

The Goa Non-Biodegradable Garbage (Control) Act, 1996

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

1996. (2) It extends to the whole of the State of Goa. (3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint and different dates may be appointed for Section 2 - different areas (a) biodegradable garbage means the garbage or waste materials capable of being destroyed by the action of living beings; 1[(aa) brand owner means a person or a company who manufactures and sells any commodity under a registered brand label;]; [(ab) commercial establishment means an establishment used for commercial 2 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;] 3 [(ac) consideration means consideration as defined in clause (31) of section 2 of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017)] ----2---- [(ad) bulk waste generator means an industry, a hotel, restaurant or an 4 establishment generating more than 50 kg. per day of non-biodegradable garbage; (ae) waste collector means a person who is involved in the collection, segregation, sorting, sale and purchase of waste materials including recyclable materials and includes waste trader; (af) materials recovery facility (MRF) means a facility where solid waste other than wet waste and horticulture waste, can be temporarily stored by the local body or any entity authorized by local body to facilitate segregation and sorting of collected waste including biodegradable plastic as well as compostable plastic, and transfer of recyclables and non-recyclables to authorized recyclers or waste processors from various components of waste; (ag) disposal means final and safe disposal of the waste as specified in Schedule through recycler or by the co-processor; (ah) refused derived fuel (RDF) means fuel derived from combustible waste like plastic, wood, pulp or inorganic waste, other than chlorinated materials, in the form of pellets or fluff produced by drying, shredding, dehydrating and compacting of solid waste;] (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; [(ba) Importer means a person who imports non-biodegradable packaging 5 product or products;]; [(bb) inert waste means waste which is neither chemically nor biologically 6 reactive and will not decompose;] (c) local authority means 7[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 biodegradable 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; ----3---- (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; 8[] (iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building; 9 [and] 10 [(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;] (g) Official Gazette means the Official Gazette of the Government; 11 [(ga) outward supply means outward supply as defined in clause (83) of section 2 of the Goa Goods and Service Tax Act, 2017 (Goa Act 4 of 2017);] (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; [(ka) Producer means person engaged in manufacture or import of products made out of non-biodegradable materials for packaging or wrapping the commodity;]. (l) Public Analyst means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognized 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 thoroughfare 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. [(o) plastic means material which contains as an essential ingredient a high polymer such as polyethylene (PE), polycarbonates (PC), high density polyethylene, ----4---- 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), Polyamides, Polymethylmethacrylate, Plastic microbeads. (p) plastic carry bags means bags made from 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; (q) Styrofoam is a type of expanded polystyrene used especially for making food containers and packing materials.]

[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, any non-biodegradable garbage or any biodegradable 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 biodegradable 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.]

14 [3. Prohibition to throw garbage in public and private places including drains, rivers, nallahs, water bodies such as ponds, streams, vents, sewers, wells, lakes, land, quarries, etc. (1) No person shall throw or cause to be thrown in drain, river, nallahs, ponds, streams, vents, sewers, lakes, land, quarry, private or public drainage or sewage system/work, any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container likely to, (i) injure drainage and sewage system, pollute or contaminate water body, interfere with the free flow of water cause nuisance and create risk to public health; (ii) affect the treatment and disposal of sewage contents; and ----5---- (iii) be prejudicial to public health, contamination of soil, surface water and ground water. (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 at a location identified, by local authority having jurisdiction over the area and earmarked for disposal of garbage.]

15 [3(A). Prohibition on use of plastic carry bags, etc. (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. (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. 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 export oriented units shall not allow their products for sale and usage within the State of Goa.]

