation with the Chairperson-
"(5) 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 Chairperson."
- Rule 3(3) regarding place meeting should be amended to ensure that the phrase "as far as possible" specifically regards the capability of the venue to accommodate, with ease, those members of the public willing to attend, and where the ward office premises are insufficient for this purpose provide that alternative venues (such as government schools or public spaces) proximal to the ward office, may instead be utilised.

- Rule 3(4) regarding Notice of the meeting to be issued by the secretary of the committee should be expanded to specify the manner of such notice as specified under Sections 452 and 453 of the Act. Furthermore it is suggested that the notice be exhibited in all prominent public offices within the ward such as those of the BWSSB, BESCOM, etc as well as Bangalore One centres, Government Schools, Public Health Centres, etc.
- In addition to Rule 3(4), specifically designated links should be created on the BBMP website for each ward, wherein all notices and minutes of meetings should be published in a timely manner.
- All meetings of the Ward Committees should be recorded digitally to serve as proof of the veracity of the minutes. Additionally, all draft minutes are to be displayed on a notice board physically or electronically, with a period of correction mentioned and placed for formal approval along with objections as item 1 in the agenda of the subsequent meeting.
- Rule 4(2) should be amended to the following language – “ The Secretary, or in his absence an officer designated by the Commissioner, shall”
- Rule 4(5) should be amended to the following language to ensure that all information does not just rest with the Secretary, but is passed on to the Ward Committee as a whole: “The Commissioner shall make available to the Ward Committee through the Secretary the following information, namely-”. Furthermore it should be specified that such information be in the public domain.

Rule 5. Functions of the Ward Committee

- All items listed in the 12th Schedule of the Constitution should be included as essential functions of the Ward Committee. Interested members of the public should not be forced to look through additional documents to learn the functions of the Ward committee in detail.
- Rule 5(1) – The Ward Committee as a whole will monitor functions, and on a case by case basis delegate specific oversight/supervision duties to individual members if such members evince interest in a particular task, or have necessary competence, subject to the approval of the Committee. Assigning portfolios will lead to unnecessary fragmentation of the Ward Committee.
- Rule 5(2) needs a detailed explanation. What are the parameters of a Performance Development System (PMDS)? What are the targets that are to be set? Whom are they set by? Who will monitor and review the performance? How are Area Sabhas to be involved?

Rule 6. Functions of the Secretary

- Secretary cannot be subject to the control of the Commissioner, as that defeats the very purpose of the 74th Constitutional Amendment.
- The entire section needs to be re-written; the Secretary is merely an administrative appendage. The Secretary is merely the instrument of the Ward Committee which is the accountable forum, hence the title of the rules.
- In particular Rules 6(4), (7) and (8) grossly violate the parent act.
 - Rule 6(4) grants "custody" of all papers and documents connected with the proceedings of the meetings of the Committee when this information should be public record.
 - Rule 6(7) empowers the Secretary to "carryout all resolutions of the Ward Committee". The power to carryout its resolutions should be left with the Ward Committee itself
 - Rule 6(8) entrusts the secretary with protecting the property belonging to the Corporation. This is too crucial and broad a power to grant to an administrative body
- Rule 6(1) goes against the principles enshrined in the 74th Constitutional Amendment; the Secretary, being an administrative public officer nominated by the Commissioner, cannot exercise the powers of an elected executive public officer as It would result in a Member non-entitled to vote in the affairs of the Committee [as per Rule 6(5)] being granted veto powers over any of its decisions.

Having offered the above comments on the specific text of the Draft Rules proposed, the undersigned submit that the Government of Karnataka must comprehensively amend the Rules to ensure its conformance with the 74th Constitutional Amendment (Nagarpalika) Act, 1992, in its letter and spirit, and also keeping in mind the need for meaningfully, substantially, and consistently engaging the public at large in the conduct of municipal affairs in the true democratic traditions. As a result, the Government must be open to conducting Public Discussions through the offices of the District Commissioners in every district, and also in every Municipal Corporation, to ensure that the final Rules truly reflect the aspirations of the people for a deeply democratic, efficient, and, most importantly, accountable municipal corporation.

A copy of the amended rules as proposed by us , containing alterations as suggested by the concerned public will be submitted as an Annexure in due course.

LIST OF SIGNATORIES

1. **Environmental Support Group**, a Non-Governmental Organisation
having office at #1572, 36th Cross, 100 ft Ring Road, Banashankari,
2nd Stage, - 560072.
(i) Shashikala Iyer
(ii) Leo Saldanha
(iii) Bhargavi S. Rao
(iv) Davis George Thomas
2. **Madhav Chandavarkar** - Lawyer, residing at 7 Palace Cross Road,
Bangalore, 560020.
3. **Prem Chandavarkar** - Architect, residing at 7 Palace Cross Road,
Bangalore, 560020.
4. **Sunil Dutt** - Advocate Partner, Sunil & Nitin Associates, having
office at #11 Kurupurasangha Hostel Building, 2nd Main Road,
Ghandinagar, Bangalore - 560009.
5. **Vinay Srinivasan** - Residing at #573, 21st Main, Jayanagar 4th
Block, Bangalore - 560041
6. **Nimisha Kumar** - Residing at #218, "Shashira", Teacher's Colony,
Nagarbhavi, Bangalore - 560072
7. **Akshata Sharma** - Residing at #26/2 & 3, 2nd Floor, Sampige Road,
Near 17th Cross Malleswaram, Bangalore - 560003
8. **Saraswati M** - Residing at #375, 3rd Main, AD Hally, KHB Colony,
2nd Stage Basveshwara Nagar, Bangalore - 560079
9. **Devaraj HK** - Residing at #376, 3rd Main, AD Hally, KHB Colony,
2nd Stage Basveshwara Nagar, Bangalore - 560079
10. **Suresh Hunagund** - residing at #15, 13th Cross, Near Sujana
Convent, CK Nagar, Electronic City, Bangalore 560100

Shashi

Madhav Chandavarkar

Prem Chandavarkar
Sunil Dutt

Vinay Srinivasan
(On behalf of)

Nimisha Kumar

Akshata Sharma

Saraswati M.

Devaraj HK

Suresh Hunagund



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ಆಗಸ್ಟ್ ೨೭, ೨೦೧೩ (ಭಾದ್ರಪದ ೫, ಶಕ ವರ್ಷ ೧೯೩೫)	ನಂ. ೧೦೯೮
Part - IV-A	Bangalore, Tuesday, August 27, 2013 (Bhadrapada 5, Shaka Varsha 1935)	No. 1098

URBAN DEVELOPMENT SECRETARIAT

NOTIFICATION

NO. UDD 507 MNY 2012, BANGALORE, DATED 27-08-2013

The draft of the Karnataka Municipal Corporations (Ward Committee) Rules, 2013, in supersession of notification No.UDD 129 CSS 2011, dated 11th January, 2013 published in the Karnataka Gazette extraordinary No.36 dated 11th January, 2013. which the Government of Karnataka proposes to make in exercise of the powers conferred by section 13K read with section 421 and 427 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), is hereby published as required by sub-section (1) of section 421 of the said Act, for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after fifteen or thirty days from the date of its publication in the official Gazette.

Any objection or suggestion, which may be received by the State Government from any person with respect to said draft before the expiry of the period specified above, will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary to Government, Department of Urban Development Department, Vikasa Soudha, Bangalore-560001.

DRAFT RULES

1. Title and commencement - (1) These rules may be called the Karnataka Municipal Corporations (Wad Committee) Rules, 2013.

(2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires.-

(a) "Act" means the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

(b) "Clear day" means includes Sundays and holidays;

(c) "Member" means a member of the Ward committee;

(d) "Section" means section of the Act;

(e) "Secretary" means an officer designated by the Commissioner under sub-section(4) of section 13H of the Act.

3. Procedure for transaction of business of the Ward Committee.-

(1) The Chairman may fix the date and time of the meeting. However, the meeting of the ward committee shall not be held on the day of the council meeting or on the day of meeting of the standing committee.

(2) The meeting shall not be held unless a clear seven days notice along with the agenda for the meeting is circulated in advance to all the members of the Committee. However, in case of urgency the meetings shall be convened within 48 hours by serving proper notice or communication to all the members.

(3) The place of the meeting as far as possible shall be in the ward office premises or place adjacent to the ward office of the concerned ward.

(4) Every notice of the meeting shall be issued by the Secretary of the Committee.

4. Preparation of Agenda for the meeting of Ward Committee.- (1) The Secretary or an officer designated by the commissioner shall be as soon as the date and time of the meeting is determined by the chairman, prepare an agenda in consultation with the chairman for the meeting.

(2) The Secretary or an officer designated by the Commissioner shall give notice of the meeting to all officers connected with the affairs of the Ward Committee.

(3) All the meetings of the Ward Committee shall be open to the public.

(4) No member shall take part in the discussion of any question coming up for consideration at the meeting, if the question is one in which he has any direct or indirect pecuniary interest by himself or his Partner.

(5) The Commissioner shall make available to the Secretary of the Ward Committee the following information, namely:-

- (i) decisions of the Standing Committee;
- (ii) decisions/resolutions of the Council;
- (iii) ward wise budgetary allocation made, if any, by the Corporation or any of the Standing Committees;
- (iv) copy of the Ward maps and
- (v) details of the Corporation properties ward wise.

5. Functions of the Ward Committee.- The Ward Committee shall discharge the following functions, namely:-

(1) each member of the ward committee shall be allocated different portfolio depending on his expertise and interest, such as Solid Waste Management (SWM), road and drains, slum upgradation, poverty alleviation, environment protection, etc.

(2) The Ward Committees shall be directed to prepare five year ward vision plan as per a Performance Development System (PMDS) based on human development and social infrastructure outcomes at ward level. Targets need to be set and outcomes indicators developed for measuring, monitoring and review need to be based on performance on those indicators. The Area Sabhas need to be involved in setting targets and reviewing municipal performance.

(3) In case the garbage is thrown in the streets or in vacant lands and it is not cleared, any citizen may approach the elected representatives or any of the Ward Committee members and bring the same to their notice. If there is no improvement, then it is open to such citizens to file complaint before the Commissioner giving all particulars and also explaining the inaction on the part of the corporators and the ward committee members.

(4) The Ward Committee shall discharge other functions as specified in section 131 of the Act.

6. Functions of the Secretary.- Subject to the control of the Commissioner, the Secretary shall,-

- (1) discharge the functions of the Chairperson where there is no elected councillor to a Ward;
- (2) be responsible for preparing the agenda of the meeting in consultation with chairman and also sign the agenda to be transacted in the meeting;
- (3) issue notice to the members and officers for the upcoming meeting including special invitees, if any;
- (4) have custody of all papers and documents connected with the proceedings of the meeting of the Ward Committee;
- (5) be entitled to attend every meeting of the Committee and take part in the proceedings but shall not be entitled to vote;
- (6) furnish his opinion or any clarification in respect of any resolution or any question that arises in the meeting;
- (7) carryout all resolutions of the Ward Committee; and
- (8) be responsible for the protection of the property belonging to the Corporation;

7. Account and Audit of the Ward Committee.- The accounts of all receipts and expenditure of the Ward Committee for the purpose of conduct of meetings and discharge of their function shall be governed by Financial Rules made under Section 151 of the Act.

8. Repeal of the Karnataka Municipal Corporations (Ward Committee) Rules, 1977.- The Karnataka Municipal Corporations (Ward Committee) Rules, 1977 shall be repealed with immediate effect.

By order and in the name of Governor of Karnataka

N. GOPALAIAH

Under Secretary to Government
Urban Development (B.B.M.P.)



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ಆಗಸ್ಟ್ ೨೦, ೨೦೧೩ (ಶ್ರಾವಣ ೨೯, ಶಕ ವರ್ಷ ೧೯೩೫)	ನಂ. ೧೦೭೦
Part - IV-A	Bangalore, Tuesday, August 20, 2013 (Shravana 29, Shaka Varsha 1935)	No. 1070

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನಾ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ ೨೩ ಶಾಸನ ೨೦೧೩, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೨೦-೦೮-೨೦೧೩

The Karnataka Municipal Corporations (Amendment) Bill, 2013ಕ್ಕೆ ೨೦೧೩ರ ಆಗಸ್ಟ್ ತಿಂಗಳ ಹತ್ತೊಂಬತ್ತನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು ೨೦೧೩ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: ೫೫ ಎಂಬುದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

KARNATAKA ACT NO. 55 OF 2013

(First published in the Karnataka Gazette Extra-ordinary on the 20th day of August, 2013)

THE KARNATAKA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 2013

(Received the assent of the Governor on the 19th day of August, 2013)

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-fourth year of the Republic of India as follows, namely:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 2013.

(2) It shall come into force at once.

2. Amendment of section 58.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act), in section 58, after sub-section (20), the following shall be inserted, namely:-

"(20-A) removal of unauthorized cable including Optical Fibre Cables laid under, over, along, the across, in or upon any streets or property vested in the corporation"

3. Amendment of section 255.- In section 255 of the Principal Act, in sub-section (1), after clause (ii), the following shall be inserted, namely:-

"(ii-a) make necessary arrangement for collection of solid waste from owners or occupiers as the case may be;"

4. Substitution of section 256.- For section 256 of the principal Act, the following shall be substituted, namely:-

"256. **Public notice ordering deposit of rubbish and filth by occupier.**- (1) The Commissioner may, by public notice, direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and after segregating it, hand it over to the concerned collector of solid waste or dispose it in such manner as may be specified in the notification, different manner may be specified in respect of different kind of solid wastes.

(2) The Commissioner may cause solid wastes are collected and disposed at suitable intervals and in proper and convenient situation in respect of which no notice issued under sub-section (1) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, are segregated and handed over or disposed off in accordance with such rules or bye-law as may be made in this regard."

5. Substitution of section 257.- For section 257 of the principal Act, the following shall be substituted, namely:-

"**257. Removal of rubbish and filth accumulating in large quantities on premises.**- When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth or any solid waste is accumulated in quantities which are, in the opinion of the Commissioner, too considerable to be segregated and deposited or handed over to concerned in any of the methods specified, by a notice issued under section 256, the Commissioner may,-

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth or any solid waste after segregation accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice to a depot or place provided or appointed under section 255; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth or solid waste accumulated in such premises to be segregated and removed and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a)."

6. Amendment of section 258.- In section 258 of the principal Act, in clause (b), in sub-clause (ii), after the words "all things", the words "collected or" shall be inserted.

7. Amendment of section 262.- In section 262 of the principal Act, for sub-section (2), the following shall be substituted, namely:-

"(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such offence is continued, after the date of the first conviction and if any person is convicted for the fifth time of an offence for the contravention of the provisions of sub-section (1) he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both."

8. Amendment of section 421.- In section 421 of the principal Act, in sub-section (5), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

9. Amendment of section 423.- In section 423 of the principal Act,-

(a) In sub-section (7), after clause (b), the following shall be inserted, namely:-

"(bb) for the regulation of the laying of any cable including Optical Fibre Cables and imposing the conditions thereof and levying of such fees or annual track rent on the cable including Optical Fibre Cables so laid "

(b) after sub-section (29), the following shall be inserted, namely:-

"(30) manner of segregation and disposal of solid waste including bulk generation of solid waste and bio-medical solid waste and penalty for contravention of the same."

10. Substitution of section 424.- For section 424 of the principal Act, the following shall be substituted, namely:-

"424. Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws.- (1) Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth closets, privies, ash-pits, solid waste management and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the making of bye-laws under this Act.

(2) In making any bye-law under sections 423 and this section the corporation may provide that a breach thereof shall be punishable.-

(a) with fine which may extend to one thousand rupees, and in case of a continuing breach, with fine which may extend to three hundred rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to two hundred rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach."

11. Insertion of new section 431-A and 431B.- After section 431 of the principal Act, the following shall be inserted, namely:-

"431-A. Penalties for failure to comply with the Solid Waste Management Scheme.- (1) It shall be the duty of every owner or occupier generating of solid waste to comply with any notification issued by the State Government, Bye-laws framed by the Corporation, Order, Circular or Public notice issued by the Commissioner or other authority regarding the manner of ensuring cleanliness, sanitation, handling, Transport, processing and disposal of Solid Wastes.

(2) Whoever commits any act of commission or omission which is likely to obstruct, impair or fails to comply with the provisions of sub-section (1) or the Solid Waste Management Scheme for the time being in force or commits any offence specified in column (2) of Schedule XIII shall on conviction be punished with fine as specified column (3) of the schedule XIII and on continued offence with fine as specified in column (4) thereof or which may extend to rupees one thousand.

(3) The Corporation may by making bye-law alter, amend or vary any of the entries in Schedule XIII.

Explanation:- For the purpose of this section "Solid Waste Management Scheme" means a series of measures taken by the Corporation for the purpose of effective handling, collection, transport, processing and disposal of Municipal Solid Wastes for discharge of its obligations enumerated under the Municipal Solid Wastes (Management and Handling) Rules, 2000 issued by the Central Government under the Environment Protection Act, 1986 (Central Act 29 of 1986) or any other provisions of law as may be applicable for management of Municipal Solid Wastes.

431-B. Compounding of offence.- Any officer authorized by the Commissioner not below the rank of Group-B officer may accept, in the prescribed manner, from any person who has committed or it reasonably suspected of having committed an offence punishable under sub-section (1) and (2) of section 431-A, such sum of money specified in Schedule XIII or any sum of money as may be prescribed, by way of composition of the offence which such person has committed or is reasonably suspected of having committed and on the payment of such sum of money to the authorized officer such person, if in custody, shall be set at liberty and no further proceedings shall be taken against such person with reference to the same act."

12. Amendment of Schedule XI.- In Schedule XI to the principal Act, entries pertaining to sections 256(1), 256(2), 257(b), 263 (1), (2), (3), (4) and (5) shall be omitted.

13. Insertion of new Schedule XIII.- After Schedule XII of the principal Act, the following shall be inserted, namely:-

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"Schedule-XIII
(see section 431 -A)

Sl. No.	Act of Commission or Omission	Penalty for the first offence	Penalty for the second and subsequent offence
01	Littering, spitting, urinating, open defecating or committing other acts of nuisance on Road, Bus Station, Railway Station, Street, Playground, Park and other Premises of Public Utility.	Rs. 100/-	Rs. 200/-
02	Failure to segregate Dry Waste from Wet Waste and hand over the same separately to collector of waste in accordance with the Notification, Bye-laws, Public Notice or circular issued by the competent authority from time to time. (i) by any domestic occupier (ii) by any bulk Generator or commercial complex	Rs. 100/- Rs. 500/-	Rs. 500/- Rs. 1000/-
03	Failure to comply with any lawful directions issued by the Commissioner to ensure cleanliness and hygiene of Road, Bus Station, Railway Station, Street, Playground, Park and other Premises of Public utility.	Rs. 100/-	Rs. 200/-
04	Failure to segregate and hand over garden waste, inert waste, sanitary, non-Bio degradable and Bio-medical waste or any other category Waste separately to the Corporation for the purpose of handling and transportation of the Wastes in the manner specified by the Corporation.	Rs. 500/-	Rs. 1000/-
05	Irregular deposit of rubbish or filth or any solid waste	Rs.100/-	Rs.200/-
06	Allowing filth to flow in streets	Rs.100/-	Rs.200/-
07	Depositing carcasses of animals or filth in improper place	Rs.100/-	Rs.200/-
08	Dumping of building waste irregularly	Rs.1000/-	Rs.5000/-

By Order and in the name of the Governor of Karnataka

K. S. MUDAGAL

Secretary to Government (i/c)

Department of Parliamentary Affairs and Legislation