



सत्यमेव जयते

# The Gujarat Government Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Vol. LXIV ]

FRIDAY, MARCH 3, 2023 / PHALGUNA 12, 1944

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which was introduced on the 3<sup>rd</sup> March, 2023 by Shri Harshadbhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

#### THE GUJARAT PROHIBITION ON BURNING OF WASTE BY CITIZENS AND SANITARY WORKERS IN PUBLIC PLACES BILL, 2023

**GUJARAT BILL NO. 11 OF 2023.**

#### *A BILL*

*to provide for prohibition on Burning of waste by citizens and sanitary workers in Public Places in the State of Gujarat and matters connected therewith.*

It is hereby enacted in the Seventy fourth year of the Republic of India as follows:

- (1) This Act may be called the Gujarat Prohibition on Burning of waste by citizens and sanitary workers in Public Places Act, 2023.
- (2) It shall extends to the whole of the State of Gujarat.

**Short title,  
and Extent.**

- Definitions.** 2. In this Act, unless the context otherwise requires-
- (1) "Government" means the State Government of Gujarat;
  - (2) "Local Authority" means a Municipal Corporation, a Municipality, Urban Development Authority or a Panchayat constituted under any law for the time being in force.
  - (3) "Public Places" means any place which is open to use of public whether it is actually used by the public or not and includes a road, street, market, or a landing place to which public have a right to pass.
- Prohibition to burn waste.** 3. (1) No person by himself or through other shall knowingly or otherwise burn or cause to be burn any waste in a public place which is likely to cause nuisance or be dangerous or be harmful to public health.
- (2) No sanitary worker shall knowingly or otherwise place or permit to be placed for burn any waste except in accordance with such safe guards as may be prescribed in a place other than a public place strictly following the Solid Waste Management Rules.
- Duty of Local Authorities.** 4. It shall be the duty of the local authority or any officer authorised by it to place or provide places in proper and convenient situation to public receptacle for collection of garbage and timely removal of it.
- Constitution of a committee.** 5. The State Government shall constitute a committee to survey the air quality position and frame an action plan to curb waste burning and promote segregation of waste at source so as to lower the pollution level.
- Punishment.** 6. Whoever is guilty of any act or omission in contravention of the provisions of this Act, Rules or notification issued under this Act, shall be punished with imprisonment for a term not exceeding one month or with a fine not exceeding five thousand rupees or with both.
- Trial of offences.** 7. All offences under this Act shall be summary trialed by a Judicial Magistrate of First class.
- Compounding of offence.** 8. Any offences punishable under this Act may before institution of the prosecution be compounded by such officer as may be authorised by the State Government in this behalf and no proceeding shall be taken against the offender.
- Provisions of the Act not in derogation.** 9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.
- Power to make Rules.** 10. The Government may, by notification in the *Official Gazette*, makes rules for the enforcement of this Act.

**STATEMENT OF OBJECTS AND REASONS**

At present, it is observed that people at large are used to burn waste in public places. This is likely to cause nuisance or be dangerous or be harmful to public health. The burning of solid waste is rampant which further lowers the air quality which is already poor in the cities.

This also leads to more respiratory ailments in the city. In order to prevent such incidents along with achieving the object of "Swachha Bharat Abhiyan", it is considered necessary to enact a law on the subject.

Hence this Bill.

**Gandhinagar,  
Dated the 7<sup>th</sup> February, 2023.**

**HARSHADBHAI PATEL,  
M.L.A.**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This bill involves delegation of legislative powers in the following respect, namely:-

**Clause 3:-** This clause empower the State Government to prescribe procedure and safe guards for burning of waste in a place other than a public places.

The Delegation of legislative power, as aforesaid, is necessary and is of a normal character.

**Gandhinagar,  
Dated the 7<sup>th</sup> February, 2023.**

**HARSHADBHAI PATEL,  
M.L.A.**

**Dated the 3<sup>rd</sup> March, 2023.  
Gandhinagar.**

**D. M. PATEL,  
Secretary,  
Gujarat Legislative Assembly.**

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