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

(Bill No.  of 2019),

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BILL

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

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 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 as the “principal Act”),

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

   “(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;

   (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.

(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;

(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:-

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.”

4. Insertion of new section 5B.- After section 5A of the principal Act, the following section shall 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.

(2) Whoever contravenes provisions of sub-section (2) of section 3A shall be punishable with,-

(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;

(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;

(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 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.

(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;”

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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. NILESH CABRAL
-----------July, 2019 Minister for Environment

Assembly Hall, Namrata Ulman
Porvorim, Goa. Secretary to the Legislative
-----July, 2019 Assembly of Goa.

Governor's Recommendation under Article 207
of the Constitution of India.

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Non-Biodegradable Garbage (Control) (Amendment) Bill, 2019, by the Legislative Assembly of Goa.