

**THE SIKKIM NON-BIODEGRADABLE GARBAGE (CONTROL) (REPEALING)  
BILL, 2023**

**(BILL NO.06 OF 2023)**

A

BILL

to repeal the Sikkim Non-Biodegradable Garbage (Control) Act, 1997.

WHEREAS, the Solid Waste Management Rules, 2016 notified by the Central Government vide Notification No. S.O. 1357 (E) dated the 8<sup>th</sup> day of April, 2016 and the Plastic Waste Management Rules, 2016 notified vide Notification No. GSR 320(E) dated the 18<sup>th</sup> day of March, 2016, framed under the provisions of Environment (Protection) Act, 1986 have been enforced in the State of Sikkim;

AND WHEREAS, with the enforcement of the Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016 to the state of Sikkim, it is necessary to repeal the Sikkim Non-Biodegradable Garbage (Control) Act, 1997.

It is hereby enacted by the State Legislature in the Seventy-fourth Year of the Republic of India as follows:

Short title and commencement.	1.	(1)	This Act may be called the Sikkim Non-Biodegradable Garbage (Control) (Repealing) Act, 2023.
		(2)	It shall come into force at once.
Repeal of the Sikkim Non-Biodegradable Garbage (Control) Act, 1997.	2.	(1)	The Sikkim Non-Biodegradable Garbage (Control) Act, 1997 is hereby repealed.
Savings.	3.	(1)	Notwithstanding the repeal of the Sikkim Non-Biodegradable Garbage (Control) Act, 1997 the repeal shall not:  (a) affect the previous operation of the said Act, or anything duly done or suffered there under; or (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or (c) affect any penalty, forfeiture or punishment incurred under the said Act; or (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, mentioned or enforced and such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

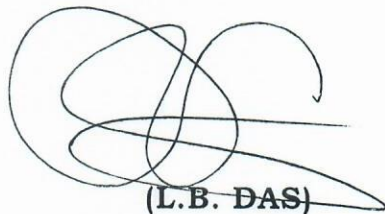
## STATEMENT OF OBJECTS AND REASONS

The State Government has deemed it expedient to repeal the Sikkim Non-Biodegradable Garbage (Control) Act, 1997 with reasons stated as under: -  
The Sikkim Non-Biodegradable Garbage (Control) Act, 1997 was enacted and notified vide Notification No. 7/LD/97 dated 30<sup>th</sup> April 1997 and published in Official Gazette No.71 dated:30/04/1997. The objective of this Act was to prevent throwing or depositing non-biodegradable garbage in public drains, roads and open places which is open to public view in the state of Sikkim and for matters connected therewith or incidental thereto.

Subsequently, in the year 2016, the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) made the Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016 in order to provide regulatory framework for management of Solid and Plastic waste generated in the country.

The purpose and objective envisaged in the Sikkim Non-Biodegradable Garbage (Control) Act, 1997 has been sufficiently covered by Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016, Solid Waste Management Cleanliness and Sanitation Byelaws, 2019 and Plastic Waste Management and Handling Byelaws, 2021. Therefore, repealing the Sikkim Non-Biodegradable Garbage (Control) Act, 1997 have been felt necessary.

With the above object in view, the Bill has been framed.



(L.B. DAS)

**MINISTER-IN-CHARGE**

**URBAN DEVELOPMENT DEPARTMENT**

L. B. Das

Minister

Urban Development and  
Food & Civil Supplies Department  
Government of Sikkim

**FINANCIAL MEMORANDUM**

-NIL -

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

-NIL-



(M. T. SHERPA, IAS)

**SECRETARY-IN-CHARGE**

**URBAN DEVELOPMENT DEPARTMENT**

**SECRETARY**

Urban Dev. Department  
Government of Sikkim, Gangtok