

The Goa Non-Biodegradable Garbage (Control) (Amendment) Bill, 2021

(Bill No. 10 of 2021)

A

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 Seventy-second 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, 2021.

(2) It shall be deemed to have come into force on the 9th day of October, 2020.

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 (aa), the following clause shall be inserted, namely:-

“(ab) “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);”

(ii) after clause (g), the following clause shall be inserted, namely:-

“(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);”.

3. Amendment of section 7.- In section 7 of the principal Act, in clause (i), for the expression “two percent of “sale price” as defined in clause (ad) of section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) of such items”, the

expression “two percent of consideration received on outward supply of goods” shall be substituted.

4. Repeal and savings.-(1) The Goa non-Biodegradable Garbage (Control) (Amendment) Ordinance, 2020 (Ordinance No 11 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Bill seeks to amend sections 2 and 7 of the Goa Non- Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997), so as to provide for levy of cess at the rate not exceeding two percent of consideration received on outward supply of goods. This amendment was needed in view of enactment of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017) in the State of Goa.

The Bill also seeks to repeal the Goa Non-Biodegradable Garbage (Control) (Amendment) Ordinance, 2020 (Ordinance No. 11 of 2020) promulgated by the Governor of Goa on 09-10-2020.

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 imposition of cess.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Governor's Recommendation under article 207 of the Constitution of India

In pursuance of article 207 of the Constitution of India, I, Bhagat Singh Koshyari, Governor of Goa, hereby recommend the introduction and consideration of the Goa Non-Biodegradable Garbage (Control) (Amendment) Bill, 2021 by the Legislative Assembly of Goa.

Porvorim, Goa

15 /01 /2021

Assembly Hall,

Porvorim, Goa

15/01 /2021

Nilesh Cabral

Minister for Environment

Namrata Ulman

Secretary to the
Legislative Assembly of Goa

ANNEXURE

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**EXTRACTS FROM THE GOA NON-BIODEGRADABLE GARBAGE
(CONTROL) ACT, 1996 (GOA ACT 5 OF 1997) WITH AMENDMENTS**
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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;
- (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;
- (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) "inert waste" means waste which is neither chemically nor biologically reactive and will not decompose;
- (c) "local authority" means (a Municipal Corporation, a Municipal Council)¹, a Zilia 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)⁴
 - (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 or 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;

(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), Polyamides, 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.

7. Studies, research and support programme. - The State Government may

(a) undertake studies to determine the composition of bio-degradable or non-biodegradable garbage;

(b) establish measures to conduct or support research or programmes to encourage source reduction, re-use and recycling of waste;

(c) conduct or support studies to determine the social and economic feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes;

(d) encourage local authorities in the State to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick-up;

(e) undertake and encourage, local authorities and other persons to implement policies to recycle waste materials, to promote energy conservation and to purchase products made from recyclable materials;

(f) conduct and support research on recycling including information on operating recycling business and market information on recyclables;

(g) conduct and support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and

(h) impose requirements on manufacturers, distributors and other persons who produce or handle commodities with respect to the type, size, packaging, labelling and composition of packaging that may or must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

(i) levy a cess at such rates as may be determined by the Government from time to time, by notification in the Official Gazette but not exceeding two percent of "sale price" as defined in clause (ad) of section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) of such items, marketed in non-biodegradable packaging material, including bottles and containers, as may be mentioned in such notification, which shall be utilized for implementation of solid waste management schemes including segregation, collection, safe disposal and re-cycling of non-biodegradable waste material and also to promote the sale and use of biodegradable packaging material, bags and containers.

(j) specify by notification in the Official Gazette the manner of assessment, levy and collection of cess under clause (i).
