



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIRST SESSION ADJOURNED MEETING**

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) BILL, 2013
(L.A. BILL No. 04 of 2013)**

A Bill 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 is reasonably suspected of having committed an offence punishable under sub-section (1) and (2) of section 432-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:-

"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.		

Sl. No.	Act of Commission or Omission	Penalty for the first offence	Penalty for the second and subsequent offence
	(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/-

Sl. No.	Act of Commission or Omission	Penalty for the first offence	Penalty for the second and subsequent offence
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/-

STATEMENT OF OBJECTS AND REASONS

The solid wastes generated by All the City Corporations of the State specially in Bruhat Bangalore Mahanagara Palike (BBMP) is vey high. These solid wastes has to be disposed systematically through scientific manner and as per the guidelines prescribed in Solid Wastes (Handling & Management) Rules, 2000 by the Government of India.

Recently, several Public Interest Litigation Writ Petitions have been filed before the High Court of Karnataka complaining that the solid wastes generated in B.B.M.P. areas not disposed scientifically and as per the rules made by the Government of India and praying to issue directions to Government and B.B.M.P. and these cases are being heard by the Hon'ble Court even now. The directions given by the Hon'ble Court in W.P.No. 24739-40/2012 on 10.09.2012 for imposition of fines of house holds which are failing to segregate into dry and wet garbage.

Questioning the decision taken by the B.B.M.P Council for fixing rates for laying Optical Fibers Cables (OFC), several O.F.C agencies have filed W.P.No. 37882-37893/2011 before the High Court of Karnataka. The Hon'ble High Court in its order dated 11.10.2012 has directed to frame Rules and Regulations with regard to laying of O.F.C. Cables and fixing of rates. Therefore, it is considered necessary to amend the Karnataka Municipal Corporations Act, 1976. (Karnataka Act 14 of 1977)

Hence the Bill

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative Measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4.- Section 256 as sought to be substituted by clause 4 of the Bill, sub-section (2), empowers the State Government to make rules regarding the manner of segregation, handing over or disposal of rubbish and filth by occupier in any premises.

Clause 11.- Section 431-B as sought to be inserted by clause 11, empowers the State Government to make rules regarding the manner of accepting the compounded amount and the sum of money to be compounded.

The proposed delegation of legislative power is normal in character.

VINAYKUMAR SORAKE
Minister for Urban Development

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

ANNEXURE**EXTRACT FROM THE KARNATAKA MUNICIPAL CORPORATIONS ACT,
1976. (KARNATAKA ACT 14 OF 1977)****XX****XX****XX****58. Obligatory functions of the Corporations.- XX XX XX**

(20) the removal of obstructions and projections in or upon streets, bridges and other public places;

XX**XX****XX****255. Provision for removal of filth.- XX XX XX**

(iii) provide dust-bins for the temporary deposit of rubbish;

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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 deposited in a box or basket or other receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The Commissioner may cause public dustbins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter 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, the entrance to which is situated within fifty metres of any such receptacle shall be collected by the owner or occupier of such premises and deposited in such receptacle.

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 is

accumulated in quantities which are, in the opinion of the Commissioner, too considerable to be deposited in any of the methods prescribed, 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 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 accumulated in such premises to be 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).

258. Provision for daily cleaning of streets and removal of rubbish and filth.- XX XX XX

(b) for the removal of,-

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 255 for the temporary deposit of any of the things specified therein, and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 256.

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262. Prohibition of the practice of employing persons for carrying night soil as head-load.- XX XX XX

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five 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 three hundred rupees, or with both.

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421. Power of Government to make rules.- XX XX

(5) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

423. Power to make bye-laws.- XX XX XX

(7) (a) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to layout street; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the regulation of the use of public streets, and the closing thereof or part thereof;

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(29) in general, for securing cleanliness, safety and order and the good governance and well being of the city and for carrying out all the purposes of this Act.

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 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 fifty rupees, and in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or (b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

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SCHEDULE - XI**ORDINARY PENALTIES**

(See section 431)

Section or rule	Sub-Section or Clause	Subject	Fine which may be imposed
		XX XX XX	
256	(1)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle	Ten rupees

Section or rule	Sub-Section or Clause	Subject	Fine which may be imposed
256	(2)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises	Ten rupees
257	(b)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees
263	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours	Twenty rupees
	(2)	Irregular deposit of rubbish or filth	Ten rupees
	(3)	Depositing carcasses of animals or filth in improper places	Twenty rupees
	(4)	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees
	(5)	Allowing filth to flow in streets	Twenty rupees

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