

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 13th February, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 15 of 2019

A Bill further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2019. Short title and commencement.

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

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu
Act IV of 1919.

2. In section 349 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), after clause (28), the following clause shall be inserted, namely:— Amendment of section 349.

“(28-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

3. In section 351 of the 1919 Act,— Amendment of section 351.

(1) in clause (a), for the expression “fifty rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “ten rupees”, the expression “two hundred rupees” shall be substituted.

4. After section 351 of the 1919 Act, the following section shall be inserted, namely:— Insertion of new section 351-A.

“351-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.—Notwithstanding anything contained in section 351, in making a by-law under clause (28-A) of section 349, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VIII-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

5. After Schedule VIII of the 1919 Act, the following Schedule shall be inserted, namely:— Insertion of new Schedule VIII-A.

"SCHEDULE VIII-A.

Penalties for breach of by-laws made under section 349 (28-A).

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees."

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 306.	6. In section 306 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), after clause (28), the following clause shall be inserted, namely:— “(28-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.	Tamil Nadu Act V of 1920.
Amendment of section 308.	7. In section 308 of the 1920 Act,— (1) in clause (a), for the expression “fifty rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted; (2) in clause (b), for the expression “ten rupees”, the expression “two hundred rupees” shall be substituted.	
Insertion of new section 308-A.	8. After section 308 of the 1920 Act, the following section shall be inserted, namely:— “ 308-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics. — Notwithstanding anything contained in section 308, in making a by-law under clause (28-A) of section 306, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VIII-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.	
Insertion of new Schedule VIII-A.	9. After Schedule VIII of the 1920 Act, the following Schedule shall be inserted, namely:—	

"SCHEDULE VIII-A.

Penalties for breach of by-laws made under section 306 (28-A).

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	fine for third time offence.
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees."

PART-IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971.	10. In section 433 of the Madurai City Municipal Corporation Act, 1971, (hereinafter in this Part referred to as the 1971 Act), after clause (31), the following clause shall be inserted, namely:— “(31-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.	Amendment of section 433.
	11. In section 435 of the 1971 Act,— (1) in clause (a), for the expression “one hundred rupees” and “twenty five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted; (2) in clause (b), for the expression “twenty rupees”, the expression “two hundred rupees” shall be substituted.	Amendment of section 435.
	12. After section 435 of the 1971 Act, the following section shall be inserted, namely:— “ 435-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics. — Notwithstanding anything contained in section 435, in making a by-law under clause (31-A) of section 433, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VI-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.	Insertion of new section 435-A.
	13. After Schedule VI of the 1971 Act, the following Schedule shall be inserted, namely:—	Insertion of new Schedule VI-A.

"SCHEDULE VI-A.

Penalties for breach of by-laws made under section 433 (31-A).

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees."

PART-V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of section 432.	14. In section 432 of the Coimbatore City Municipal Corporation Act, 1981, (hereinafter in this Part referred to as the 1981 Act), after clause (30), the following clause shall be inserted, namely:— “(30-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.	Tamil Nadu Act 25 of 1981.
Amendment of section 434.	15. In section 434 of the 1981 Act,— (1) in clause (a), for the expression “one hundred rupees” and “twenty five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted; (2) in clause (b), for the expression “twenty rupees”, the expression “two hundred rupees” shall be substituted.	
Insertion of new section 434-A.	16. After section 434 of the 1981 Act, the following section shall be inserted, namely:— “ 434-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics. — Notwithstanding anything contained in section 434, in making a by-law under clause (30-A) of section 432, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VI-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.	
Insertion of new Schedule VI-A.	17. After Schedule VI of the 1981 Act, the following Schedule shall be inserted, namely:—	

"SCHEDULE VI-A.

Penalties for breach of by-laws made under section 432 (30-A).

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees.".

STATEMENT OF OBJECTS AND REASONS.

The Hon'ble Chief Minister has made an announcement under rule 110 of the Tamil Nadu Legislative Assembly Rules, on the floor of the Legislative Assembly on the 5th June 2018, to ban manufacture, sale, transport, storage, distribution and usage of disposable plastics across the State under the Environment (Protection) Act, 1986 (Central Act 29 of 1986) with effect from the 1st January 2019 so as to make the State of Tamil Nadu free from the use and throwaway Plastics. For this purpose, the Government have issued Notification under section 5 of the said Central Act 29 of 1986 read with the Government of India, Ministry of Environment and Forest Notification No.S.O.152(E), dated the 10th February 1988.

2. In order to implement the banning of use and throwaway plastics in letter and spirit the Laws relating to Municipal Corporations and Municipalities will have to be amended so as to make provisions regarding the prevention of the said plastics items and to enable the council to levy fine for violation of the said provisions. The Government have therefore decided to amend the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) so as to achieve the object.

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

S.P.VELUMANI,

*Minister for Municipal Administration and
Rural Development, Implementation of Special Programme.*

K. SRINIVASAN,

Secretary.