

The Goa Non-Biodegradable Garbage (Control) Rules, 1997

GOA

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Rule

THE-GOA-NON-BIODEGRADABLE-GARBAGE-CONTROL-RULES-1997 of 1997

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The Goa Non-Biodegradable Garbage (Control) Rules, 1997Published vide Notification LS/MISC/1915/96, dated 11-7-1997LS/MISC/1915/96. - Whereas the draft of the Goa Non-Biodegradable Garbage (Control) Rules, 1997, was published as required by section 17 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Act 5 of 1997), at pages 145-147 of the Official Gazette, Extraordinary, Series I, No. 10 dated 5-6-1997 under Notification No. LS/Misc//1915/96/537-N dated 22-5-1997, of the Department of Science, Technology, Environment inviting suggestions/objections from all persons likely to be affected thereby before the expiry of 15 days from the date of publication of the said Notification in the Official Gazette;And whereas the said Gazette was made available to the public on 5-6-1997;And whereas suggestions/objections received from the public etc., on the said draft have been considered by the Government;Now therefore in exercise of the powers conferred by section 17 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Act 5 of 1997), the Government of Goa hereby makes the following rules namely:-

1. Short title and commencement.

- These rules may be called the Goa Non-Biodegradable Garbage (Control) Rules, 1997.(2)They shall come into force on such date as the State Government may, by notification appoint, and different dates may be appointed for different areas.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Act 5 of 1997);(b)"Biomedical/clinical waste" means the waste

generated in the hospitals, dispensaries, private clinics, laboratories, butcher shops and slaughter houses and shall include:-(i)human or animal anatomical wastes;(ii)blood, body fluids and blood soaked or non-soaked bandages;(iii)microbiological wastes;(iv)discarded medicines;(v)disposables, non-disposables, waste sharps (needles), syringes, scalpel, blades);(vi)highly infectious wastes;(vii)slaughter house wastes and butcher shop wastes;(viii)incineration wastes (ash from incineration of any biomedical waste);(ix)biotechnological waste;(c)"Building debris" means any waste material generated during repairs, construction or demolition of any civil structure/building. Such waste materials include but are not limited to, discarded blocks/bricks/stones/shuttering material, paint, masonry waste, reinforcement material, cement, concrete, plaster, etc.:(d)"Garbage Management Committee" means the Garbage/Waste Management Committee constituted under rule 4 of these rules;(dd)["garbage/waste" means all types of garbage/waste including biodegradable garbage, non-biodegradable garbage, biomedical/clinical waste as well as commodities, such as non-biodegradable plastic 'bags/packaging material' prohibited under sub-section (h) of section 7 of the Act;] [Inserted by the Amendment Rules, 2003 published in the Official Gazette, Series I No. 2 dated 10-04-2003.].(e)"Garbage Management Zone" means the zone constituted under rule 3;(f)"Section" means a section of the Act;(g)Words and expressions used but not defined herein shall have the same meanings as assigned to them under the Act.

3. Garbage Management Zone.

- For the garbage clearance, scavenging and clearing, the local authority shall divide the area, falling within its territorial jurisdiction, into garbage management zones.

4. Garbage/Waste Management Committee.

(1)To assist and devise means for the efficient collection and disposal of the garbage in a garbage management zone set up under rule 3, a Garbage Management Committee shall be constituted and it shall comprise of :-(a)the public representative of the area in the local body concerned;(b)two responsible persons of the locality nominated by the local body;(c)the Sanitary Inspector of the area;(d)MLA of the area as ex officio member.(2)The functions of the Garbage Management Committee constituted under sub-rule (1), shall be to rendered assistance to the local authority of the area:-(a)for selection or earmarking the places where public receptacles are to be provided for temporary deposit of garbage/waste generated from various sources in the garbage management zone;(b)for fixation of intervals, within which the contents of receptacles, deposit and accumulation at all places, designated under rules 5 may be removed or cleared;(c)for providing safeguards to be taken while depositing the garbage/waste in public receptacles/dustbins and its removal to dumping grounds or the places fixed for its bio-conversion, dumping, incineration or recycling;(d)for arranging the awareness programmes to ensure reduction, re-use and recycling of garbage/waste, especially the non-biodegradable waste;(e)for encouraging residents of the area to explore the social and economic feasibility of separation of household waste at the source for its re-use and recycling; and(f)for devising steps to be taken for the maintenance of ecology and reduction of environmental pollution in the area.

5. Public Garbage receptacles/dustbins.

(1)The local authority, in consultation with the Garbage Management Committee constituted under rule 4, shall, for temporary deposit or collection of non-biodegradable garbage/waste generated in the area provide or place in proper place and convenient situation, separate receptacles/dustbins (other than those kept and maintained for deposit of biodegradable garbage).(2)In hospitals, dispensaries, private clinics, laboratories, butcher shops and slaughter houses, the persons managing such institution shall provide and place at convenient places separate receptacles/dustbins for the collection and deposit of garbage and biomedical/clinical waste generated therefrom.(3)all biomedical/clinical waste referred to in sub-rule (2) above should be collected in plastic bags with proper marking "danger hospital infectious waste" (in Konkani, Marathi and English) and placed in separate receptacles/dustbins provided for the purpose.(4)In case of hotels, hostels, restaurants, bars and industrial establishments, the managers/occupiers of these facilities/establishments shall provide and place at convenient places, separate receptacle/dustbins for non-biodegradable garbage/waste in addition to the those kept and maintained for biodegradable garbage.(5)The minimum capacity of all receptacles/dustbins referred to in sub-rules (1), (2) and (3) above should be equivalent to twice the garbage generation volume, to be determined by the Garbage Management Committee, so as to prevent spillage and provide for unforeseen delays in waste collection.(6)The local authority shall provide special services to lift the waste/garbage referred to in, sub-rules (2) and (3) above and a separate vehicle shall be used for collection of biomedical/clinical waste with appropriate markings/colour code as provided under rule 6.(7)The local authority, in consultation with the Garbage Management Committee, Town & Country Planning Department, Planning and Development Authority (wherever applicable), Department of Environment and Public Works Department, shall designate a separate place/places for safe disposal of building debris without harming the environment and the owners/occupiers/managers of places generating building debris shall collect such debris from their respective places and deposit the same at the places designated for the purpose.(8)The local authority and the occupiers/owners/managers referred to in sub-rules (1), (2), (3) and (4) while providing/placing the receptacles and dustbins under this rule, shall take every possible precaution to ensure that these are kept beyond the approach/reach of dogs and stray animals.

6. Colour of and inscription on receptacles/dustbins.

- The public receptacles and dustbins shall be painted in colour and shall carry the inscription as under:-
(i)Biodegradable - in green colour with inscription "For degradable waste only";
(ii)Non-biodegradable - in black colour with inscription "For non-biodegradable waste only";
(iii)Biomedical/clinic waste - in red colour with inscription "for biomedical/clinical waste only".

7. Safeguards to be taken by owners and occupants for deposits of garbage/waste generated from their building and lands.

- The owners and occupants of all lands and buildings shall collect or cause to be collected the

garbage/waste from their respective lands/buildings and deposit it or cause it to be deposited in public receptacles/dustbins provided under rule 5, for temporary deposit or collection of garbage by the local authority of the area ensuring that:-(a)the garbage is deposited in a location designated by the local authority;(b)the garbage is placed in garbage receptacles/dustbins;(c)the biodegradable garbage is deposited in the receptacles/dustbins/dumper designated for that purpose; and(d)the non-biodegradable garbage is not mixed either with the biodegradable garbage or biomedical/clinical waste and is deposited in the receptacles/dustbins designated for that purpose.

8. Prohibition to throw non-biodegradable waste.

- No person, himself or through another, shall knowingly or other-wise:-(a)throw or cause to be thrown any non-biodegradable garbage in a place other than the garbage receptacle/dustbins designated for the purpose under rule 5; and(b)mix the biomedical/clinical waste with other non-biodegradable waste garbage.

9. Litter control.

- The local authority or its officers may order the clean up of any non-biodegradable litter which has been disposed of contrary to the provisions of the Act and these rules.

10. Disposal of garbage/waste.

(1)garbage/waste generated from various sources and deposited in the receptacles/dustbins provided under rule 5, shall be got collected and removed, by the local authority, either through its employees or through the private agencies engaged by it for this purpose, to the dumping ground or suitable disposal sites.(2)The non-biodegradable garbage/waste (other than the biomedical/clinical waste, whether comprised of biodegradable or non-biodegradable matter), collected from receptacles/dustbins and carried to dumping ground or disposal site under sub-rule (1), shall be further carried to the recycling centres arranged by the local authority through its own officers or through agencies.(3)Subject to the provisions contained in any other law for the time being in force, and the terms and conditions which may be imposed by a local authority, the persons responsible for management of facilities such as hospital, dispensary, clinic, laboratory, butcher shop and slaughter house, shall dispose of the biomedical/clinic waste (including other garbage generated therefrom) by the process of incineration or other safe non-incineration technology:Provided that where incineration facilities or other safe non-incineration technology are not available or economically viable to the persons responsible for the management of such facilities, the local authority, shall, in the absence of any agreement to the contrary, arrange at the cost of the persons responsible for the management of such facilities, for the removal and disposal of the biomedical/clinical waste by the process of incineration or other safe non-incineration technology.(4)Subject to the provisions of sub-rule (3), the biodegradable waste shall be got disposed of by the local authority, as it may be deem fit, by the process of bio-conversion, dumping or incineration or any other scientific method.(5)Each site for bio-conversion, dumping and processing of the garbage/waste generated from all sources within the territorial limits of the local authority should be located at sufficient distance from the residential habitats.

11. Powers of officers/employees of local authority and members of Garbage Management Committee.

- [(1) For the purpose of implementation of the provisions of the Act and these rules, the members of the Garbage Management Committee as also Collectors, Deputy Collectors, Mamlatdars, Joint Mamlatdars, Excise Inspectors, Police Sub-Inspectors, Panchayat Secretaries, Chief Officers, Municipal Engineers, Sanitary Inspectors and Municipal Inspectors of all the Municipal Councils of the State of Goa, may, at, any reasonable time do any or all of the following acts, namely:-(a)enter and inspect any place to determine:(i)the extent, if any, to which any garbage/waste may cause is causing or has caused any adverse effect;(ii)the cause of any adverse effect that may occur, is occurring or has occurred;(iii)how an adverse effect may be prevented, eliminated, reduced or ameliorated and the environment conserved or reclaimed;(b)when the aforesaid authority reasonably believes that any garbage/waste may release, is releasing or has released into the environment or a place of public view, or that garbage/waste may cause, is causing or has caused any adverse effect, require the person having charge, management or control of the garbage/waste to remove the garbage/waste or cause it to be removed from where it is found and deposited in a place designated for that purpose under rule 5.(c)enter and inspect any place in which the aforesaid authority reasonably believes that any garbage/waste may be found and, if so found, seize and cause it to be removed from where it is found and deposited, at the cost of the occupier, in a place designated for that purpose under rule 5, for further disposal as provided under rule 10].(2)No entry in any private premises under sub-rule (1) shall be made after sunset and before sunrise.

12. Assistance to Officers.

- The owners of and every person found in any place in respect of which an officer or employee of the local authority or the member of the Garbage Management Committee is exercising powers and carrying out duties under the Act and these rules, shall:-(a)give such officer, employee or member all reasonable assistance to enable him to exercise those powers and carry out those duties;(b)furnish all information relative to exercising of those powers and carrying out those duties that such officer, employee or member may reasonably require.OrdersRead: Notification No. LS/MISC/1915/96/Part/249 dated 27th March, 2002, published in the Official Gazette (Extraordinary) under Series II, No. 52 dated 30th March, 2002.No. LS/MISC/1915/96/Part I/711. - The Government is pleased to constitute with immediate effect a Monitoring Committee for North Goa District, to monitor and regulate the implementation of the provisions of the above cited Notification, which imposes a ban on all 'non-biodegradable plastic' bags of less than 40 microns thickness. The membership of the said Committee shall be as follows:

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| 1. Collector (North) | - Chairman |
| 2. Director/Representative of Department of Science, Technology &Environment | - Member |
| 3. Director/Representative of Directorate of MunicipalAdministration | - Member |
| 4. Director/Representative of Directorate of Panchayat | - Member |
| 5. Commissioner/Representative of Directorate of Excise | - Member |

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| 6. Superintendent of Police (North) | - Member |
| 7. Chief Officer, Panaji Municipal Council | - Member |
| 8. Chief Officer, Mapusa Municipal Council | - Member |
| 9. President/Representative, Goa Small Industries Association(GSIA) | - Member |
| 10. Representative of the NGO the Goa Foundation (GF) | - Member |
| 11. Representative of the NGO the People's Movement for CivicAction (PMCA) | - Member |
| 12. Dy. Collector (South) | - Convenor |

The Committee shall meet at least once in three months or as often as required at the discretion of the Chairman. The Chairman shall also work out and elaborate programme of regular field inspections by the Committee members, to ensure effective enforcement of the said Notification. Read: Notification No. LS/MISC/1915/96/Part/249 dated 27th March, 2002, published in the Official Gazette (Extraordinary) under Series II, No. 52 dated 30th March, 2002. No.

LS/MISC/1915/96/Part I/713. - The Government is pleased to constitute with immediate effect a Monitoring Committee for South Goa District, to monitor and regulate the implementation of the provisions of the above cited Notification, which imposes a ban on all 'non-biodegradable/plastic' bags of less than 40 microns thickness. The membership of the said Committee shall be as follows:

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| 1. Collector (South) | - Chairman |
| 2. Director/Representative of Department of Science, Technology & Environment | - Member |
| 3. Director/Representative of Directorate of Municipal Administration | - Member |
| 4. Director/Representative of Directorate of Panchayat | - Member |
| 5. Commissioner/Representative of Directorate of Excise | - Member |
| 6. Superintendent of Police (North) | - Member |
| 7. Chief Officer, Panaji Municipal Council | - Member |
| 8. Chief Officer, Mapusa Municipal Council | - Member |
| 9. President/Representative, Goa Small Industries Association(GSIA) | - Member |
| 10. Representative of the NGO the Goa Foundation (GF) | - Member |
| 11. Representative of the NGO the People's Movement for CivicAction (PMCA) | - Member |
| 12. Dy. Collector (South) | - Convenor |

The Committee shall meet at least once in three months or as often as required at the discretion of the Chairman. The Chairman shall also work out an elaborate programme of regular field inspections by the Committee members, to ensure effective enforcement of the said Notification. No. LS/MISC/1915/96/Part II/675. - The Government is pleased to constitute a Flying Squad for special enforcement drives under the Goa Non-Biodegradable Garbage (Control) Act, 96 as well as the Goa Prohibition of Smoking and Spitting Act, 97 with immediate effect. The members of the Squad shall be as under:

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| 1. Shri Suresh Narulkar, Jt. Mamlatdar II | - Convenor |
| 2. Shri Ram Asare, PSI | - Member |
| 3. Shri Mathew Pereira | - Member |
| 4. Representative of Department of Science, Technology & Environment (DSTE) | - Member |
| 5. Representative of People's Movement for Civic Action (PMCA) | - Member |

6. Representative of Goa Small Industries Association (GSIA) - Member
7. Representative of National Organization for Tobacco Eradication (NOTE-GOA) - Member

The squad shall undertake periodic special 'drives/raids' to enforce the provisions of the said Acts and take necessary action against the violators as and when required, but atleast twice a month. The action taken through the squad shall be in addition to the normal enforcement, activity which shall continue unabated. No. LS/MISC/1915/96/Part II/676. - The Government is pleased to constitute a Flying Squad for special enforcement drives under the Goa Non-Biodegradable Garbage (Control) Act, 96 as well as the Goa Prohibition of Smoking and Spitting Act, 97 with immediate effect. The members of the Squad shall be as under:

1. Shri S. P. Pilarnekar, Mamlatdar-in-Collectorate - Convenor
2. Shri Suraj Halankar, PSI - Member
3. Shri Mathew Pereira - Member
4. Representative of Department of Science, Technology & Environment (DSTE) - Member
5. Representative of People's Movement for Civic Action (PMCA) - Member
6. Representative of Goa Small Industries Association (GSIA) - Member
7. Representative of National Organization for Tobacco Eradication (NOTE-GOA) - Member

The squad shall undertake periodic special 'drives/raids' to enforce the provisions of the said Acts and take necessary action against the violators as and when required, but atleast twice a month. The action taken through the squad shall be in addition to the normal enforcement activity which shall continue unabated. Notifications LS/Misc/1915/96/Part/1309. - In exercise of the powers conferred by sub-section (3) of section 1 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997) (hereinafter called the said Act), the Government of Goa hereby appoints the 1st day of January, 1998 as the date on which the said Act shall come into force in the areas falling within the jurisdiction of all the Municipal Councils in the State of Goa and all Panchayats located in the Talukas of Bardez, Salcete and Tiswadi of the State of Goa. LS/Misc/1915/96/Part/1308. - In exercise of the powers conferred by sub-section (2) of rule 1 of the Goa Non-Biodegradable Garbage (Control) Rules, 1997 (hereinafter called the "said Rules"), the Government of Goa hereby appoints the 1st day of January, 1998 as the date on which the said Rules shall come into force in all the areas falling within the jurisdiction of all the Municipal Councils in the State of Goa and all Panchayats located in the talukas of Bardez, Salcete and Tiswadi of the State of Goa. LS/Misc/1915/96/Part/859. - In exercise of the powers conferred by sub-section (1) of section 11 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997) (hereinafter called the 'said Act'), the Government of Goa hereby authorises the Chief Officers, Municipal Engineers, Sanitary Inspectors and Municipal Inspectors of all the Municipal Councils in the State of Goa and Panchayat Secretaries of the Panchayats located in the talukas of Bardez, Tiswadi and Salcete, for the purpose of the said sub-section (1) of section 11 of the said Act, with immediate effect. LS/Misc/1915/96/Part/249. - In pursuance of clause (h) of section 7 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997) and in super session of the Government Notification No.

LS/MISC//1915/96/Part/229 dated 27th March, 2001, published in the Official Gazette, Series I No. 05 dated 3rd May, 2001, the Government of Goa hereby directs the manufacturers manufacturing, and distributors and other persons handling, carry bags of non-biodegradable material, such as plastic, including those persons who import such bags from outside the State of Goa, that such carry bags shall not be of a thickness of less than 40 microns. This Notification shall come into force with

effect from 1st July, 2002. Read: Government Notification No. LS/MISC/1915/96/Part/859 dated 21-12-2001 published in the Official Gazette, Series II No. 38 dated 26-12-2001. LS/MISC/1915/96/Part/250. - In exercise of the powers conferred by sub-section (1) of section 11 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997) (hereinafter called the 'said Act'), the Government of Goa hereby authorizes the Collectors, Deputy Collectors, Excise Inspectors, Police Sub-Inspectors and Panchayat Secretaries of the Panchayats located in the talukas of Pernem, Bicholim, Satari, Ponda, Mormugao, Sanguem, Quepem and Canacona, Goa, for the purposes of said sub-section (1) of section 11 of the said Act, within their respective jurisdictions with effect from 1st July, 2002. Read: Government Notification No. LS/MISC/1915/96/Part/1309 dated 31-12-1997 published in the Official Gazette, Series I No. 41 dated 8-1-1998. LS/MISC/1915/96/Part/251. - In exercise of the powers conferred by sub-section (3) of section 1 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997) (hereinafter called the 'said Act'), the Government of Goa hereby appoints the 1st day of July, 2002 as the date on which the provisions of the said Act shall come into force in the areas falling within the jurisdiction of all the remaining Panchayats of the State of Goa, to which the said Act was not extended earlier. Read: Government Notification No. LS/MISC/1915/96/Part/1308 dated 31-12-1997 published in the Official Gazette, Series I No. 41 dated 8-1-1998. LS/MISC/1915/96/Part/252. - In exercise of the powers conferred by sub-rule (2) of rule 1 of the Goa Non-Biodegradable Garbage (Control) Act, 1997 (hereinafter called the 'said Rules'), the Government of Goa hereby appoints the 1st day of July, 2002 as the date on which the provisions of the said Rules shall come into force in the areas falling within the jurisdiction of all the remaining Panchayats of the State of Goa, to which the said Act was not extended earlier. Read: 1. Government Notification No. LS/Misc/1915/96/Part/859 dated 21-12-2001.

2. Government Notification No. LS/Misc/1915/96/Part/250 dated 27-03-2002.

No. LS/MISC/1915/96/Part I/915. - In exercise of the powers conferred by sub-section (1) of section 11, of the Goa Non-Biodegradable Garbage (Control) Act, 1996; (Goa Act 5 of 1997) hereinafter referred to as the "said Act"), the Government of Goa hereby authorises all the Mamlatdars and Joint Mamlatdars in the State of Goa for the purpose of the said sub-section (1) of section 11 of the said Act, with immediate effect. MISC/1915/96/Part/1049. - In pursuance of clause (h) of section 7 of the Goa Non-Biodegradable Garbage (Control) Act, 1996, (Goa Act 5 of 1997), the Government of Goa in partial modification of the Notification No. LS/MISC/1915/Part/249 dated 27th March, 2002, published in the Official Gazette, (Extraordinary) Series II No. 52, dated 30-03-2002, hereby directs that the manufacturers who desire to produce carry bags of non-biodegradable material of a thickness below 40 microns but not less than 20 microns, shall be permitted to do so, only for the purpose of exporting it outside the State of Goa, where the sale of such bags is permitted, provided that prior written permission from the Director, Department of Science, Technology and Environment, Saligao, is obtained by the manufacturer in this connection. This notification shall come into force with immediate effect. No. LS/MISC/1915/Part/798. - The Government is hereby pleased to constitute a Committee consisting of following officials to consider the feasibility of a complete ban on plastic bags or any other alternate strategy to combat the proliferation and littering of used plastic bags.

1. Secretary (Science, Technology & Environment) - Chairman
2. Director of Industries, Trade & Commerce, Panaji - Member
3. Director of Science, Technology & Environment - Member
4. Director of Municipal Administration - Member
5. Commissioner of Sales Tax or his Representative - Member

The terms of reference of the above Committee shall be as under:

1. To consider whether to ban plastic bags to reduce their circulation or to discourage them commercially by the exercise of fiscal powers so as to make "jute/paper" bags economically more attractive.

2. To identify alternatives to plastic bags.

3. To consider effective methods for 'disposal/treatment' of used plastic bags such their disposal in a landfill facility, recycling, use for asphaltting of roads, etc.

[Inserted by the Amendment Rules, 2003 published in the Official Gazette, Series I No. 2 dated 10-04-2003.]