

Bill No. XXVII of 2017

THE ENVIRONMENT PROTECTION (MANAGEMENT OF LANDFILL
SITES AND CONTROL OF NON-BIODEGRADABLE GARBAGE)
BILL, 2017

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BILL

to provide for the formulation of a national policy to set up engineered landfill sites at conspicuous places away from human settlements, for their scientific management and for preparing a model solid waste management policy to prevent throwing or depositing non-biodegradable garbage or waste at public places such as roads, parks, public drains or places open to public view so as to protect the environment and ultimately mother earth from being polluted by such garbage or waste responsible for the climate change and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (i) This Act may be called the Environment Protection (Management of Landfill Sites and Control of Non-Biodegradable Garbage) Act, 2017.

5 (ii) It extends to the whole of India.

(iii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
extent and
commence-
ment.

Definitions.

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

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "Biodegradable Garbage" means the garbage or waste material capable of being destroyed naturally or by the action of living beings or microorganisms;

(c) "landfill site" means a site or place earmarked for depositing garbage of a city by the local self-Government;

(d) "local self-Government" includes a Municipality, Cantonment Board or any such authority by whatever name called;

(e) "municipal area" means territorial area within the jurisdiction of a local self-Government;

(f) "non-Biodegradable garbage" means the garbage or waste material which is not biodegradable and includes polythene, Nylon and other plastic goods such as Polyvinyl Chloride, Polypropylene and Polystyrene etc.;

(g) "place open to public view" include any private place or building, monument, fence or balcony visible to a person being in or passing along any public place;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "public Place" means any place which is open to use and enjoyment of the general 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 the landing place to which public are granted access or have a right to resort or over which they have a right to pass.

National Policy for landfill sites and solid waste management.

3. (1) The Central Government shall, within six months of the commencement of this Act, prepare and publish in the Official Gazette a National Policy for setting up and scientific management of landfill sites and solid waste management throughout the country.

(2) Without prejudice to the generality of the provisions contained in Sub-section (1) the National Policy shall include,—

(a) setting up of engineered landfill sites instead of conventional ones;

(b) positioning of vent pipes in landfill sites to burn methane gas;

(c) setting up plants to generate power from the garbage;

(d) promote technology to build roads from the garbage;

(e) setting up of waste recycling plants;

(f) recognising waste pickers or informal waste collectors;

(g) providing training on solid waste management to waste pickers or collectors;

(h) setting up of material recovery facility, secondary storage facility to sort recyclable waste;

(i) promote segregation of waste in dry and wet in households and establishments;

(j) promote participation of Residents Welfare Associations (RWAs) in educating people in waste management in their areas; and

(k) such other provisions as the Central Government may deem fit and necessary.

Prohibition to through garbage in drains and sewerage.

4. (1) Notwithstanding anything contained in any other law for the time being in force, the disposal of garbage by any person, by himself or through another, knowingly or otherwise in any drain, ventilation shaft, pipe and fittings connected with the private or public drainage works, at public place such as streets, roads, market place, open vacant plots and such other places is hereby prohibited.

(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 and non-biodegradable garbage in any public place or in a place open to public view unless,—

5 (a) the garbage is placed in a garbage receptacle; or

(b) the garbage is deposited in a location designated by a local Self-Government having jurisdiction on an area for the disposal of garbage.

(3) Whoever contravenes the forgoing provisions shall be guilty of an offence under this Act.

10 **5.** It shall be the duty of the local Self-Government to,—

(a) provide at conspicuous and convenient places public receptacles, depot or *dhalao* or places for temporary deposit or collection of non bio-degradable garbage;

(b) provide separate dustbins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit or biodegradable garbage;

15 (c) provide for the removal of garbage from receptacles, depot and accumulation at all places provide by it;

(d) promote segregation of garbage in dry and wet categories; and

(e) arrange for recycling of non-biodegradable garbage collected under this Act.

20 **6.** (1) Whoever commits any act in contravention of any of the provisions of this Act, shall be punished with fine which shall be less than twenty thousand rupees, but may extend of fifty thousand rupees.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punished with simple imprisonment which may extend to one year;

25 (3) Whoever in any manner aids or abets the commission of an offence under this Act shall be punished with fine which shall not be less than fifty thousand rupees, but may extend to one lakh rupees.

(4) Notwithstanding anything contained in the Code of Criminal procedure, 1973 an offence punishable under this Act shall be cognizable and bailable.

30 **7.** It shall be the duty of the appropriate Government to extend welfare measures, appropriate medical facilities and special allowances to the workers who are engaged to execute works under this Act.

2 of 1974. 35 **8.** All offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure 1973 shall, as far as may be, apply to such trials.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds from time to time for carrying out the purposes of this Act.

40 **10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Placement of receptacles etc. by local self-Government.

Penalty.

Welfare measures for workers.

Offences to be tried summarily.

Central Government to provide funds.

Act to supplement other laws.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Recently, during the rainy season a landfill site in the National Capital collapsed after a blast caused by Methane gas collected within the site the slide swept away some people in the nearby canal and killed them. In the landfill sites Methane gas generated in a large scale be it in the National Capital, commercial capital of the country, Mumbai or any other metropolitan or urban area which causes apart from difficulty in breathing and irritation in eyes, some dreaded diseases like TB, Cancer etc. In metropolitan cities like Delhi, Mumbai etc. availability of land for setting up new landfill sites is next to impossible and as a result existing landfill sites have become mountains of garbage emanating stink and gases and polluting the environment on a very large scale.

In fact removal of garbage has become a major problem in the urban areas of the country. Heaps of garbage can be seen almost everywhere which is causing huge environment pollution. Disposal of solid waste is the duty of the local self-Government agencies. Major portion of solid waste is of biodegradable nature which means it can be destroyed by the action of living being and micro-organisms. Such garbage can be converted into compost or used as a source of energy of manure. Now under a new technology the waste can also be used in building roads. But non-biodegradable waste is the bane of modern civilization and invent in of plastic has caused the biggest harm to environment. Such substance choke gutters, drains and marine outfall creating difficulties for sewage engineering.

Recently, Indian Institute of Technology (IIT), Delhi made a presentation on waste disposal which the local bodies can adopt. In short, we require a National Policy to deal with this sensitive issue.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for welfare measures, medical furtoties and special allowances to the workers who are engaged to execute the work under this Act. Clause 9 makes it mandatory that the Central Government shall provide funds from time to time for carrying out the purposes of this Bill. At this stage it is not possible to quantify the funds which may be required for the implementation of the provisions but it is estimated that a sum of rupees one lakh crore may involve from the Consolidated Fund of India as recurring expenditure per annum in case the Bill is enacted by Parliament.

A sum of rupees one lakh crore may also be involved as non-recurring expenditure for creating assests in the country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Rajkumar Dhoot, M.P.)