

**The Goa Non-Biodegradable Garbage (Control)  
(Third Amendment) Bill, 2014**

**(Bill No. 19 of 2014)**

**A**

**BILL**

further to amend the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No.5 of 1997).

BE it enacted by the Legislative Assembly of Goa in the Sixty- fifth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Goa Non-Biodegradable Garbage (Control) (Third Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 2.- In section 2 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No.5 of 1997) (hereinafter referred to as the “principal Act”),-

(a) in clause (c), for the words “a Municipal Council”, the expression “a Municipal Corporation, a Municipal Council” shall be substituted;

(b) in clause (f),-

(i) in sub-clause (iii), the word “and” shall be omitted;

(ii) in sub-clause (iv), the word “and” shall be inserted at the end;

(iii) after sub-clause (iv), the following sub-clause shall be inserted, namely:-

“(v) any person who is in charge of any place owned by the Central or State Government, Government Company or Corporation, or any place where exhibitions and other events are organized;”.

3. Substitution of section 5.- For section 5 of the principal Act, the following section shall be substituted, namely:-

“5. Duty of owner and occupier to collect, segregate and store non-biodegradable garbage etc: - It shall be the duty of the owner and occupier to collect and segregate the non-biodegradable garbage generated within their place and store securely until it is handed over to the local authority.”.

4. Insertion of new section 5A.- After section 5 of the principal Act, the following section shall be inserted , namely:-

5A. Penalty for contravening provision of section 5.- (1) Whoever contravenes any of the provisions of section 5 of this Act shall be punishable with:-

(a) a fine of Rs.200/- for first offence, Rs. 500/- for the second offence, and Rs. 5000/- or with imprisonment which may extend to one month or with both, for every subsequent offence, when the offence is in relation to a residential house;

(b) a fine of Rs.2000/- for first offence, Rs. 5000/- for the second offence, and Rs.25000/- or with imprisonment for a term which may extend to six months or with both , for every subsequent offence, when the offence is in relation to a commercial establishment.”.

5. Amendment of section 8. In section 8 of the principal Act, in sub-section (1), for the expression “Whoever is guilty of any Act”, the expression “Same as provided in section 5A of this Act, whoever is guilty of any Act” shall be substituted.

## **Statement of Objects and Reasons**

The Bill seeks to amend sub-clause (c) & sub-clause (f) of section 2 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997) (hereinafter referred to as the “said Act”), so as to incorporate Municipal Corporation as a “local authority” as well as include any person who is incharge of any place owned by the Central or State Government, Government Company or Corporation, or any place where exhibitions and other events are organized; within the definition of “occupier”.

Further the Bill seeks to substitute section 5 of the said Act, so as to cast upon the owner and occupier, the duty of collection, segregation and storage of non-biodegradable garbage.

Further, the Bill seeks to insert a new section 5A for providing a penalty for those who are contravening the provision of section 5 as well as amend the provision of section 8 by incorporating the provision of the new section 5A.

The Bill seeks to achieve the above objects.

## **Financial Memorandum**

No financial implications are involved in this Bill. However, it will generate additional revenue to the Government by way of collection of fine.

## **Memorandum Regarding Delegated Legislation**

The provisions do not provide for any delegation and the amendments are normal in character.

Porvorim, Goa.

\_\_\_\_ August, 2014.

ALINA SALDANHA

Minister for Environment

Assembly Hall,

Porvorim, Goa.

\_\_\_\_ August, 2014.

N.B. SUBHEDAR

Secretary to the Legislative

Assembly of Goa.

## ANNEXURE

### (Bill No. 19 of 2014)

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Extract of Section 2, Section 5 and Section 8, the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997)

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

- (a) "bio-degradable garbage" means the garbage or waste materials capable of being destroyed by the action of living beings;
- (b) "house gully" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to the latrine, urinals, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof in the removal of such matter therefrom;
- (c) "local authority" means a Municipal Council, a Zilla Panchayat or a Panchayat constituted, or continued, under any law for the time being in force;
- (d) "market" includes any place where persons assemble for exposing for sale, meat, fish, fruits, vegetables, food or any other articles for human use or consumption with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of the buyers and the sellers and whether or not any control is exercised over the business of or the person frequenting, the market by the Owner of the place or by any other persons;
- (e) "non-biodegradable garbage" means the waste garbage or material which is not bio-degradable garbage and includes polyethylene, nylon, and other plastic goods such as P.V.C. polypropylene and polystyrene which are not capable of being destroyed by an action of living beings and are more specifically included in the schedule to this Act;
- (f) "occupier" includes :
  - (i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
  - (ii) an owner in occupation of or otherwise using his land or building;

- (iii) a rent free tenant of any land or building; and
  - (iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (g) "Official Gazette" means the Official Gazette of the Government;
- (h) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building, whether or his own account or on account of himself and others or an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;
- (i) "place" means any land or building or part of a building and includes the garden, ground and outhouses, if any, pertaining to a building or part of a building;
- (j) "place open to public view" includes any private place, building, monument, fence or balcony visible to a person being in, or passing along, any public place;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "Public Analyst" means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State under the provisions of the Environment (Protection) Act, 1986 (Central Act 29 of 1986).
- (m) "public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house-gully or way, whether a through fare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass; and
- (n) "State Government" means the Government of Goa;

## 5. Duty of owners and occupiers to collect and deposit non-biodegradable

garbage. etc.- It shall be the duty of the owners and occupiers of all lands and buildings -

- (a) to collect or to cause to be collected from their respective land and buildings the non- biodegradable garbage and to deposit or cause to be deposited, in public receptacles, deposits or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;
  - (b) to provide separate receptacles or dustbins, other than, those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection therein of all the non-biodegradable waste from such land and buildings and to keep such 'receptacles, dustbins in good conditions and repair.
8. Penalties.- (1) Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand, or with both.
- (2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punishable with double the penalty provided for the latter offence.
- (3) Whoever in any manner aids abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

Assembly Hall,

Porvorim, Goa.

14<sup>th</sup> August, 2014.

N.B. SUBHEDAR

Secretary to the Legislative

Assembly of Goa.