

Fifteenth Kerala Legislative Assembly

Bill No. 176

THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2023

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[Translation in English of “2023-ലെ കേരള മുനിസിപ്പാലിറ്റി (ഭേദഗതി) ബിൽ ” published under the authority of the Governor.]

THE KERALA MUNICIPALITY (AMENDMENT) BILL, 2023

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BILL

further to amend the Kerala Municipality Act,1994

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

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

1. *Short title and commencement.*—(1) This Act may be called Kerala Municipality (Second Amendment) Act, 2023.

(2) It shall come into force at once.

2. *Amendment of section 58.*—In the Kerala Municipality Act,1994 (20 of 1994) (hereinafter referred to as the principal Act), in sub-section (1) of section 58, after the words and symbol “ welfare programmes,” the words and symbol “ waste management,” shall be inserted.

3. *Insertion of Chapter XVIA.*—After section 325 of the principal Act , above the heading “ Management of waste” , “CHAPTER XVIA” shall be inserted.

4. *Insertion of new section 325A.*—In the principal Act, after the heading “ CHAPTER XVIA, Management of waste ” , the following section shall be inserted, namely:—

“ 325A *Definitions.*—For the purpose of this chapter and section 58, “waste management” means the segregation, collection, transportation, storage, processing or disposal of waste, including solid waste.

Explanation.—Words and expressions used in this chapter and not defined, 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 the rules.”.

5. *Amendment of section 326.*—In section 326 of the principal Act,—

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

“(1a) All the duties, responsibilities, and functions of the municipality pertaining to waste management as provided in this chapter 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 council, and the council shall discharge its duties, responsibilities, and functions through the Secretary.” .

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

“(1aa) It shall be the responsibility of the Secretary to discharge the duties, responsibilities and functions of the Municipality under sub-section (1a), and the Secretary may by order in writing entrust the said duties to officers and employees having the charge of waste management, public health, sanitation and engineering or any other officers or employees of the Municipality, 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.” .

(iii) for sub-section (3) the following sub-section shall be substituted, namely:—

“(3) The Municipality may directly or through any person or agency or on contract basis or otherwise, make arrangements in whole or in part, for carrying out waste management activities under this Act and the rules made thereunder or the Environment (Protection) Act, 1986 (Central Act 29 of 1986) and the rules made thereunder.”.

6. *Insertion of new sections after section 326.*—After section 326 of the principal Act, the following sections shall be inserted, namely:—

“ 326 A. *Council to carry out Government directions.*—(1) It shall be the responsibility of the council 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 Chairperson shall ensure that the agenda prepared in connection with the directions issued under sub-section (1) is placed before the council immediately in its next meeting and the council shall take decision on such agenda .

(3) In cases where the council 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 council.

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

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

326B. *Responsibilities of Secretary on waste management.*—(1) The Secretary may initiate legal action against any person who contravenes the provisions of this chapter and may compound offences which are compoundable under this Act or the rules made thereunder.

(2) The Secretary shall have all the powers for effectively carrying out the responsibilities regarding the waste management under this chapter or any other law for the time being in force.

(3) The Secretary may, in exigencies after informing the chairperson, expend an amount not exceeding two lakh rupees out of the municipal fund concerned, for discharging the functions vested with him under this chapter or any other law for the time being in force relating to waste management.

326C. Responsibility to handover segregated waste to the Municipality 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 municipality or authorised 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).

326D. Provisions relating to user fee.—(1) Each Municipality 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 municipality:

Provided that if the Government have fixed the rate for user fee, the council shall not fix a rate less than the rate fixed by the Government.

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

(3) If any waste generator fails to pay the user fee on time, 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 the fine shall be recovered as arrears of public revenue as specified in section 538 B.

(5) The Secretary, without prejudice to any other action that may be taken against the defaulter of the user fee, may refuse to provide any service from the Municipality 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 Municipality 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 327.*—For section 327 of the principal Act, the following section shall be substituted, namely:—

“327 *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 Municipality.

(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 328.*—In section 328 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 “the waste generator or owner or occupier of any premises for the removal of waste” shall be substituted.

9. *Substitution of new section for section 329.*—For section 329 of the principal Act, the following section shall be substituted, namely:—

“329. *Door to door collection of waste.*—(1) Each Municipality, in the municipal 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 331.*—In section 331 of the principal Act,—

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

“(1) A Municipality that does not have a solid, liquid, sewage, or faecal sludge treatment plant but possess vacant land within or outside the municipal 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 Municipality shall identify suitable private land within or outside the municipal 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.

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

(lc) Each Municipality 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.

(ld) The Municipality 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 utilised 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 332.*—After section 332 of the principal Act, the following sections shall be inserted, namely:—

“332A. *Setting up of joint waste management projects.*—The Municipality may, if the Council 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.

332B. *Municipality to make arrangement for conducting regular inspection and monitoring.*—It shall be the responsibility of the municipality to make arrangements for conducting regular inspections and monitoring of the waste management activities and projects in the municipality to ensure that it is being operated or implemented in compliance with the required standards and in accordance with the relevant laws.

332C. *Responsibilities of individuals and rewards for reporting offences.*— (1) Any person may report before the Secretary regarding any violation of the

provisions in this chapter 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 Municipality may give rewards to persons who report violations and offences under sub-section (1).

(3) Any person who maliciously or intentionally makes a 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.

332D. *Beneficial provisions for residents near to waste treatment Centres.*— (1) The Municipality 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 the residents residing in the immediate vicinity of centralised waste treatment centres or disposal sites.

(2) The Municipality 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 the residents in the vicinity of centralised waste treatment centres or disposal sites.” .

12. *Amendment of section 333.*—In section 333 of the principal Act, 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 Municipality, at least three working days in advance and such person or the organiser 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 Municipality on such fees as may be fixed by the Municipality:

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 Municipality .”.

13. *Substitution of new section for section 334 C.*—For section 334 C of the principal Act, the following section shall be substituted, namely:—

“334C. *Constitution of Waste Management Fund.*—(1) Each Municipality 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 violations of waste management;

(b) contributions received from Corporate Social Responsibility (CSR) funds 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, and disposal of waste;

(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.”.

14. *Substitution of new section for section 335.*—For section 335 of the principal Act, the following section shall be substituted, namely:—

“335. *Responsibility to keep the 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 for the purpose may, on being satisfied that any person has acted in contravention of the provisions in sub-section (1), impose a fine of five thousand rupees on such person .

(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).”.

15. *Substitution of new section for section 337.*—For section 337 of the principal Act, the following section shall be substituted, namely:—

“337. *Prohibition of 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 remove such pipe, tube or other means and shall recover the actual expenditure incurred for such removal from him .”.

16. *Substitution of new section for section 340.*—For section 340 of the principal Act, the following section shall be substituted, namely:—

“340. *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 has acted in contravention of the provisions in sub-sections (1) or (2), impose on the spot, a fine of five thousand rupees on such person.

(4) The fine imposed under sub-section (3) 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 action which may be taken against him.”.

17. *Substitution of new section for section 340A.*—For section 340 A of the principal Act, the following section shall be substituted, namely:—

“340A. *Prohibition of depositing waste or rubbish or excreta in water bodies and water sources.*—(1) No person shall throw or deposit waste or 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 into it or pollute the water in any other way or engage or depute or 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.”.

18. *Substitution of new section for section 340 B.*—For section 340 B of the principal Act, the following section shall be substituted, namely:—

“340B. *Seizure and confiscation of the vehicle used for carrying waste or excreta.*—(1) The Secretary or an officer of the Municipality authorised by the Secretary in this behalf or a Police Officer not below the rank of Sub-Inspector shall seize a vehicle carrying waste or excreta through public place or public road with the intention or preparation to commit an offence under this chapter or having reasonable cause to suspect that the vehicle 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 has been used for committing any offences under this chapter, the vehicle so seized may be confiscated, and in any other case, the vehicle 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 action that may be taken under this chapter, 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 shall be credited to the Waste Management Fund.” .

19. *Amendment of section 345.*—In section 345 of the principal Act, for the words, figure and letter “and which does not fall under the purview of section 340A”, the words “ for which no punishment is provided elsewhere in this chapter” shall be substituted.

20. *Insertion of new section 345A.*—After section 345 of the principal Act, the following section shall be inserted, namely:—

“345A. *Provisions regarding imposition of fine.*—(1) No fine under this chapter, except penalty specified in sections 340 and 340A 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 this chapter shall be recovered as arrears of public revenue as specified in section 538 B.” .

21. *Amendment of section 509.*—In section 509 of the principal Act,—

(i) in sub-section (1), before the figure “ 390” the figures , letter and symbols “326C,327,335,337,340,” shall be inserted;

(ii) in sub-section (6) , before the figure “ 390” the figures , letter and symbols “ 326C,327,335,337,340,” shall be inserted;

(iii) in sub-section (7), before the figure “ 390” the figures , letter , and symbols “ 326C,327,335,337,340,” shall be inserted.

22. *Amendment of section 565.*—In section 565 of the principal Act,—

(i) in sub-section (2) after clause (u) the following clauses shall be inserted, namely:—

“(v) matters relating to waste management as specified in chapter XVI A;

(w) 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.”;

(ii) in sub-section (4) for the words “ five hundred rupees” the words “ ten thousand rupees ” shall be substituted.

23. *Amendment of section 570 .*—In section 570 of the principal Act,—

(i) in clause (a), 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;

(ii) in clause (b), for the words “fifty rupees” the words “ two hundred rupees” shall be substituted.

24. *Amendment of section 572 .*—In sub-section (1) of section 572 of the principal Act, after the word “Government”, the words “or an officer authorized by the Government” shall be inserted.

25. *Amendment of Fourth Schedule.*—In the Fourth Schedule of the principal Act, under the heading “ Penalties” in column (1),—

(i) against section 335,—

(a) in column (3), for the words “Improper disposal of carcasses rubbish and filth” the words “ Responsibility to keep the premises of shops and commercial establishments clean ” shall be substituted;

(b) in column (4), for the words “ Rupees five hundred” the words “ Rupees ten thousand” shall be substituted;

(ii) section 337 and the entries against it in columns (3) and (4) shall be omitted;

(iii) against section 339, in column (4), for the words “ Rupees two hundred and fifty” the words “ Rupees five thousand” shall be substituted;

(iv) against section 340, in column (4), for the words “ Rupees two thousand” the words “ Rupees ten thousand” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Hon’ble High Court in various cases observed that for the proper compliance of 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 Municipality Act, 1994 incorporating penal provisions for those who violates the same, the Government have decided to make suitable amendments in the said Act.

The Bill is intended to achieve the above object.

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

Clause 6 of the Bill, proposed to be inserted in the principal Act,—

(i) in sub-section (1) of section 326 A, to issue directions relating to solid waste management .

(ii) in sub-section (6) of section 326D, 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.

2. Section 327 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 byelaws for incorporating provisions relating to the segregation and deposit of the waste for the purpose of collection and disposal.

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

(i) in section 332, to issue guidelines for the setting up of Joint Waste Management Projects.

(ii) in sub-section (2) of section 332C to issue guidelines to provide rewards to persons who report violations and offences relating to waste management.

(iii) in sub-section (1) of section 332D to make rules or issue guidelines for providing beneficial provisions for residents near Centralized Waste Management Centres or disposal sites.

4. Sub-section (1) of section 334 C proposed to be inserted in the principal Act by clause 13 of the bill seeks to empower the Government to make rules or issue guidelines for the handling the waste management fund.

5. Sub-section (2) of section 340 proposed to be inserted in the principal Act by clause 16 of the bill seeks to empower the Government to prescribe rules for the prohibition of throwing waste into private places.

6. Sub-section (2) of section 345 A proposed to be inserted in the principal Act by clause 20 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 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 58 of the principal Act which gives power to Government to issue directions to Municipality in certain cases also by incorporating the provision relating to waste management.

Clause 3.—This clause seeks to insert the heading CHAPTER XVIA.

Clause 4.—This clause seeks to insert new section 325A in CHAPTER XVIA

Clause 5.—This clause seeks to amend section 326 of the principal Act relating to the arrangement to be made by the Municipality for the removal of rubbish, solid wastes and filth.

Clause 6.—This clause seeks to insert new sections after section 326 of the principal Act by incorporating provisions for the council to carry out Government directions, responsibilities of the Secretary on waste management, responsibility to handover segregated waste to the Municipality or authorized agency and provisions relating to user fee.

Clause 7.—This clause seeks to insert new section for section 327 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 328 of the principal Act providing for entering into contract with waste generator or owner or occupier of any premises for the removal of the waste.

Clause 9.—This clause seeks to insert new section for section 329 of the principal Act providing for door to door collection of waste.

Clause 10.—This clause seeks to amend section 331 of the principal Act for incorporating provisions relating to waste management .

Clause 11.—This clause seeks to insert new sections after section 332 of the principal Act for incorporating the provisions for establishment of joint waste management projects.

Clause 12.—This clause seeks to amend section 333 of the principal Act for incorporating provisions relating to waste management while organising programmes in unlicensed places.

Clause 13.—This clause seeks to substitute new section for section 334C of the principal Act, for incorporating provisions for constitution of Waste Management Fund.

Clause 14.—This clause seeks to insert new section for section 335 of the principal Act for incorporating provisions regarding the responsibility to keep the premises of shops and commercial establishments clean.

Clause 15.—This clause seeks to insert new section for section 337 of the principal Act for incorporating provisions relating to prohibition of draining of used water into public places or water bodies.

Clause 16.—This clause seeks to insert new section for section 340 of the principal Act for incorporating provisions relating to prohibition of throwing waste into public places or private places.

Clause 17.—This clause seeks to insert new section for section 340A for incorporating provisions relating to prohibition of depositing waste or rubbish or excreta in water bodies and water sources.

Clause 18.—This clause seeks to insert new section for section 340 B of the principal Act for incorporating provisions relating to seizure and confiscation of vehicles used for carrying waste or excreta.

Clause 19.—This clause seeks to amend section 345 of the principal Act relating to punishment for depositing or throwing any rubbish or solid waste .

Clause 20.—This clause seeks to insert new section after section 345 of the principal Act incorporating the procedure to be complied while imposing fine.

Clause 21.—This clause seeks to amend section 509 of the principal Act so as to provide the exemption of certain sections in preferring appeal.

Clause 22.—This clause seeks to amend section 565 of the principal Act for the matters relating to rule making and penalty for breach of rules.

Clause 23.—This clause seeks to amend section 570 of the principal Act for providing penalty for breach of bye-laws and regulations.

Clause 24.—This clause seeks to amend section 572 of the principal Act relating to the confirmation of bye laws or regulations.

Clause 25.—This clause seeks to amend fourth schedule of the principal Act.

328. *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 may seem suitable to the Secretary and on payments of fees at such rates as the Municipality determines from time to time.

329. *Introduction of house to house collection of rubbish.*—(1) The Secretary may, with the sanction of the Council, introduce in the Municipal 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 or on a public street adjacent to his house, premises or land as may be specified by the Secretary, in a proper receptacle provided by the Municipality 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 Municipality or by the contractor who may be engaged by the Municipality for this purpose.

(2) No person shall place or cause to be placed rubbish of 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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331. *Provision for final disposal of solid waste.*—(1) Every Municipality shall identify and notify suitable lands within or without the municipal 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 Municipality.

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332. *Provision for processing of solid wastes.*—The Municipality may, for the purpose of recycling, treating, processing and disposing of solid wastes or converting such solid wastes into compost or any other matter construct, acquire, operate, maintain and manage any establishment within or without the Municipal area and run it on a commercial basis or may contract out such activity.

333. *Contributions from persons having control over places of pilgrimage etc.*—Where a church, mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within a municipal area or the neighbourhood thereof and attracts, either throughout the year or on particular occasions a large number of persons, requiring special arrangement necessary for public health, safety or convenience, whether permanent or temporary, by the Municipality, the Municipality may require the trustee or other person having control over such place to make such recurring or nonrecurring contributions to the funds of that Municipality as determined by Government.

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334C. *Constitution of Waste Disposal Fund.*—The Municipality shall constitute a special fund, by name ‘The Waste Disposal Fund’ for the purpose of disposal of waste especially for the disposal of plastic waste, originated within the Municipal area, and,

(a) the additional fee realised as per clause (b) of sub-section (1) of section 334B

(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 person for this purpose;

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

335. *Prohibition of improper disposal of carcasses, rubbish and filth.*—(1) No person shall, after due provision has been made under section 326 by the Municipality for the deposit and removal of rubbish, solid waste, carcasses or filth deposit the same,—

(a) in any street or on the verandah of any building or any unoccupied ground alongside any street or any public quay, jetty or landing place, or on the bank of a water course or tank; or

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

(c) in any vehicle or vessel intended for such removal save for the purpose of deodourising or disinfecting the same.

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

Provided that no permission shall be granted until a fee as may be determined by the Council is paid:

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

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337. *Prohibition of allowing outflow of filth.*—No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises in such a manner as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of drain forming a portion of a street.

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340. *Prohibition of throwing rubbish of filth into public places.*—(1) No person shall put or cause to be put any rubbish or filth or other debris into any public place not intended for deposit of rubbish or filth or debris.

(2) Notwithstanding anything contained in this Act, the Secretary or an Officer specifically authorized for the purpose shall, on being satisfied that any person deposits or causes to deposit any rubbish, or filth, or other debris in any public place not intended for the same, impose on the person so depositing or causing such deposit, a fine, on the spot, which may not exceed two hundred and

fifty rupees and the fine so imposed shall be paid to the municipal fund within fifteen days and the Secretary shall initiate prosecution against the person if he fails to do so.

340A. *Prohibition of deposit of rubbish, filth, excreta in waterbodies and water sources.*—(1) No person shall deposit, filth or excreta in a public watercourse or waterbody or any such watercourse vested in the Municipality under sub-section (1) of section 208A or allow to flow waste water into it or pollute the water in any other way engage or depute or 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 twenty five thousand rupees and with imprisonment for a term which shall not be less than six months but not exceeding one year.

340B. *Seizure, confiscation of vehicle used for carrying filth or excreta.*—(1) The Secretary or an officer of the Municipality authorized by the Secretary in this behalf or a Police Officer not below the rank of a 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 340A 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 Municipal Fund.

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345. *Punishment for depositing or throwing any rubbish or solid waste in contravention of the provisions of this Act.*—Whosoever deposits or throws any rubbish, solid waste, filth or carcasses in contravention of the provisions in this Chapter and which does not fall under the purview of section 340A, shall, on conviction, be punishable with fine which shall not be less than five hundred rupees but may extend to two thousand rupees.

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CHAPTER XXIII

APPEALS AND REVISION

509. *Appeal and revision.*—(1) An appeal may be preferred to the Council against any notice issued or any order passed or action taken by the Chairperson or the Secretary under any of the provisions of this Act other than sections 390, 391, 395, 406 and 408 or the rules or bye-laws or regulations made thereunder.

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(6) Any person may file an appeal against any notice issued or any order passed by the Secretary under sections 390,391,395, 406 and 408 to the Tribunal Constituted for the Local Self Government Institutions under section 271 S of the Kerala Panchayat Raj Act, 1994 (13 of 1994), within thirty days from the date of passing of such order.

(7) An appeal may be preferred to the Tribunal, against any decision passed by the Council or any order or notice issued by the Chairperson or Secretary on the basis of such decision on any matter provided in sections 310 to 508 other than sections 390,391,395, 406 and 408 or the rules, bye-laws or regulations made thereunder, within thirty days from the date of passing of such decisions, order or notice.

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(b) with fine which may extend to fifty rupees for every day during which the breach continues after receipt of notice from the Secretary to discontinue such breach.

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572. *Confirmation of bye-laws or regulations.*—(1) No bye-law or regulation or any cancellation or alteration thereof shall have effect until the same is approved and confirmed by the Government.

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FOURTH SCHEDULE

[See Section 275 (2) and section 511]

PENALTIES

Section	Sub-section	Subject	fine which may be imposed
**	**	**	**
**	**	**	**
335		Improper disposal of carcasses rubbish and filth	Rupees five hundred
**	**	**	**
337		Allowing filth to outflow along streets	Rupees two thousand and five hundred
**	**	**	**
339	**	Using cart without cover for removal of filth	Rupees two hundred and fifty
340	**	Throwing rubbish or filth or debris in public places	Rupees two thousand
**	**	**	**
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