

Executive Directive No. 9/2016

Sub: Waste dumping and Polluting Air and Water bodies - Enforcement of act and rules – Special Drive - Instructions issued- reg.

Ref: (1) Circular No. 9/2016 dtd 23/06/2016.
(2) PHQ Office Order No. U4-96398/2016/PHQ dtd 29/09/2016.

The Government of Kerala has launched the 'Haritha Keralam' initiative to keep our state clean and green. To achieve this, the State Government is gearing up for a high voltage people's campaign involving all the stake holders. Suchitwa Mission, the State Government agency, which co-ordinates the program has requested the whole-hearted participation of the State Police in this venture. As such, we have tied up with Suchitwa Mission to start and achieve the green protocol in our offices. Instructions and guidelines have already been given to achieve zero waste police premises for strict compliance. In addition, Suchitwa Mission and Government of Kerala have also requested the involvement of Kerala Police in the enforcement of legal provisions for preventing the littering, dumping and burning of waste in public places and polluting the air and water bodies.

Accordingly, in continuation of the earlier orders, the following instructions are issued.

1. All Police Stations in the State should participate and co-operate with the activities of State Government Departments, Suchitwa Mission and local bodies in their efforts to achieve a green and clean environment and preventing littering and unscientific treatment of solid and liquid wastes in their locality. All SHOs, CIs and DySsP should take a pro-active role in this venture.
2. Police can take cognizance of littering of wastes and polluting air and water bodies and register cases under sections 269 r/w 278 of IPC and Section 120 (e) of Kerala Police Act. Sections 340 (A) & 340 (B), 341 and 342 of the Kerala Municipalities Act 1994 and sections 219 (N), 219 (O), 219 (P) and 252 of the Kerala Panchayathi Raj Act are also relevant. These provisions are detailed as annexure.
3. The SHOs, CIs and Sub-division officers all should take on active involvement in the implementation of the provisions as per the guidelines detailed below:

a. Role of SHO:

The SHOs should chalk out an action plan to make their locality free from littering with solid and liquid type of waste and other hazardous substances as well as burning dumped plastic wastes. This should be done in a phased manner.

Stage 1: Mapping:

At the first stage, black spots in which there is high presence of waste dumping, burning of mixed waste which contains plastic, rubber and other hazardous materials, waste water draining etc. Polluting water bodies and canals should be identified with the help of local body authorities (Grama Panchayat/Urban Local Bodies), Suchitwa Mission, health department and other agencies concerned.

Stage 2: Awareness Drive

In the second stage, an awareness drive engaging Janamaithri Beat Officers and Civil Police Officers in Police Stations should be conducted to make the people aware of the environment, health and social issues, legal provisions of waste dumping, burning and polluting air and water. All agencies which have a stake in it should also be involved in this drive. Prior to the campaign, a meeting of all such agencies should be held to chalk out the implementation strategy of this drive. This should be completed within two months.

Stage 3: Warning

As a sequel to this awareness drive, in the third stage, patrolling teams should be engaged in finding out Littering, large scale dumping as well as mass burning of waste material in their locality and also. Strong warning can be given to such culprits initially.

Stage 4: Enforcement

In the final stage, patrolling should be intensified and persons who violate the provisions and resort to waste dumping and burning in public places or polluting air or water bodies should be booked and cases should be registered invoking the relevant legal provisions.

b. Role of CI:

The CIs should initiate the action to coordinate all the stake holding agencies for the Pollution Mapping and data collection. They should also organize the meetings of the stake holding agencies in their jurisdiction prior to mapping and awareness drive. They should also closely monitor the

activities at Station Level and send a monthly CI level consolidated report to the DySP and DPC concerned, regarding the program of this activity.

c. Role of DySP:

The sub-division officers should conduct a meeting of all CIs, SHOs under them and chalk out a sub-divisional plan and time frame, taking into account the local specificities. They should liaise with the local body authorities for the successful conduct of the mapping, awareness drive and should form special patrol teams in the final stage to find out the bulk waste dumping, especially by commercial establishments, hospitals etc. They should also send a monthly Sub-divisional level consolidated report to the DPC concerned.

d. Role of DPC:

All DPCs should closely monitor the progress of these activities in their district, conduct review meetings and send a monthly consolidated report to the State Police Chief through the Range IsGP and ADGsP.

3. All Range IsGP and ADGsP are directed to closely monitor the program, hold monthly review meeting and ensure timely sending of reports.
4. After six months, a state level evaluation will be done based on which SPC's Trophy and Rewards will be given away to one SHO each at district level and one CI each at the zonal level, one DySP and one DPC at the State Level.
5. The State Project Management Committee of the Student Police Cadet program shall include Green Protocol Campaign as one of the prime items in their activity calendar.



Loknath Behera IPS
DGP & State Police Chief

Distribution:

All Officers in List 'B'

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Annexure

a) Section 269 of the Indian Penal Code

Negligent act likely to spread infection of disease dangerous to life.—Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both (Cognizable and bailable)

b) Section 278 of the Indian Penal Code

Making atmosphere noxious to health.—whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to five hundred rupees (Non – cognizable & Bailable).

e) Kerala Police Act 120 (e)

Penalty for causing nuisance and violation of public order — If any person defiles water sources or water supply or cause hindrance to public sanitation activities or make public place dirty or causes serious damage to environment unlawfully;

d) Kerala Municipalities Act, 1994

Sec 340- Prohibition of throwing rubbish or 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 especially authorized for the purpose shall, on being satisfied that any person deposit or cause 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 deposits, 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.

340(A) - Prohibition of deposit of rubbish, filth or excreta in water bodies and water sources

1. No person shall deposit rubbish, filth or excreta in public water course or water body or any such water source vested in the Municipality under sub –Section (1) of Sec 208 A 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 offense under sub section (1) shall be cognizable and non bailable.

3. Whoever commits an offense 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.

340(B) – 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

2. place or public road with the intension or preparation to commit an offense u/s 340 A or having reasonable cause to suspect that the vehicle is on its return after being used for such deposits, and shall after following such procedures as may be prescribed produce before the Sub Divisional Magistrate having jurisdiction.
3. After conducting such enquiry and following such procedures as may be prescribed, the vehicle so seize may be released or confiscated, as the case may be
4. Where the vehicle is confiscated, it shall be auctioned and the amount be credited to the Municipal Fund

341 - Prohibition of commission of nuisance in public streets etc – No person shall commit a nuisance while relieving himself in any street, public place or thoroughfare or permit any person under his control to do so.

342 - Presumption as to offender – where any rubbish, offensive matter, trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulation on any premises is deposited in any place in contravention of the provisions of this Act, it shall be presumed, unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

e) The Kerala Panchayat Raj Act 1994:-

219 (N) Prohibition of deposit of rubbish or filth in public places- No person shall deposit or cause to be deposited any rubbish or filth or other debris into any public place not intended for deposit of rubbish or filth or debris.

219 (O) Prohibition against causing nuisance in public streets etc - No person shall cause any nuisance by relieving himself in any street, public place or public park or permit any person under his control to do so.

219 (P) Presumption as to offender - Where any rubbish, offensive matter trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulated on any premises is deposited in any place in contravention of the provisions of this Act it shall be presumed unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

252- Duties of Police Officers –

(1) It shall be the duty of every Police Officer:-

to communicate without delay to the President and Secretary any information which he receives of the design to commit or of the commission of any offense under this Act or any Rule or bye-law made there under; and

(a) to assist the President or the Secretary or any officer of the Panchayat demanding in writing his aid or the lawful exercise of any power vesting in the President, the Secretary or in such Officer or employee of the Panchayat under this Act or any Rule or bye-law to any of them

(2). Any Police Officer who omits or refuses to perform any duty imposed on him by this Act shall deemed to have committed an offense under section 41 of the Kerala Police Act 1960 (5 of 1961).
