

**Fifteenth Kerala Legislative Assembly**

**Bill No. 187**

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**THE KERALA PANCHAYAT RAJ (AMENDMENT) BILL, 2024**

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[Translation in English of “2024-ലെ കേരള പഞ്ചായത്ത് രാജ് (ഭേദഗതി) ബിൽ” published under the authority of the Governor]

**THE KERALA PANCHAYAT RAJ (AMENDMENT)**

**BILL, 2024**

**A**

***BILL***

*further to amend the Kerala Panchayat Raj Act, 1994*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Panchayat Raj Act, 1994 of for the purposes hereinafter appearing;

BE it enacted in the Seventy - Fifth year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayat Raj ( Amendment) Act, 2024.

(2) It shall be deemed to have come into force on the 9<sup>th</sup> day of December, 2023.

2. *Amendment of section 189.*—In the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act), in sub-section (1) of section 189, after the words “welfare programmes” the words and symbol “waste management” shall be inserted.

3. *Amendment of heading of Chapter XX.*— In the heading of Chapter XX of the principal Act, the words ‘AND HEALTH’ shall be substituted by the words and symbol “, HEALTH AND WASTE MANAGEMENT”.

4. *Amendment of section 219.*— In section 219 of the principal Act,—

(i) for the marginal heading the following marginal heading shall be substituted, namely:—

*“Responsibilities of persons having control over places of public gathering .—”*

(ii) the existing provision shall be numbered as sub-section (1) thereof, and after sub-section (1) so numbered the following sub-section shall be inserted, namely:—

“(2) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the Village Panchayat, at least three working days in advance and such person or the organizer of such event shall ensure segregation of waste at source and handing over of the same to the waste collector or agency as specified by the Village Panchayat on such fees as may be fixed by the Village Panchayat:

Provided that such fees shall not be less than the actual rate of cost for the management of such waste and the same shall be paid in advance as directed by the Village Panchayat.

Explanation 1.— For the purpose of this section, section 189 and sections 219A to 219Y the words “*Waste management*” means the segregation, collection, transportation, storage, processing or disposal of waste, including solid waste.

Explanation 2.— The words and expressions used, but not defined, in this Act but defined in the Environment (Protection) Act, 1986(Central Act 29 of 1986) and the rules made thereunder, shall have the same meanings respectively assigned to them in the said Act and rules.”.

5. *Amendment of Section 219A.*— In section 219A of the Principal Act,

(i) for sub-sections (2), (3) and (4) the following sub-sections shall be substituted, namely:—

“(2) All the duties, responsibilities and functions of the Village Panchayat pertaining to waste management as provided in section 219 and sections 219A to 219Y, and the rules made under this Act, and in the Environment (Protection)

Act, 1986 (Central Act 29 of 1986) and the rules made thereunder shall vest with the Village Panchayat, and the Village Panchayat shall discharge its duties, responsibilities and functions through the Secretary.

(3) It shall be the responsibility of the Secretary to discharge the duties, responsibilities and functions of the Village Panchayat under sub-section (2), and the Secretary may by order in writing entrust the said duties to the officers and employees having the charge of waste management, public health, sanitation and engineering or any other officers or employees of the Village Panchayat, on the basis of streets or areas or the nature of work and ensure that such duties, responsibilities and functions are duly discharged by them.

(4) Every member shall keenly observe the activity of collection and removal of garbage and other waste from the area of the constituency he represents, and failure or negligence in this matter shall be brought to the notice of the Secretary, and if it is brought to the notice, the Secretary shall take necessary urgent remedial measures.”.

(ii) After the sub-sections so substituted, the following sub-sections shall be inserted, namey:—

“(5) Where the Secretary has failed to discharge the duty vested in him under sub-section (3) and consequently, arise environmental problems and pollution by the accumulation of any garbage and waste in any public place the Village Panchayat or the Government may take disciplinary action against the Secretary for dereliction of duty.

(6) The Secretary shall make adequate provision for preventing the depots, places, receptacles, dustbins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance that may cause reasons for environmental problems, pollution and public health problems.

(7) The Village Panchayat may, either by itself or through any person, agency, on contract basis or otherwise, make arrangements in whole or in part, for carrying out waste management activities under this Act or the rules made

there under or the Environment (Protection) Act, 1986 (Central Act 29 of 1986) or the rules made there under.

(8) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, if satisfied that it is necessary to do so in the public interest, make arrangements on contract basis or otherwise for the collection, transportation, disposal and processing of solid waste, rubbish, waste and such other materials from two or more Local Self-Government Institutions, either directly or through the agency authorised by the Government or undertake any project involving considerable expenditure for the collection, transportation, disposal and processing of solid waste, rubbish, waste and such other materials.

(9) Notwithstanding anything contained in this Act or any other law for the time being in force, for the purpose of carrying out the provisions of sub-section (8), the Government shall have the power to take over any land belonging to the Local Self-Government Institution, in which the project as specified in said sub-section is proposed to be implemented, by a notification published in the Official Gazette.”.

6. *Insertion of new sections after Section 219A.*—After section 219A of the principal Act, the following sections shall be inserted, namely:—

“ 219AA. *Village Panchayat to carry out directions of Government.*—(1) It shall be the responsibility of the Village Panchayat to carry out directions issued by the Government in pursuance of the solid waste management under this Act or the Environment (Protection) Act, 1986 (Central Act 29 of 1986) or the rules made thereunder.

(2) The President shall ensure that the agenda prepared in connection with the directions issued under sub-section (1) is placed before the Village Panchayat in its next meeting and the Village Panchayat shall take decision on such agenda.

(3) In cases where the Village Panchayat fails to take decision in accordance with the directions issued under sub-section(1) within one month of

the receipt of the same, it shall be deemed that permission for carrying out such directions has been approved or given by the Village Panchayat.

(4) The secretary shall immediately take steps to implement such decisions including the deemed approval under sub-section (3), and if there is any failure or default by the secretary or any other responsible officer in implementing such decision, the Government may initiate disciplinary action against the secretary or such officer, considering it as dereliction of duty.

(5) If the Village Panchayat, fails to comply with the directions of the Government under sub-section (1), the Government may, impose fine on the Village Panchayat without prejudice to any other actions that may be initiated against the Village Panchayat :

Provided that a reasonable opportunity of being heard shall be given to the Village Panchayat before imposing the said fine.

219AB. *Responsibilities of Secretary on waste management.*—(1) The secretary may initiate legal action against any person who contravenes the provisions of section 219 and sections 219A to 219Y and may compound offences which are compoundable under this Act or rules made thereunder.

(2) The Secretary shall have all the powers for effectively carrying out the responsibilities regarding the waste management under sub-section (1) and section 219 and sections 219A to 219Y or for any other law for the time being in force.

(3) The Secretary may, in exigencies after informing the President, expend an amount not exceeding two lakh rupees out of the Panchayat fund concerned, for discharging the functions vested with him under section 219 and sections 219A to 219Y or under any other law for the time being in force relating to waste management.

219AC. *Responsibility to handover segregated waste to the Village Panchayat or authorised agency.*—(1) It shall be the responsibility of every household, owners, occupiers of any premises, hotel, restaurant, industry, hospital

or any other establishment to hand over or deposit segregated waste in the designated location and pay the user fee to the Village Panchayat or authorized agency as directed by the secretary through public notice.

(2) The Secretary may impose a fine which shall not be less than one thousand rupees but not exceeding ten thousand rupees on any person who contravenes the provisions under sub-section (1).

219AD. *Provisions relating to user fee.*— (1) Each Village Panchayat shall fix a user fee, to meet the whole or part of the cost for providing services in connection with segregation, collection, transportation, storage, processing and disposal of waste on every waste generator and collect the same in the manner as may be specified by the Village Panchayat:

Provided that if the Government has fixed the rate for user fee, the Village Panchayat shall not fix a rate less than the rate fixed by the Government.

(2) Each waste generator shall pay the user fee to the Village Panchayat or to any authorised agency before the last date of every month or within such period as may be decided by the Village Panchayat.

(3) If any waste generator fails to pay the user fee as provided under sub-section(2), it shall be recovered, together with fine at the rate of fifty percent per month:

Provided that such fine shall be recovered only where such user fee has not been remitted even after the expiry of ninety days from the specified date.

(4) The user fee together with fine shall be recovered as arrears of public revenue as specified in section 210.

(5) The Secretary, without prejudice to any other actions that may be taken against the defaulter of the user fee, may refuse to provide any service from the Village Panchayat to such defaulter until the user fee is paid.

(6) The Government or in accordance with the guidelines as may be issued by the Government from time to time, the Village Panchayat may, exempt any



waste generator or class of waste generators or owners or occupiers of any unoccupied or vacant buildings, from the payment of user fee in whole or in part.”.

7. *Substitution of new section for section 219B.*— For section 219B of the principal Act, the following section shall be substituted, namely:—

“219B. *Duties of waste generators for storage and deposit of solid waste.*— (1) It shall be the duty of each waste generator to provide separate bins or receptacles of the size and colour as may be prescribed in the rules or bye laws or as may be specified by the Secretary for the purpose of storage of biodegradable, non-biodegradable and domestic hazardous waste.

(2) Such bins or receptacles shall always be kept in good condition and shall be provided in such numbers and at such places as the Secretary may, from time to time, direct by public notice.

(3) Each waste generator shall segregate and deposit the waste as specified in the rules or bye laws, for easy collection and disposal of such waste by the employees or contractors engaged by the Village Panchayat.

(4) The Secretary may impose a fine which shall not be less than one thousand rupees but not exceeding ten thousand rupees on any person who contravenes the provisions under sub-section (3).”.

8. *Amendment of section 219C.*— In section 219C of the principal Act, —

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Contract with waste generator or owner or occupier for the removal of waste”;

(ii) in the existing provision, for the words “the owner or occupier of any premises to remove rubbish or filth”, the words “waste generator or owner or occupier of any premises for the removal of waste” shall be substituted.

9. *Substitution of new section for section 219D.*— For section 219D of the principal Act, the following section shall be substituted, namely: —

“219D. *Door to door collection of waste.*—(1) Each Village Panchayat in the Village Panchayat area, shall arrange door to door collection of segregated waste from all households, settlements, commercial institutions and other non-residential premises and in the case of multi-storied buildings, large commercial complexes, malls, housing complexes, etc. from the entry gate or any other location as may be specified by the Secretary through public notice.

(2) Segregated waste collected as per sub-section (1) shall not be transported or brought for treatment or disposal unless it is properly covered.”.

10. *Amendment of section 219F.*—In section 219F of the principal Act.—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) A Village Panchayat that does not have a solid, liquid, sewage or fecal sludge treatment plant but possess vacant land within or outside the Village Panchayat area shall undertake projects for the setting up of such plants or facilities on the said land on top priority.”.

(ii) after sub-section (1) so substituted, the following sub-sections shall be inserted, namely:—

“(1a) Each Village Panchayat shall identify suitable private land within or outside the Panchayat area for the purpose of waste management, if necessary, acquire the land under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or by land relinquishment or on lease or through private purchase.

(1b) The land acquired by the Village Panchayat under sub-section (1a) shall not be used for any other purpose without the prior sanction of the Government.

(1c) Each Village Panchayat shall give priority to utilise its own vacant land or land vested in it for waste management activities where the land is available for the same.

(1d) The Village Panchayat shall take all possible steps to resume waste management activities on the land, which was previously utilized for such activities but remains unused due to various reasons:

Provided that such land shall not be diverted or utilized for any other purposes or activities without prior sanction of the Government.”.

(iii) in sub-section (2), for the words, symbol, bracket and figure “notifying the land under sub-section (1)”, the words, symbol, bracket, figure and letter “identifying the land under sub-section (1a)” shall be substituted.

11. *Insertion of new sections after section 219F.*—After section 219F of the principal Act, the following sections shall be inserted, namely:—

“219FA. *Setting up of joint waste management projects.*—The Village Panchayat may, if it so decides or if so required by the Government, set up joint waste management projects with any other local self Government institution on such terms and conditions, as may be agreed by such Local Self Government Institutions, subject to the guidelines as may be issued by the Government in this regard.

219 FB. *Village Panchayat to make arrangements for conducting regular inspection and monitoring.*— It shall be the responsibility of the Village Panchayat to make arrangements for conducting regular inspections and monitoring of waste management activities and projects in the Village Panchayat to ensure that it is being operated or implemented in compliance with the required standards and in accordance with the relevant laws.

219 FC. *Responsibilities of individuals and rewards for reporting offences.* —(1) Any person may report before the Secretary regarding any violation of the provisions of section 219 and sections 219A to 219Y or any offence relating to waste management, including littering, dumping or throwing waste into public places and water bodies.

(2) Subject to the guidelines as may be issued by the Government, from time to time, the Village Panchayat may give rewards to persons who report violations and offences under sub-section (1).

(3) Any person who maliciously or intentionally makes false report under sub-section (1) to harm or cause loss to another person shall, on conviction, be punished with fine which may extend to ten thousand rupees.

219 FD. *Beneficial Provisions for residents near to waste treatment centres.*— (1) The Village Panchayat may, subject to the rules or guidelines as may be made or issued by the Government, provide incentives, including but not limited to tax exemptions or relaxations or welfare schemes to residents in the immediate vicinity of centralised waste treatment centres or disposal sites.

(2) The Village Panchayat may establish convenient and beneficial facilities such as parks, playgrounds, recycling facilities, swap shops and physical training facilities, for the well-being and recreational opportunities of residents in the vicinity of centralised waste treatment centres or disposal sites.”.

12. *Substitution of new section for section 219 I.*— For section 219 I of the principal Act, the following section shall be substituted, namely:—

“219 I. *Responsibility to keep premises of shops and commercial establishments clean.*— (1) It shall be the responsibility of the owner or occupier of each shop and commercial establishment to keep its premises clean and not to throw, litter, deposit or burn any waste on its premises or allow customers to throw, litter, deposit or burn any waste on its premises.

(2) The Secretary or an officer specially authorised by the Secretary may, on being satisfied that any person has violated the provisions in sub-section (1), impose a fine which may extend to five thousand rupees on such person on the basis of extent, gravity and nature of the said violation.

(3) The fine imposed under sub-section (2) shall be remitted within fifteen days from the date of its imposition and in default of such payment, the Secretary shall initiate prosecution proceedings without prejudice to any other actions that may be taken against him.

Explanation:—For the purpose of this section, the words ‘shops’ and ‘commercial establishment’ shall have the same meanings respectively assigned to them in the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960).”.

13. *Substitution of new section for section 219K.*—For section 219K of the principal Act, the following section shall be substituted, namely:—

“219K. *Prohibition on draining of used water into public places or water bodies.*— (1) No person shall drain or allow to drain waste water from any sink, drain, stable, hotel, restaurant, household, industry, hospital or other establishment into any public drain, road, street or public place or water body or water course or allow or cause to drain such used water out of such premises.

(2) The Secretary may impose a fine which shall not be less than five thousand rupees but not exceeding fifty thousand rupees on any person who contravenes the provisions under sub-section (1).

(3) The Secretary may, by notice, direct the owner or occupier of such premises to close or shut or remove any pipe or tube or other means by which used water is allowed to flow into any public road, drain or street or any other public place or water bodies.

(4) Any person who has been given a direction under sub-section (3) shall comply with such directions within a period of seven days of its receipt and if he fails to comply with such directions, the Secretary shall, without prejudice to the actions that may be taken under sub-section (2), close, shut or removed such pipe, tube or other means and shall recover the actual expenditure incurred for such removal from him.”.

14. *Substitution of new section for section 219 N.*— For section 219N of the principal Act, the following section shall be substituted, namely:—

“219N. *Prohibition of throwing waste into public places or private places.*— (1) No person shall throw, litter, deposit, burn or bury any waste on any street, drain or public place that is not intended for such use or caused such acts to be done.

(2) No person shall throw, litter, deposit, burn or bury any waste in any private places or caused to do such acts, otherwise as prescribed or in accordance with the directions issued by the Secretary.

(3) The Secretary or an officer specially authorised by the Secretary for the purpose may, on being satisfied that any person who has violated the provisions in sub-sections (1) or (2), impose, a fine which may extend to five thousand rupees on such person on the spot on the basis of extent, gravity and nature of the said violation.

(4) The fine imposed under sub-section (3) shall be remitted within fifteen days from the date of such imposition, and in default of such payment, the Secretary shall initiate prosecution proceedings without prejudice to any other action which may be taken against him.”.

15. *Substitution of new section for section 219S.*— For section 219S of the principal Act, the following section shall be substituted, namely:—

“219S. *Prohibition of depositing of waste or rubbish or excreta in water bodies and water sources.*—(1) No person shall throw or deposit waste, rubbish or excreta in a water course, water body or water source or allow or cause to flow water from any latrine or allow waste water to flow in to it, or pollute the water in any other way, or engage, depute, compel, or instigate any person to do such activity.

(2) An offence under sub-section (1) shall be cognizable and non-bailable.

(3) Whoever commits an offence referred to in sub-section (1), shall, on conviction, be punishable with fine which shall not be less than ten thousand rupees but not exceeding fifty thousand rupees and with imprisonment for a term which shall not be less than six months but not exceeding one year.”.

16. *Amendment of Section 219 T.*— In section 219T of the principal Act, for the words, figure and letter “ if not falling under the purview of section 219S”, the words, figures and letters “for which no punishment is provided elsewhere in section 219 and sections 219A to 219Y” shall be substituted.

17. *Substitution of new section for section 219U.*— For section 219U of the principal Act, the following section shall be substituted, namely:—

“219U. *Seizure and confiscation of the vehicle used for carrying waste or excreta.*— (1) The Secretary or an officer of the Village Panchayat authorised by the Secretary in this behalf or a Police Officer not below the rank of Sub-Inspector shall, seize a vehicle or vessel carrying waste or excreta through public place or public road with the intention or preparation to commit an offence under section 219 and sections 219A to 219Y or having reasonable cause to suspect that the vehicle or vessel is on its return after being used for such offence, and shall produce before the Sub Divisional Magistrate having jurisdiction.

(2) After conducting an inquiry, if the Sub Divisional Magistrate is satisfied that there is reasonable ground to believe that the vehicle or vessel has been used for committing any offence under section 219 and sections 219A to 219Y, the vehicle or vessel so seized may be confiscated, and in any other case, it shall be released.

(3) No order confiscating any vehicle or vessel shall be made under this section unless the owner of such vehicle or vessel or the person from whom it is seized,—

(i) is given a notice in writing informing him, the grounds on which the vehicle or vessel is to be confiscated ; and

(ii) is given an opportunity of being heard against the ground of confiscation within such reasonable time as may be specified in the notice.

(4) In cases where the vehicle or vessel seized contains waste, rubbish or excreta, the person seizing the vehicle or vessel, if he is not the Secretary, shall immediately inform the Secretary of such seizure, and the Secretary shall, without prejudice to any actions that may be taken under section 219 and sections 219A to 219Y, dispose of such waste, rubbish or excreta at the expense of the owner of the vehicle or vessel, and the Secretary shall recover the cost of such disposal together with a fine not exceeding five thousand rupees from the owner.

(5) Where the vehicle is confiscated, it shall be auctioned and the amount so received be credited to the Waste Management Fund.”.

18. *Substitution of new section for section 219X* .—For section 219X of the principal Act, the following section shall be substituted, namely:—

“219X. *Constitution of waste management fund*.—(1) Each Village Panchayat shall constitute a fund, by name, " Waste Management Fund”, and it shall be managed in accordance with the rules made or guidelines issued by the Government.

(2) The following shall be credited to the Waste Management Fund, namely:—

(a) amounts recovered as fine or penalty in connection with the violation of waste management;

(b) contributions from Corporate Social Responsibility (CSR) funds received for the purpose of waste management;

(c) sponsorship amounts or any other contributions received for this purpose.

(d) any other amount as specified by the Government.

(3) The Fund shall be utilised for the following purposes,—

(a) all waste management activities, including but not limited to segregation, collection, transportation, management, processing, disposal of waste etc.;

(b) purchase and installation of equipments necessary for effective waste management;

(c) training and capacity development programmes to enhance the skills and knowledge of employees engaged in waste management;

(d) any other activities related to waste management as approved by the Government.



19. *Insertion of new section after section 219X.*— After section 219X of the principal Act, the following section shall be inserted, namely:—

“219Y. *Provisions regarding imposition of fine.*— (1) No fine under section 219 and sections 219A to 219X, except penalty specified in sections 219 I and 219N, shall be imposed by the Secretary unless the person concerned,—

(i) is given a notice in writing informing him of the grounds on which the fine is to be imposed; and

(ii) is given an opportunity of being heard within such reasonable time as may be specified in the notice.

(2) While fixing the fine under sub-section (1), the Secretary shall consider the size or quantity of the waste involved, the category, size and location of the household, hotel, industry or other establishment, and any rules or guidelines as may be made or issued by the Government in this behalf.

(3) Any fine imposed under section 219 and sections 219A to 219 W shall be recovered as arrears of public revenue as specified in section 210.”.

20. *Amendment of section 254.*—In section 254 of the principal Act, in sub-section (2) after clause (xxi) the following clauses shall be inserted.—

“(xxia) matters relating to waste management as specified in section 219 and sections 219A to 219Y of the Act; and

(xxib) matters relating to construction-demolition waste, e-waste, sanitary waste, domestic hazardous waste, plastic waste and liquid waste subject to the Environment (Protection) Act, 1986(Central Act 29 of 1986)and the rules made thereunder.”.

21. *Amendment of section 255.*—In section 255 of the principal Act, for the words “one thousand rupees” the words “ten thousand rupees” and for the words “fifty rupees” the words “two hundred rupees” shall be substituted.

22. *Amendment of section 256.*—In section 256 of the principal Act,— in clause (2), for the words “five hundred rupees” the words “ten thousand rupees” and for the words “fifty rupees” the words “two hundred rupees” shall be substituted.

23. *Amendment of section 276.*—In section 276 of the principal Act,—

(i) in subsection (1), before the figures and letter “235 I” the following figures, letters and symbols “219AC, 219B, 219 I, 219K, 219N,” shall be inserted;

(ii) in subsection (4), before the figures and letter “235 I” the following figures, letters and symbols “219AC, 219B, 219I, 219K, 219N,” shall be inserted.

24. *Amendment of Sixth Schedule.*— In the Sixth Schedule of the principal Act, after the entry “209 C” the following entries shall be inserted in column (1), (3) and (4) respectively, namely:—

" 219 I	- Responsibility to keep the premises of shops and commercial establishments clean	Rupees ten thousand
219M	- Using any uncovered vehicle for removing rubbish	Rupees five thousand
219N	- Throwing rubbish in public place	Rupees ten thousand.”.

25. *Repeal and saving.*—(1) The Kerala Panchayat Raj (Amendment) Ordinance, 2023 (4 of 2023) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court in various cases observed that for the proper compliance of the Solid Waste Management Rules, 2016, it is important for the citizens to be aware of their duties with respect to waste management. With the object of making the whole State as waste free by the month of March 2024, and in the backdrop of "Malinyamuktam Nava Keralam Campaign", for making periodical changes in the provisions relating to waste management in the Kerala Panchayat Raj Act, 1994 incorporating penal provisions for those who violates the same, the Government have decided to make suitable amendments in the said Act.

Though a bill, The Kerala Panchayat Raj (Amendment) Bill, was published as Bill No. 175 of the Fifteenth Kerala Legislative Assembly, 2023 to bring an Act of the State Legislature on this subject the same could not be introduced in, and passed by, the Legislative Assembly.

As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Panchayat Raj (Amendment) Ordinance, 2023 (4 of 2023) was promulgated by the Governor of Kerala on the 7<sup>th</sup> day of December, 2023 and the same was published in the Kerala Gazette Extraordinary No. 4008 dated 9<sup>th</sup> day of December 2023.

The Bill seeks to replace the Ordinance No. 4 of 2023 by an Act of the State Legislature.

## FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

1. clause 5 of the bill proposed to be inserted in the principal Act empower the Government to take over any land belonging to the Local Self Government Institution for the implementation of projects for waste management activities.

2. clause 6 of the bill proposed to be inserted in the principal Act,—

(i) in sub-section (1) of section 219AA, to issue directions relating to solid waste management .

(ii) in sub-section (6) of section 219AD , to issue guidelines to exempt any waste generator or class of waste generators or owners or occupiers of any unoccupied or vacant buildings, from the payment of user fee.

3. Section 219 B proposed to be inserted in the principal Act by clause 7 of the Bill empowers the Government,—

(i) in sub-section (1) to prescribe by rules or bye laws for incorporating provisions relating to storage of biodegradable, non-biodegradable, and domestic hazardous waste.

(ii) in sub-section (3) to specify by rules or bye laws for incorporating provisions relating to the segregation and deposit of the waste for the purpose of collection and disposal of waste .

4. By Clause 11 of the Bill proposed to be inserted in the principal Act empowers the Government,—

(i) in section 219FA to issue guidelines for the setting up of Joint Waste Management Projects.

(ii) in sub-section (2) of section 219FC to issue guidelines to provide rewards to persons who report violations and offences relating to waste management.

(iii) in sub-section (1) of section 219FD to make rules or issue guidelines for providing beneficial provisions for residents near Centralized waste Management Centres or disposal sites.

5. Sub-section (2) of section 219N proposed to be inserted in the principal Act by clause 14 of the bill seeks to empower the Government to prescribe rules for the prohibition of throwing waste into private places.

6. Sub-section(1) of section 219X proposed to be inserted in the principal Act by clause 18 of the bill seeks to empower the Government to make rules or issue guidelines for handling the waste management fund .

7. Sub-section (2) of section 219X proposed to be inserted in the principal Act by clause 19 of the Bill seeks to empower the Government to make rules or bye laws for incorporating provisions to consider the size , category etc. of the waste and institutions involved in cases while fixing fine for the dumping of waste.

The matters in respect of which rules may be made or notifications or orders may be issued are matters of procedure and are of routine or administrative in nature. Further, the rules, are subject to scrutiny by the Legislative Assembly. The delegation of legislative powers is, thus, of a normal character.

M. B. RAJESH.

## NOTES ON CLAUSES

*Clause 2.*—This clause seeks to amend section 189 of the principal Act which gives power to Government to issue directions to Panchayat in certain cases also by incorporating the provision of waste management.

*Clause 3.*— This clause seeks to amend the heading of CHAPTER XX.

*Clause 4.*— This clause seeks to amend sub-section (2) of section 219 of the principal Act for incorporating provisions relating to waste management while organising programmes in unlicensed places .

*Clause 5.*— This clause seeks to amend section 219A of the principal Act relating to the arrangement to be made by the Panchayat for the removal of rubbish, solid wastes and filth.

*Clause 6.*— This clause seeks to insert new sections after section 219A of the principal Act by incorporating provisions for the Village Panchayat to carry out Government directions, responsibilities of the Secretary on waste management, responsibility to handover segregated waste to the Village panchayat or authorised agency and provisions relating to user fee.

*Clause 7.*—This clause seeks to insert new section for section 219B of the principal Act providing for duty of waste generator for storage and deposit of solid waste.

*Clause 8.*— This clause seeks to amend section 219C of the principal Act providing for entering into contract with waste generator or owner or occupier of any premises for the removal of waste.

*Clause 9.*— This clause seeks to insert new section for section 219D of the principal Act providing for door to door collection of waste.

*Clause 10.*—This clause seeks to amend section 219 F of the principal Act for incorporating provisions relating to waste management.

Clause 11.— This clause seeks to insert new sections after section 219F of the principal Act for incorporating the provisions for establishment of joint waste management projects.

Clause 12.—This clause seeks to insert new section for section 219I of the principal Act for incorporating provisions relating to the responsibility to keep the premises of shops and commercial establishments clean.

Clause 13.— This clause seeks to insert new section for section 219K of the principal Act for incorporating provisions relating to prohibition of draining of used water into public places or water bodies.

Clause 14.—This clause seeks to insert new section for section 219N of the principal Act for incorporating provisions relating to prohibition of throwing waste into public places or private places.

Clause 15.—This clause seeks to insert new section for section 219S for incorporating provisions relating to prohibition of depositing waste or rubbish or excreta in water bodies and water sources.

Clause 16.— This clause seeks to amend section 219T of the principal Act relating to punishment for depositing or throwing any rubbish or solid waste.

Clause 17.—This clause seeks to insert new section for section 219U of the principal Act for incorporating provisions relating to seizure and confiscation of the vehicles used for carrying waste or excreta.

Clause 18.—This clause seeks to insert new section for section 219X of the principal Act for incorporating provisions relating to constitution of waste management fund.

Clause 19.—This clause seeks to insert new section after section 219X of the principal Act incorporating the procedure to be complied while imposing fine.

*Clause 20.*—This clause seeks to amend section 254 of the principal Act for the matters relating to rule making .

*Clause 21.*— This clause seeks to amend section 255 of the principal Act relating to penalty for breach of rules.

*Clause 22 .*—This clause seeks to amend section 256 of the principal Act for providing penalty for breach of bye-laws .

*Clause 23.* —This clause seeks to amend section 276 of the principal Act relating to appeal and revision

*Clause 24.*—This clause seeks to amend Sixth Schedule of the principal Act.

*Clause 25*— This clause seeks to provide for Repeal and saving.





219 A. *Village Panchayat to arrange for the removal of rubbish, solid wastes and filth.*—(1) Every Village Panchayat shall make adequate arrangements for –

(a) the regular sweeping and cleaning of the roads and removal of sweepings therefrom;

(b) the daily removal of the filth and the carcasses of animals from private premises;

(c) removal and burial of unclaimed dead bodies under intimation to the police;

(d) the removal of solid wastes;

(e) the daily removal of rubbish from dustbins and private premises and with this object, it shall provide –

(i) depots, receptacles and places for the deposit of filth, rubbish and the carcasses of animals;

(ii) covered vehicles and vessels for the removal of filth;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish; and

(iv) dust bins, receptacles and places for the temporary deposit of domestic waste, dust, ashes, refuse, offensive matter, trade refuse, institutional refuse, carcasses of animals.

(2) The Secretary shall make adequate provision for preventing the depots, places, receptacles, dust bins, vehicles and vessels referred to in sub- section (1) from becoming sources of nuisance.

(3) A Village Panchayat may contract out any part or the whole process of collection and disposal of solid waste from the public or private premises.

(4) Notwithstanding anything contained in this Act or any other law for the time being force, the Government may, if satisfied that it is necessary to do so

in the public interest, make arrangements on contract basis or otherwise for the collection, transportation, disposal and processing of solid waste, rubbish, filth and such other materials from two or more Local Self Government Institutions either directly or through the agency authorized by the Government or undertake any project, for the collection, transportation, disposal and processing of solid waste, rubbish, filth and such other materials, involving considerable expenditure.

219B. *Duty of owners and occupiers for collection and deposit of rubbish and solid waste.*— (1) It shall be the duty of the owners of all premises to provide receptacle of the size specified by the Secretary for the purpose of collection of domestic waste, trade waste, institutional waste, dust, ashes, refuse and decayed matters generated from such premises.

(2) Such receptacles shall, at all times, be kept in good condition and shall be provided in such number and at such places as the Secretary may, from time to time by written notice direct.

(3) The Secretary may, by public notice direct the owners or occupiers of all premises to segregate the waste generated from such premises for easy management and disposal of such waste by the employees or contractors engaged by the Village Panchayat.

(4) It shall be incumbent on the owners and occupiers of all premises to cause all domestic waste, trade waste, institutional waste, dusts, ashes, refuse, rubbish etc. to be collected from their respective premises and to be deposited in the public receptacle depot or place provided for the temporary deposit of wastes at such time as the Secretary may, by public notice from time to time, specify or hand over the waste to the persons engaged or identified by the Village Panchayat for the purpose.

219C. *Contract with owner or occupier for removal of rubbish or filth.*—The Secretary may enter into contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms and

conditions as is deemed expedient to the Secretary and on payment of fees at such rates as the Village Panchayat determines from time to time.

219D. *Introduction of house-to-house collection of rubbish.*—(1) The Secretary may, with the sanction of the Village Panchayat introduce in the Village Panchayat area or part thereof house to house collection of rubbish and other offensive matter for which he may publish from time to time an order specifying the hours within which the occupier of any house or premises or land may place rubbish or offensive matter adjacent to his house, premises or land as may be specified by the Secretary, in a proper receptacle provided by the Village Panchayat or in a receptacle of the size and type as may be specified by the Secretary in the order that such rubbish or offensive matter may be removed by the employees of the Village Panchayat or by the contractors who may be engaged by the Village Panchayat for this purpose.

(2) No person shall place rubbish or offensive matter on a public street at the time other than the time specified by the Secretary and except in the receptacle provided or specified under sub-section (1).

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219 F. *Provision for the final disposal of solid waste.*—(1) Every Village Panchayat shall identify and notify suitable places within or outside the Village Panchayat area for the purpose of final disposal of waste.

(2) While notifying the land under sub-section (1) health and environmental aspects shall be taken into consideration by the Village Panchayat.

(3) Every Village Panchayat may make adequate arrangements for the utilisation of solid wastes for the preparation of compost and disposal of it by sale.

(4) Where composting of waste is not found possible or practicable sanitary landfill methods shall be adopted for the disposal of waste at the landfill sites in the manner specified by the Village Panchayat.

(5) Incineration of waste may be resorted to by the Village Panchayat for the disposal of infectious waste rejected from the hospitals, nursing homes or health care centres and non-industrial hazardous waste as specified by the Village Panchayat from time to time.

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219 I. *Prohibition of improper disposal of carcasses, rubbish and filth.*— (1) No person shall after due provision has been made under section 219A by the Village Panchayat for the deposit and removal of rubbish, solid waste, carcasses or filth, deposit the same,

(a) in any street or on a verandah of any building or any unoccupied ground along the side of any road or an any public quay, jetty or landing place or on the bank of a water course or pond; or

(b) in any dust bin or vehicle not intended for the removal of the same;  
or

(c) in any vehicle or vessel intended for such removal except to ameliorate or to prevent the spreading of bad smell.

(2) Without prejudice to the generality of the provisions in sub-section (1) no person shall deposit or cause to be deposited any building rubbish on any streets or on any public or private land without the previous permission of Village Panchayat:

Provided that, no permission shall be granted without paying the fee as determined by the Village Panchayat:

Provided further that, the secretary may, for reasons to be recorded in writing refuse to give such permission.

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219U. *Seizure and confiscation of vehicle used for carrying filth or excreta.*— (1) The Secretary of the Panchayat or an officer of the Panchayat authorized by the Secretary in this behalf or a police officer not below the rank of Sub-Inspector shall, seize a vehicle carrying filth or excreta through public place or public road with the intention or preparation to commit an offence under section 219S or having reasonable cause to suspect that the vehicle is on its return after being used for such deposit, and shall after following such procedures as may be prescribed produce before the Sub-Divisional Magistrate having jurisdiction.

(2) After conducting such inquiry and following such procedures as may be prescribed, the vehicle so seized may be released or confiscated, as the case may be.

(3) Where the vehicle is confiscated, it shall be auctioned and the amount be credited to the Panchayat fund.

219X. *Constitution of Waste Disposal Fund.*—The Village Panchayat shall constitute a special fund, by name ‘The Waste Disposal Fund’ for the purposes of disposal of waste especially for the processing of plastic waste, originated within the Village Panchayat area, and,—

(a) the additional fee realised as per clause (b) of sub-section (1) of section 219W;

(b) the fine amount recovered in the cases relating to waste disposal; and

(c) the amounts that may be granted by the Government or given by other agencies or persons in this behalf;

shall be credited to the Fund and the same shall be managed in the manner as may be prescribed.”.

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(4) An appeal on the notice, order or action of the Secretary under Sections 235I, 235J, 235N, 235W and 235X shall be filed before the Tribunal constituted for Local Self Government Institutions under Section 271 S, and it may on an application by an order, stay the operation of the said notice, order or action taken pending disposal of the appeal.

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### SIXTH SCHEDULE

[See sub-section (1) of section 257]

#### PENALTIES

Section	Sub-Section or clause	Subject	Fine which maybe imposed
(1)	(2)	(3)	(4)
205	B	The occupier or the owner/making default in submitting the list of persons engaged in any profession art etc.	One thousand rupees.
**	**	**	**
209	C(2)	Exhibition of any advertisement without permission	Five hundred rupees.
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