

Fourteenth Kerala Legislative Assembly

Bill No. 162

**THE KERALA PANCHAYAT RAJ
(THIRD AMENDMENT)
BILL, 2018**

©

Kerala Legislature Secretariat

2018

KERALA NIYAMASABHA PRINTING PRESS

Published on 23.11.2018

Fourteenth Kerala Legislative Assembly

Bill No.162

**THE KERALA PANCHAYAT RAJ
(THIRD AMENDMENT)
BILL, 2018**

Fourteenth Kerala Legislative Assembly

Bill No. 162

[Translation in English of "2018-ലെ കേരള പഞ്ചായത്ത് രാജ് (മൂന്നാം ഭേദഗതി ബിൽ)" published under the authority of the Governor.]

THE KERALA PANCHAYAT RAJ (THIRD AMENDMENT)

BILL, 2018

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 (13 of 1994) for the purposes hereinafter appearing;

BE it enacted in the Sixty-ninth 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, 2018.

(2) It shall be deemed to have come into force on the 25th day of October, 2018.

2. *Amendment of section 219A.*—In the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act) in section 219 A, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) 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 wastes, rubbish, filth and such other materials from two or more Panchayats either directly or through the agency authorised by the Government or undertake any project, for the collection, transportation, disposal and processing of solid wastes, rubbish, filth and such other materials, involving considerable expenditure.”

3. *Repeal and saving.*—(1) The Kerala Panchayat Raj (Third Amendment) Ordinance, 2018 (55 of 2018) is hereby repealed.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

As per sub-section (3) of section 219 A of the Kerala Panchayat Raj Act, 1994 (13 of 1994) 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. However, it has come to notice of the Government that Panchayats are facing practical difficulties for the collection, transportation and disposal of solid waste, rubbish, filth and such other materials from two or more panchayats and also to undertake any project involving considerable expenditure for the said purpose. It has also come to notice of the Government that, for that reason several Panchayats are unable to perform the said function effectively.

In the above said circumstances, the Government have decided to amend section 219A of the Kerala Panchayat Raj Act, 1994 by incorporating a provision that the Government may make arrangements on contract basis or otherwise for collection, transportation, disposal and processing of solid waste, rubbish and filth and such other materials from two or more Panchayats either directly or through the agency authorised by the Government or undertake any project involving considerable expenditure for the above purpose.

As the Legislative Assembly of the State of Kerala was not in session and the said proposal had to be given effect to immediately, the Kerala Panchayat Raj (Third Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 24th day of October, 2018 and the same was published as Ordinance No. 55 of 2018 in the Kerala Gazette Extraordinary No. 2646 dated 25th October, 2018.

The Bill seeks to replace Ordinance No. 55 of 2018 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.

A. C. MOIDEEN.

EXTRACT FROM THE KERALA PANCHAYAT RAJ ACT, 1994
(13 OF 1994)

**

**

**

**

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

**

**

**

**

(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.

**

**

**

**