

Karnataka Waste Picker Welfare Rules, 2018

STATEMENT OF OBJECTS AND REASONS

Rules to ensure the welfare of waste pickers in Karnataka through the formal recognition of waste picking as a genuine profession and to guarantee to Karnataka's waste pickers the right of first claim to access, sort and sell all recyclable materials in the state, framed under the powers to make Rules under Section 323 of the Karnataka Municipalities Act, 1964 and Section 421 of the Karnataka Municipal Corporations Act, 1976.

CHAPTER I

Preliminary

1. Short Title, Extent And Commencement -

- (1) These Rules shall be called the Karnataka Waste Picker Welfare Rules, 2018.
- (2) These Rules shall come into force on such date, as notified in the official Gazette, by the Karnataka Government.

2. Definitions: In these Rules unless the context otherwise requires:-

- (1) "Authorisation" means the permission given by the State Pollution Control Board to the operator of a facility or urban local authority, or any other agency responsible for processing and disposal of solid waste;
- (2) "Board" means the Karnataka Waste Picker Welfare Board;
- (3) "City Municipal Council" means a city municipal council established under the Karnataka Municipalities Act, 1964;
- (4) "Corporation" means a corporation established under the Karnataka Municipal Corporations Act, 1976;
- (5) "Dry Waste Collection Center" means any land shed or structure located on any municipal or Government land or in a public space which is intended by the municipal body to receive and sort dry waste;
- (6) "Form" means the form appended to these Rules;
- (7) "Handling" includes all activities relating to sorting, segregation, material recovery, collection, secondary storage, shredding, baling,

crushing, loading, unloading, transportation, processing and disposal of solid wastes;

- (8) “Local body” for the purpose of these rules means and includes the municipal corporation, nagar nigam, municipal council, nagar palika, nagar Palikaparishad, municipal board, nagar panchayat and town panchayat, census towns, notified areas and notified industrial townships;
- (9) “Materials Recovery Facility” means a facility where non-compostable solid waste can be temporarily stored by the local body or any other entity mentioned in rule 2 or any person or agency authorised by any of them to facilitate segregation, sorting and recovery of recyclables from various components of waste by authorised informal sector of waste pickers, informal recyclers or any other such person engaged by the local body or entity mentioned in rule 2 for the purpose before the waste is delivered or taken up for its processing or disposal;
- (10) “Occupational Identification Card” means a card to be issued by the Waste Picker Welfare Boards to all waste pickers in the state denoting their status as waste pickers and their right to collect, segregate and sell recyclable waste across the state.
- (11) “Recyclable waste” means dry waste that can be transformed through a process into raw materials for producing new products, which may or may not be similar to the original products;
- (12) "Recycling" means the process of transforming segregated non-biodegradable solid waste into new material or product or as raw material for producing new products which may or may not be similar to the original products;
- (13) "Segregation" means sorting and separate storage of various components of solid waste namely non-biodegradable wastes including recyclable waste;
- (14) “Waste picker” means a person engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and

waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood;

Regularization of Waste Picking

3. Rights of Waste Pickers -

- (1) Every waste picker shall have the right to collect, segregate and sort waste subject to these Rules.
- (2) Every waste picker shall have the right to carry on waste picking activities in accordance with these Rules.
- (3) Every waste picker shall be eligible for a waste picker Occupational Identification Card in accordance with these Rules.
- (4) Every waste picker shall have the right to receive fair remuneration for the recyclable materials collected.
- (5) Every waste picker working in Dry Waste Collection Centers in Karnataka shall have the right to receive minimum wages from the municipal bodies on a timely basis.

4. Regulation of Waste Picking -

- (1) Conducting the waste picker survey
 - (a) The Government shall conduct a survey every five years from the date of coming into force of these Rules, to enumerate every waste picker in the state of Karnataka, collecting such details as provided for in Form A.
 - (b) Notwithstanding anything contained in the above sub-rule, the Government shall, within one year of publication of these Rules, conduct a survey of all existing waste pickers in Karnataka.
- (2) The Government shall give adequate publicity of the proposed survey. These publications shall include the area to be covered, the nodal officer of the survey, date and time of commencement and completion of survey.

(3) The Government shall give publicity in ways including but not limited to:

- (a) By publication on its website.
- (b) By publication in any two prominent local newspapers in the regional and local language of the state.
- (c) By placing it on the notice board of the Urban and Deputy Commissioners' offices.
- (d) By placing a copy in any conspicuous place near dump yards, landfills and Dry Waste Collection Centers within the jurisdiction of the local authority.

5. Process of Issuing Occupational Identification Cards to Waste Pickers -

- (1) It shall be the duty of the Waste Picker Welfare Boards to issue to every waste picker enumerated under the waste picker survey with an Occupational Identification Card.
- (2) The waste pickers found eligible in the surveys shall be issued the Occupational Identification Card within a maximum period of 4 (four) months' time from the date of completion of the survey.

6. Process of Issuing Waste Picker Occupational Identification Card -

- (1) Every waste picker identified under the survey carried out under sub-section (1) of Rule 4, who has completed the age of fourteen years, shall be issued an Occupational Identification Card by the Waste Picker Welfare Board.
- (2) The Occupational Identification Card shall be valid for fifteen years and renewable thereafter subject to these Rules.
- (3) The deposit of fees prescribed by notification and issue of receipt shall be considered to be adequate proof of the renewal of Occupational Identification Card.
- (4) Provided that a waste picker, who has been issued any identification document which allows such waste picker to carry on her activities of waste picking before the commencement of these rules, shall be deemed to be a waste picker for the period for which he has been issued such identification document.

(5) Where, in the intervening period between two surveys, any person seeks to engage in waste picking, the Waste Picker Welfare Board shall grant an Occupational Identification Card to such person.

7. Devolution of Occupational Identification Card upon death or disability

- Where a waste picker to whom an Occupational Identification Card is issued dies or suffers from any permanent disability or is unable to engage in waste picking for reasons of health, one of her family members in the following order of priority, may engage in waste picking in her place:

- a. Spouse of the waste picker;
- b. Dependent child of the waste picker who is fourteen years and above.

Provided that the family member shall be allowed to engage in waste picking during the period of validity of the Occupational Identification Card.

8. Manner of Maintaining Up-To-Date Records of Waste Pickers – The paper and electronic records of the Waste Picker Welfare Board shall be maintained by its Secretariat in the place allotted by the Local Authority and the soft copy should also be suitably maintained.

9. Prevention of Harassment Of Waste Pickers - Notwithstanding anything contained in any other law for the time being in force, no waste picker who carries on waste picking activities in accordance with the terms and conditions of his registration and Occupational Identification Card shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.

10. Capacity Building - The Karnataka Government shall, in consultation with the Waste Picker Welfare Boards, local authority, planning authority and waste picker welfare associations or unions, undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the waste pickers.

11. Capacity building duties - The Appropriate Government Shall, To The Extent Of Availability Of Financial and other Resources,—

- (1) Organize capacity building programmes to enable the waste pickers to exercise the rights contemplated under these rules;

- (2) Undertake research, education and training programmes to advance knowledge and understanding of the role of the waste pickers and to raise awareness among the public through the Waste Picker Welfare Board.

12. Duties of The Local Body -

- (1) The local body should ensure and provide the waste pickers with clean water along with the street light facility wherever possible.
- (2) An attempt should be made to provide clean and properly constructed toilets with water and electricity facility in order to maintain public health and hygiene near the waste picking sites and mandatorily near Material Sorting Facilities and Dry Waste Collection Centers.

13. The designation of State Nodal Officer for co-ordination of all matters relating to waste picking at the state level -

- (1) The State Government shall appoint an Officer not below the rank of Joint Secretary to Government, as a Nodal Officer for co-ordination of all matters relating to waste picking.
- (2) The Nodal Officer shall have at least a half yearly meeting with the Local Authorities and the Waste Picker Welfare Board in order to get himself/herself acquainted with various field level issues.
- (3) The Nodal Officer may collect feedback from the waste pickers relating to the issues and problems faced by them.

Chapter III

The Waste Picker Welfare Board

14. Constitution of Waste Picker Welfare Board - (1) The State Government shall constitute the Waste Picker Welfare Board for each local authority in the following manner, namely:-

- (1) In the case of a Municipal Corporation, the Board shall consist of the following members, namely:-
 - (a) The Municipal Commissioner who shall be the Chairperson of the Waste Picker Welfare Board,
 - (b) Deputy Commissioner or his representative,

- (c) Chief of Planning Authority or his representative, and
 - (d) One member of the local authority, elected among themselves, not less than the position of Chief Health Officer, Solid Waste Management,
 - (e) One member having at least seven years' experience working on bettering the lives of waste pickers in Karnataka,
 - (f) One member from the labour department, not less than the rank of Assistant Labour Commissioner – division 1.
- (2) The member from the local authority shall act as the Secretary of the Board.
- (3) In the case of a Municipality, the Board shall consist of the following members, namely;-
- (a) The Chief Executive Officer who shall be the Chairperson of the Waste Picker Welfare Board,
 - (b) Assistant Commissioner having jurisdiction,
 - (c) One member of the local authority, elected among themselves, not less than the position of Chief Health Officer, Solid Waste Management,
 - (d) One member having at least seven years' experience working on bettering the lives of waste pickers in Karnataka,
 - (e) One member from the labour department, not less than the rank of labour officer sub division – 1.
- (4) The member from the local authority shall act as the Secretary of the Board.
- (5) In the case of a Town Panchayat, the Board shall consist of the following members, namely;-
- (a) The Chief Executive Officer who shall be the Chairperson of the Waste Picker Welfare Board,
 - (b) Tehsildar concerned,
 - (i) One member of the local authority not less than the rank of Medical Officer of Health, elected among themselves,

(ii) One member who has a minimum of seven years' experience in advancing the welfare of waste pickers in Karnataka,

(iii) One member from the labour department, not less than the rank of labour officer sub division – 2.

(6) The member from the local authority shall act as the Secretary of the Board.

(7) The term of a Waste Picker Welfare Board shall be five years from the date of its constitution.

15. Removal of a Member of Waste Picker Welfare Board - If, in the opinion of the Government, any member of a Waste Picker Welfare Board persistently makes defaults in the performance of his duties imposed on him by or under these rules or exceeds or abuses his powers, then the said authority may, by order, remove such member from the Board.

Provided that such member shall be given a reasonable opportunity of hearing by the Government before her removal.

16. Dissolution of Waste Picker Welfare Board - If, in the opinion of the State Government, a Waste Picker Welfare Board persistently makes defaults in the performance of duties imposed on it by or under these rules or exceeds or abuses its powers, then the said authority may, by order, dissolve such Waste Picker Welfare Board and shall constitute a fresh Waste Picker Welfare Board after giving reasonable opportunity of being heard.

17. Meetings of Waste Picker Welfare Boards -

(1) The meetings of the Waste Picker Welfare Board shall be held at least once in three months and at other shorter intervals as may be necessary to transact its business:

Provided that the first meeting of a Waste Picker Welfare Board shall be convened by the Chairperson within forty five days from the date of its constitution.

(2) The business of the Waste Picker Welfare Board shall be conducted as may be decided by the Chairpersons in consultation with the members.

- (3) The meetings of the Waste Picker Welfare Board shall be held at the Headquarters of the local authority concerned or at such other place within the jurisdiction of the local authority, as may be decided by the Chairperson, from time to time.

18. Procedure For Transaction Of Business Of Waste Picker Welfare Board -

- (1) The Waste Picker Welfare Board may follow such procedure for the transaction of its business as may be decided by the Chairperson in consultation with the members.
- (2) Subject to these rules, the resolutions of a Waste Picker Welfare Board shall be passed by simple majority of the members present and voting in the meetings.

19. Functions to be discharged by Waste Picker Welfare Board - Without prejudice to any other provisions of these rules, a Waste Picker Welfare Board shall perform the following functions, namely:-

- (1) To assist the Government in conducting surveys within the area of its jurisdiction to identify waste pickers in the area.
- (2) To issue Occupational Identification Card to eligible waste pickers after obtaining undertaking from them to comply with the terms and conditions subject to which the Occupational Identification Card is issued.
- (3) To furnish recommendations to the local authority in relation to the preparation of plans to promote the vocation of waste pickers.
- (4) To hold its meetings and take appropriate decisions to ensure efficient discharge of its functions.
- (5) To associate technical and professional persons with itself on temporary basis for obtaining assistance or advice in carrying out any of the provisions of the rules.
- (6) To maintain up to date records of registered waste pickers and the waste pickers to whom Occupational Identification Cards have been issued in Form-XX.
- (7) To furnish from time to time to the Government and the local authority, such returns as may be prescribed under these rules;

- (8) To recommend to the Government the undertaking promotional measures to make available credit, insurance and other welfare schemes of social security for the waste pickers;
- (9) To assist the Government to raise awareness among the public about the role of the waste pickers in the economy; and
- (10) To perform such other functions for effective implementation of these rules, as may be delegated to the Waste Picker Welfare Board by the local authority, and the Government.

20. Powers of Waste Picker Welfare Board for temporary association of expert person -

- (1) Subject to the provisions of these Rules, a Waste Picker Welfare Board may associate any suitable person of repute having adequate knowledge and experience in the field, as expert to obtain technical or professional advice on matters relating to the waste pickers.
- (2) The person to be associated as expert under sub-rule (1) shall be selected in a fair and transparent manner and by following the procedure for engagement of consultants and experts as technical or professional experts in Government Departments.
- (3) The persons associated as expert under sub-rule (1) shall be paid allowances as determined by the local authority.

21. Employees of Waste Picker Welfare Board - The local authority concerned when so requested by a Waste Picker Welfare Board, make available to that Board such employees as the local authority considers necessary for discharge of the functions conferred or imposed on the Waste Picker Welfare Board under these Rules.

22. Space for functioning of the Waste Picker Welfare Board -

- (1) The local authority concerned shall provide sufficient office space for the functioning of the Waste Picker Welfare Board and shall also depute its employees to carry out the ministerial and clerical functions of the Waste Picker Welfare Board.
- (2) The number of employees deputed for the office of the Waste Picker Welfare Board shall be a minimum of one in number not below the rank

of Lower Division Clerk and shall be increased as per the requirement of the workload faced by the Waste Picker Welfare Board in the opinion of the Chairperson. 18. Filing of Returns:- Every Waste Picker Welfare Board shall periodically submit a return to the local authority concerned within three months after the completion of the financial year.

23. Annual Report -

The Board shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government and the Central Government.

24. Accounts and Audit -

- (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.
- (2) The board shall furnish to the State Government before such date as may be prescribed its audited copy of accounts together with the auditor's report.
- (3) The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the State Legislature.

Waste Picker Survey

Form A

1. Name

2. Age ___ **3. Caste** _____ **4. Religion** _____ **5. Sex** _____

6. Native Place _____ **7. District & State** _____

8. House address:

9. Telephone/Mobile Number: _____

10. Do you have any of the following? If yes please specify the number

- a. Voter registration card
- b. Ration card
- c. Aadhaar/UID registration
- d. PAN card
- e. Any other id?

11. Other family members in the same profession? _____

12. Details of other family members:

S no.	Name of Person	Relationship	Sex and Age		Current engagement (studying in/working as)

13. If you have children aged below 14 yrs, are they going to school? yes no

14. If your children are working, what work are they doing?

Waste Picking any other work? _____

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15. How many year have you been picking waste? _____

16. Where do you pick from?

door to door Landfill Road side bins Employed at apartment complexes
 collection at gate (commercial/residential complex)

others

17. Are you doing any other work apart from waste picking? yes no **If yes, what work?** _____