



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Non-Biodegradable
Garbage (Control) (Amendment)
Bill 2019**

(Bill No. 15 of 2019)

(To be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2019**

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**The Goa Non-Biodegradable Garbage
(Control) (Amendment) Bill 2019**

(Bill No. 15 of 2019)

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BILL

*further to amend the Goa Non Biodegradable
Garbage (Control) Act, 1996 (Goa Act 5 of 1997).*

5 Be it enacted by the Legislative Assembly of Goa
in the **Seventieth** Year of the Republic of India as
follows:—

1. Short title and commencement.— (1) This
Act may be called the Goa Non-Biodegradable
10 Garbage (Control) (Amendment) Act, 2019.

(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 5 of 1997) (hereinafter referred to
15 as the “principal Act”),

(i) after clause (a), the following clause shall
be inserted, namely:—

20 “(aa) “commercial establishment” means
an establishment used for commercial
purposes, such as, bars, shacks, restaurants,
private offices, fitness clubs, retail stores,
banks, financial institutions, supermarkets,
auto and boat dealerships, etc. and
other such establishments;”

(ii) after clause (b), the following clause shall be inserted, namely:—

(ba) “inert waste” means waste which is neither chemically nor biologically reactive and will not decompose; 5

(iii) after clause (n), the following clauses shall be inserted, namely:—

(o) “plastic” means material which contains as an essential ingredient a high polymer such as polyethylene (PE), polycarbonates (PC), high density polyethylene, vinyl, low density polyethylene, polypropylene, polystyrene (PS Styrofoam/Thermocol) resins, multi-materials like Acrylonitrile Butadiene Styrene (ABS), Polyphenylene Oxide, Polycarbonate, Polyvinyl Chloride, Acetal, Acrylic, Cellulose Acetate, Cellulose Acetate Butyrate, Nylon, Polybutylene terephthalate and shall also include Non Woven Polypropylene, Multilayered co extruder Polyterephthalate (PT), Polyamindes, Polymethylmethacrylate, Plastic microbeads. 10 15 20

(p) “ plastic carry bags” means bags made from plastic material or compostable plastic material, with or without handles used for the purpose of carrying or dispensing commodities but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use; 25 30

(q) “Styrofoam” is a type of expanded polystyrene used especially for making food containers and packing materials.

3. Insertion of new section 3A.— After section 3 of the principal Act, the following section shall be inserted, namely:—

5 3(A). Prohibition on use of plastic carry bags, etc.—

10 (1) No person shall manufacture, import, store, transport or sell plastic carry bags or items made up of plastic/styrofoam such as, cups, straws, lids, cutlery, cello and poly film, metalised film, plastic cellophane paper and such other items as specified by the Government, by notification in the official Gazette.

15 (2) No person including commercial establishment shall use or throw or cause to be thrown plastic carry bags and items specified in sub-section (1), in a public place.

(3) No person shall burn non-biodegradable garbage in public place

20 Provided that provisions of this section shall not apply to export oriented units or units in special economic zones, notified by the Central Government, manufacturing their products against an order for exports. Such
25 export oriented units shall not allow their products for sale and usage within the State of Goa.”

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

“5B Penalty for contravening provisions of section 3A.—

- (1) whoever contravenes provisions of sub-section (1) of section 3A shall be punishable with a fine of Rs.50,000/- (Rupees fifty thousand) for the first offence, Rs.1,00,000/- (Rupees one lakh) for the second offence and Rs.3,00,000/- (Rupees three lakhs), or with imprisonment which may extend to three months or with both for every subsequent offence. 5
- (2) Whoever contravenes provisions of sub-section (2) of section 3A shall be punishable with,- 10
- (i) a fine of Rs.2,500/- (Rupees two thousand five hundred) for the first offence, Rs.3,500 (Rupees three thousand five hundred) for the second offence and Rs.5,000/- (Rupees five thousand), or with imprisonment which may extend to five days, or with both, for every subsequent offence, when the offence is in relation to an individual; 15 20
- (ii) a fine of Rs.10,000/- (Rupees ten thousand) for the first offence, Rs. 20,000/- (Rupees twenty thousand) for the second offence and Rs.50,000/- (Rupees fifty thousand), or with imprisonment which may extend to one month or with both, for every subsequent offence, when offence is in relation to commercial establishment; 25
- (3) Whoever contravenes provisions of sub-section (3) of section 3A shall be punishable with a fine of Rs.5,000/- (Rupees five thousand) in case of simple burning, Rs. 25,000 (Rupees 30

5 twenty five thousand) in case of bulk burning, for the first offence and for subsequent offences Rs.10,000/-(Rupees ten thousand) for simple burning and Rs. 50,000 (Rupees fifty thousand) for bulk burning or with imprisonment which may extend upto a period of five days or with both.

10 **(5) Amendment of Schedule.**— In the Schedule to the principal Act, after item at serial No. (11), the following items shall be inserted, namely:—

“(12) Styrofoam;

(13) Inert Waste;”

Statement of Objects and Reasons

The bill seeks to insert a new section 3A in the Goa Non-Biodegradable Garbage (Control) Act, 1996 (act 5 of 1997) so as to prohibit manufacture, sale, etc of plastic carry bags and items made up of plastic/Styrofoam such as cups, straws, etc.

The Bill further seeks to insert a new section 5B in the same Act, so as to specify penalty for contravening the provisions of the said section 3A.

The Bill also seeks to amend schedule to the said Act, so as to specify styrofoam and inert waste as non-biodegradable Garbage.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill. However, it may generate additional revenue to the Government by way of collection of fine, which cannot be quantified at this stage.

**Memorandum Regarding Delegated
Legislation**

Clause 3 of the Bill empowers the Government to issue Notification specifying other items made up of plastic, etc., the use of which may be prohibited.

This delegation is of normal character.

Porvorim, Goa.
6th August, 2019

NILESH CABRAL
Minister for Environment

Assembly Hall,
Porvorim, Goa.
6th August, 2019

NAMRATA ULMAN
Officiating Secretary to the
Legislative Assembly of Goa.

ANNEXURE

**Extract of sections 2, 3, 5 and Schedule annexed to
the Goa Non-Biodegradable Garbage (Control)
Act, 1996 (Act 5 of 1997)**

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 Corporation, 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;

(iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building; and

(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 organised;

(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 on 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 throughfare 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;

3. Prohibition to throw garbage in public places, drains and sewage.— (1) No person, by himself or through another, shall knowingly or otherwise throw or cause to be thrown in drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works if any non-biodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container likely to-

(i) injure the drainage and sewage system.

(ii) interfere with the free flow or affect the treatment and disposal of drain sewage contents; and

(iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless -

(a) the garbage is placed in a garbage receptacle,
or

(b) the garbage is deposited in a location designated, by a local authority having jurisdiction on an area for the disposal of garbage.

5. Duty of owners and occupiers to collect and deposit 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.

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 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 is 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;

SCHEDULE

[See section 2(e)]

Non-Biodegradable Garbage

- (1) Polyethylene;
- (2) Polycarbonate;
- (3) Polypropylene;
- (4) Polystyrene;
- (5) Polyvinyl Chloride (PVC);
- (6) ABS;
- (7) Acetal;
- (8) Acrylic;
- (9) Cellulose Acetate;
- (10) Cellulose Acetate Butyrate;
- (11) Nylon.