

Thirteenth Kerala Legislative Assembly  
Bill No. 121

---

---

**THE KERALA PANCHAYAT RAJ (THIRD AMENDMENT)  
BILL, 2012**

---

---

©  
Kerala Legislature Secretariat  
2012

**Thirteenth Kerala Legislative Assembly**  
**Bill No. 121**

**THE KERALA PANCHAYAT RAJ (THIRD AMENDMENT) BILL, 2012**

**Thirteenth Kerala Legislative Assembly**

**Bill No. 121**

[Translation in English of “2012-ലെ കേരള പഞ്ചായത്ത് രാജ് (മൂന്നാം ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA PANCHAYAT RAJ (THIRD AMENDMENT) BILL, 2012**

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 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayat Raj (Third Amendment) Act, 2012.

(2) It shall come into force at once.

2. *Insertion of new sections after section 219U.*—In the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act), after section 219U, the following sections shall be inserted, namely:—

“219V. *Management of waste at source.*—(1) Notwithstanding anything contained in sections 219A to 219U of this Act, the owner or the person having the lawful management or control of trade centres, hospitals, markets, slaughterhouses, chicken stalls, marriage halls, flats, houses having more than three storeys and such other establishments as may be notified by the Village Panchayat, shall,—

(a) keep the waste originated in such buildings, establishment or places, segregated as biodegradable and non-biodegradable waste at the source itself, in the manner as may be prescribed and as provided in the bye-laws of the Village Panchayat and arrange sufficient facilities in this behalf ;

(b) process and dispose of in proper manner the biodegradable waste segregated as per clause (a) at source or with the written permission of the Secretary, at the neighbouring place under the ownership of such person, in accordance with the provisions of the Environment Protection Act, 1986 (Central Act 29 of 1986) and the Rules made thereunder and without pollution to water, air and sound and if there is shortage of space for this purpose, in order to

1010/2012.

ensure the processing of such waste through the Village Panchayat, pay such fees, as may be prescribed, based on the quantity and nature of waste, to the Village Panchayat ;

(c) in order to manage the non-biodegradable waste segregated under clause (a), enter into agreement with the person, or with the establishment which, produces or distributes the goods which causes such wastes, to take back the wastes relating to such goods and on the other hand to remit the fees to the Village Panchayat for such period, in such manner and at such rates, as may be prescribed ; and

(d) process the waste water originated in such buildings or establishments or places scientifically at its source and shall not allow the waste water to flow into a water body, drainage or public way or public place.

(2) The buildings, establishments and places specified in sub-section (1) shall have the facilities for processing the waste as stated in the said sub-section at the time of construction itself and no permit or license shall be granted by the Village Panchayat in respect of those which does not have such facilities and in the case of such existing buildings, establishments and places, the Secretary may allow a period not exceeding one year for making such facilities or for curing the defects in such facilities and the license or permit in respect of those institutions which do not make adequate facilities may be cancelled after giving the party concerned an opportunity of being heard.

(3) Whoever violates any of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees or with both.

(4) Any person convicted under sub-section (3) shall be punished with a fine of not less than rupees two hundred and fifty for each day of continuation of the violation of the provisions of sub-section (1).

219W. *Restriction on plastic carry bags and covers and management of plastic wastes.*—(1) Subject to the provisions of the Environment (Protection) Act,1986 (Central Act 29 of 1986) and the Rules made thereunder,—

(a) the Village Panchayat shall, by notification, fix the minimum price of various kinds of plastic carry bags and plastic covers and no institution or person shall sell such bags or covers at a price lower than the price so fixed or give free of cost and the Village Panchayat shall take steps to ensure that institution or person shall not act in such manner ;

(b) where an applicant who applies for license under section 232 intends to sell plastic bags or plastic covers through his establishment, such fact shall be stated in the application and the Village Panchayat may, in addition to the usual license fee, realise a fixed amount as additional fee in this behalf for the period as may be prescribed, based on the approximate number or quantity of plastic bags or plastic covers intended to be sold ;

(c) every consumer shall keep the waste plastic bags and plastic covers segregated from other wastes and shall be managed in accordance with section 256 and in the bye-laws that may be made by the Village Panchayat.

(2) The Secretary shall, in accordance with the provisions of the said Central Act and the Rules made thereunder, lodge complaint against any person who violates the provisions of clause (a) of sub-section (1).

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.”.

#### STATEMENT OF OBJECTS AND REASONS

The Government consider that along with the steps being taken for the effective management and disposal of various kinds of wastes being increased in the State day by day, suitable legislation is also required for the same. Therefore, the Government have decided to incorporate provisions in the Kerala Panchayat Raj Act, 1994 (13 of 1994) for segregating the wastes into biodegradable and non-biodegradable wastes at the source itself and accordingly to make the arrangements for waste disposal compulsory in trade centers, hospitals, markets, slaughter houses, chicken stalls, marriage halls, houses having more than three storeys to impose fine to those who do not have such arrangements, to fix the minimum price of plastic covers and carrybags with the

intention to reduce the use of plastic covers and carrybags, to levy additional fee for their sale, to constitute a special fund by name "The Waste Disposal Fund" for the disposal of waste, by crediting the additional fee and the fine from cases, being realised in this connection to the Village Panchayats. Besides, the Government consider that in order to make processing and disposal of waste more effective, the punishment for those who deposit waste in public places and those who do not segregate the waste at source shall be enhanced.

This Bill is intended to achieve the above objects.

#### 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

Sub-section (1) of section 219V proposed to be inserted by clause 3 of the Bill provides to empower the Government to prescribe the method of management of wastes being accumulated in trade centres, hospitals, markets, slaughterhouses, chicken stalls, marriage halls, flats, houses having more than three storeys and also to empower the Panchayats to make bye-laws for the same and also to bring other institutions within the purview of the law by notification.

2. Clause (b) of sub-section (1) of section 219V proposed to be inserted by clause 3 of the Bill provides to empower the Government to prescribe in the case of the persons who have the lack of place, the fees according to the quantity and nature of waste, to ensure the processing of waste through Panchayat.

3. Clause (c) of sub-section (1) of section 219V proposed to be inserted by clause 3 of the Bill provides to empower the Government to prescribe the rate of fees to be remitted to the Panchayat and the manner of payment and the period if no agreement has been entered into with the establishment which, or with the persons who, produces or distributes the goods which causes for the waste, to take back such waste.

4. Clause (a) of sub-section (1) of section 219W proposed to be inserted by clause 3 of the Bill provides to empower the Panchayats to fix, by notifications, the minimum price of various kinds of plastic carry bags and plastic covers.

5. Clause (b) of Sub-section (1) of section 219W proposed to be inserted by clause 3 of the Bill provides to empower the Government to prescribe the period for realising a fixed amount as additional fee in addition to the usual licence fee if an applicant who applies for licence intends to sell plastic bags or plastic covers through his establishment.

6. Clause (c) of sub-section (1) of section 219W proposed to be inserted by clause 3 of the Bill provides to empower the Panchayats to make bye-laws regarding the method for segregation of waste plastic bags and covers by the users, from other wastes.

7. Section 219X proposed to be inserted by clause 3 provides to prescribe the manner in which the fund by name “The Waste Disposal Fund” shall be managed.

8. The matters in respect of which rules or bye-laws may be made or notifications may be issued are matters of procedure and are of routine or of administrative in nature. Further, the rules after they are made, will be subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

M. K. MUNEER.

EXTRACT OF RELEVANT PORTIONS FROM THE  
KERALA PANCHAYAT RAJ ACT, 1994

(13 OF 1994)

219U. *Seizure and confiscation of vehicle used for carrying filth or excreta.*—(1) The Secretary of the Panchayat or an officer of the Panchayat authorised 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.

\*\*

\*\*

\*\*

---