

Fourteenth Kerala Legislative Assembly

Bill No. 160

**THE KERALA MUNICIPALITY (THIRD AMENDMENT)
BILL, 2018**

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

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further to amend the Kerala Municipality Act, 1994.

Preamble.— WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 (20 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 Municipality (Third Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 15th day of September, 2018.

2. *Amendment of section 326.*—In the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act) in section 326, 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 waste, rubbish, filth and such other materials from two or more Municipalities either directly or through the agency authorised by the Government or undertake any project, for the collection, transportation,

disposal and processing of solid waste, rubbish, filth and such other materials, involving considerable expenditure.”

3. *Repeal and saving.*—(1) The Kerala Municipality (Third Amendment) Ordinance, 2018 (49 of 2018) is hereby repealed.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 326 of the Kerala Municipality Act, 1994 (20 of 1994) a Municipality may make arrangement on contract basis, in whole or in part for the collection and disposal of solid waste from public or private premises. However, it has come to notice of the Government that Municipalities are facing practical difficulties for the collection, transportation and disposal of solid waste, rubbish, filth and such other materials from two or more Municipalities and also to undertake project involving considerable expenditure for the said purpose. It has also come to notice of the Government that, for that reason, several Municipalities are unable to perform the said function effectively.

In the above said circumstances, the Government have decided to amend section 326 of the Kerala Municipality 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 Municipalities 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 Municipality (Third Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 14th day of September of 2018 and the same was published as Ordinance No.49 of 2018 in the Kerala Gazette Extraordinary No.2380 dated 15th September, 2018.

The Bill seeks to replace Ordinance No.49 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. MOIDHEN.

EXTRACT FROM THE KERALA MUNICIPALITY ACT, 1994
(20 OF 1994)

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MANAGEMENT OF WASTE

326. *Municipality to arrange for the removal of rubbish, solid wastes and filth.*— (1) Every Municipality shall make adequate arrangements for,—

(a) the regular sweeping and cleaning of the streets and removal of sweepings therefrom;

(b) the daily removal of the filth and the carcasses of animals from private premises;

(c) the removal of solid wastes; and

(d) 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 or 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, rubbish, offensive matter, trade refuse, institutional refuse, carcasses of dead animals.

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(3) A Municipality may make arrangement on contract basis, in whole or in part for the collection and disposal of solid waste from public or private premises.

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