



KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SEVENTH SESSION

**THE KARNATAKA MUNICIPAL CORPORATIONS (SECOND AMENDMENT)
BILL, 2020**

(LA Bill No. 45 of 2020)

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 seventy first year of the Republic of India as follows, namely:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipal Corporations (Second Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 431-A.- In the Karnataka municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act), in section 431-A,-

(i) for sub-section (2), the following shall be substituted, namely,-

“(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 Schemes for the time being in force shall on conviction be punished with fine as specified in the Solid Waste Management bye-laws framed by Corporation under the provisions of Solid Waste Management Rules, 2016 which may extend to rupees two lakh.”

(ii) for sub-section (3), the following shall be substituted, namely,-

“(3) The corporation may alter, amend or vary any of the penalties specified in Solid Waste Management bye-laws”.

(iii) in the Explanation, for the words, brackets and figures “the Municipal Solid Waste (Management and Handling) Rules, 2000” the words and figures “the Solid Waste Management Rules, 2016” shall be substituted.

3. Omission of Schedule XIII.- Schedule XIII of the principal Act, shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The solid wastes generated by the City Corporations of the State specially in Bruhat Bangalore Mahanagara Palike (BBMP) is very high. These solid wastes have to be disposed systematically through scientific manner and as per the guidelines prescribed in Solid Wastes Management Rules, 2016 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. Therefore, it is considered necessary to amend the Karnataka Municipal Corporations Act, 1976. (Karnataka Act 14 of 1977) to enhance the fine.

Hence the Bill

FINANCIAL MEMORANDUM

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

B.S. Yediyurappa
Chief Minister

M.K. Vishalakshi
Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE**EXTRACT FROM THE KARNATAKA MUNICIPAL CORPORATIONS ACT, 1976. (KARNATAKA
ACT 14 OF 1977)****XX****XX****XX**

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.

XX**XX****XX****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. by any domestic occupier 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/-

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