

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 6 of 2024

**A BILL FURTHER TO AMEND THE TAMIL NADU
PANCHAYATS ACT, 1994.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Fourth Amendment) Act, 2024.

(2) It shall come into on such date as the State Government may, by notification, appoint.

Insertion of new section 144-A.

2. After section 144 of the Tamil Nadu Panchayats Act 1994, the following section shall be inserted, namely:—

Tamil Nadu
Act 21 of 1994.

“144-A. Management of faecal sludge and septage.— (1) No person shall collect, transport or dispose faecal sludge or septage from any building, whether used for residential or commercial or institutional purposes, within the panchayat limits, without a valid licence granted under the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999):

Provided that no such licence is necessary for the collection, transportation and disposal of faecal sludge or septage by any local authority or statutory board of the Government.

(2) The owner or occupier, as the case may be, of a building or part thereof located within the panchayat limits shall,—

(a) ensure construction of the septic tank or such on-site sanitation system conforming to the requirements of the National Building Code, 2016;

(b) conduct regular desludging as per the design and operations requirement of the septic tank or the on-site sanitation system as per the National Building Code, 2016;

(c) ensure that no person other than a licensee is engaged or caused to be engaged for the collection, transportation or disposal of faecal sludge and septage from his building;

(d) ensure that no person is engaged or employed, either directly or indirectly for hazardous cleaning of a septic tank or on-site sanitation system, as prohibited in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Central Act 25 of 2013).

(3) Every licensee shall,—

(a) follow the terms and conditions of the licence in accordance with the provisions of section 179-D of the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999) and the rules made thereunder, subject to the time, route and decantation place, as may be notified by the Inspector under sub-section (4);

(b) pay decantation fee not exceeding five hundred rupees per trip, as may be prescribed, for usage of the disposal facility or the decantation place;

(c) maintain a log book in the prescribed format for recording of each trip undertaken for collection, transportation and disposal of faecal sludge and septage and submit it to the Inspector before the 10th day of every quarter in a year;

(4) (a) The Inspector shall notify in the District Gazette or upload in the website or portal,—

(i) the place, time and route for decanting the faecal sludge or septage;

(ii) the updated list of licensees; and

(iii) a mechanism for filing complaints or reporting violations against the licensees.

(b) In the event of receipt of information of spillage of septage, the executive authority shall immediately direct the licensee or the person in-charge of the specified vehicle to take action to contain the septage, minimise the environmental impact and remove all septage immediately from the site of spillage.

(c) The District Level Monitoring Committee consisting of such officers, as may be prescribed, shall monitor the movement of the specified vehicles within the panchayat limits by means such as inspection or Global Positioning System fitted in the specified vehicles, to prevent disposal of faecal sludge and septage in places other than those identified for decanting.

(5) If any person contravenes or fails to comply with this section shall be punishable for the first offence with fine, which may extend to twenty five thousand rupees and for the second or any subsequent offences with fine, which may extend to fifty thousand rupees.

(6) (a) The District Level Monitoring Committee may request the licensing authority to suspend the licence, if the licensee commits breach of any of the terms and conditions of licence or any of the provisions of this section.

(b) The District Level Monitoring Committee may request the licensing authority to cancel the licence, if the licensee is imposed with penalty for the second offence under this section.

(7) (a) Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this section is believed to have been or is being committed, any officer, not lower in rank than that of a Block Development Officer (Village Panchayats), may seize any vehicle or other articles including motor, pump, tube, tool or equipment used for the commission of such offence and shall without unreasonable delay, produce the same before the Assistant Director (Panchayats).

(b) Where any such vehicle or other article is produced before the Assistant Director (Panchayats) and if he is satisfied that an offence under this section has been committed, the Assistant Director (Panchayats) may, whether or not prosecution is instituted for such offence, he may, without prejudice to any other penalty to which the offender is liable under this section, order confiscation of the vehicle or the articles so seized:

Provided that before passing an order of confiscation, the owner or the person from whom such vehicle or article is seized, shall be given—

(i) notice in writing informing him of the grounds on which it is proposed to confiscate; and

(ii) an opportunity of making a representation in writing and an opportunity of being heard in the matter.

(c) Where the Assistant Director (Panchayats), after passing an order of confiscation under clause (b), is of the opinion that it is expedient in the public interest to do so, he may order the confiscated vehicle or the articles, to be sold by public auction.

(d) Where any confiscated property is sold under clause (c), and where the order of confiscation made under clause (b) is set aside or annulled by an order under sub-section (8), the proceeds of such sale, after deduction of the expenses of, or incidental to such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

(8) (a) Any person aggrieved by an order made under sub-section (7) may appeal to the Inspector within thirty days in such manner as may be prescribed;

(b) In deciding the appeal, the Inspector shall follow such procedure, as may be prescribed and the decision of the Inspector on such appeal shall be final.

Explanation.— For the purpose of this section, the terms “disposal facility”, “licensing authority”, “faecal sludge”, “licensee”, “septage” and “specified vehicle” shall have the same meaning assigned to them in section 179-A of the Tamil Nadu Urban Local Bodies Act, 1998 (*Tamil Nadu Act 9 of 1999*).”.

STATEMENT OF OBJECTS AND REASONS.

Indiscriminate disposal of faecal sludge and septage in open environment and water bodies poses a great danger to the environment. Therefore, it is imperative to regulate the operation and movement of the lorries, trailers or any other vehicles used for decanting of septic tanks and transportation of faecal sludge and septage to ensure safe disposal of the faecal sludge and septage in Village Panchayat areas.

2. Accordingly, the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) suitably for the aforesaid purpose.

3. The Bill seeks to give effect to the above decision.

I. PERIYASAMY,
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 144-A proposed to be inserted by clause 2 of the Bill authorise the Government to make rules for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

I. PERIYASAMY,
Minister for Rural Development.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.