

THE KERALA DISPOSAL OF GARBAGE AND WASTE MANAGEMENT BILL

A BILL to make provision for effective management of garbage and waste disposal by the local authorities in the State.

Preamble.—WHEREAS it is expedient to make provision for the effective management of garbage and waste disposal by the local authorities in the State;

BE it enacted in the Fifty ninth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Kerala Disposal of Garbage and Waste Management Act, ____.

(2) It shall come into force at once.

(3) It shall extend to the whole of the State of Kerala.

2. Definitions.—In this Act, unless the context otherwise requires,—

(i) 'Local Authority' means a Panchayat at any level or a Municipality or a Corporation.

(ii) 'Buildings' means any building whether residential or otherwise wherein garbage or waste is generated.

(iii) Words not defined in this enactment shall have the meaning assigned to them in the Municipal Solid Wastes (Management and Handling) Rules, 1999 and

other similar enactments.

3. *Local Authority to arrange removal of garbage.*—(1) Every local authority shall make adequate arrangements for the removal of garbage and waste

from all buildings.

(2) Local authority shall provide receptacle to the owner or occupier as the case may be of every buildings for keeping the garbage and waste. Separate receptacle may be provided for keeping the degradable and non-degradable garbage and waste.

(3) The garbage or waste kept by the owner or occupier of the buildings shall be collected by the local authority at a fixed time on every day with due intimation to them.

(4) The degradable garbage or waste collected by the local authority shall be used for the production of electricity, bio-gas or vermin compost.

(5) The collection as well as the disposal of the waste referred to in the above sub-sections may be made by the local authority themselves or on contract basis by any other agency.

(6) Local authority may collect such fees as may be decided by the council from the owner or occupier of every building for the collection of garbage or waste:

Provided that in cases where the collection is made by any agency on contract basis, the contractor shall be permitted to collect the fees fixed by the council from the owner or occupier of the buildings.

4. Duty of owner or occupier to store the garbage in the receptacle provided by the local authority.—(1) Every owner or occupier of buildings shall keep the garbage or waste degradable and non-degradable separately in the receptacles provided by the local authority.

(2) The garbage or waste so collected shall be handed over to the persons entrusted with the collection, in time.

5. Owner or occupier may convert garbage into useful products.—(1) The owner or occupier of buildings may convert the garbage or waste into useful products like bio-gas and vermin compost.

(2) In case where large quantity of garbage or waste is generated in any building, the local authority may direct the owner or occupier of the said building to set up a plant for the conversion and use of the waste or garbage into energy or other useful products.

(3) Any person who fails to carry out the direction in sub-section (2) shall be punishable with fine up to Rs. 500 per day.

6. Effect of Municipal Solid Wastes (Management and Handling) Rules, 1999.—This Act will be in addition to the Municipal Solid Wastes (Management and Handling) Rules, 1999.

Statement of Objects and Reasons

Though the Municipalities Act and Municipal Solid Wastes (Management and Handling) Rules, 1999 are in existence, the waste management in most of the cities is in chaotic conditions. The result is that public health is adversely affected by the said inaction of the Municipal authorities. Though the Supreme Court of India in the case of Municipal Council, Ratlam v. Vardhican, AIR 1980 SC 1622 has held that it is the primary duty of the municipalities to provide drainage and proper sewerage system it is not done. This Act is intended to achieve the object of waste management in a more effective manner.