

The Haryana Non-Biodegradable Garbage (Control) Act, 1998
Haryana Act No. 8 of 1998

hl495

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An Act to prevent throwing or depositing of non-biodegradable garbage in public drains, roads and places open to public view in the State of Haryana and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Forty-eighth Year of the Republic of India, as follows :-

1. Short title and commencement. - (1) This Act may be called the Haryana Non-Biodegradable Garbage (Control) Act, 1998.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force in such areas and on such date as the State Government may, by notification, specify and different dates may be specified for different areas.

2. Definitions. - In this Act, unless the context otherwise requires, -

- (a) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings;
- (b) "building" means any shop, out-house, hut, house, shed or stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;
- (c) "house gully" means a passage or strip of land constructed set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by persons employed in the cleaning thereof or in the removal of such matter therefrom;
- (d) "local authority" means a Municipal Corporation, a Municipal Council, a Municipal Committee, a Cantonment Board, a Zilla Parishad, a Panchayat Samiti or a Gram Panchayat constituted or continued, under any law for the time being in force;

- (e) "market" includes any place where persons assemble for sale or purchase of meat, fish, fruits, vegetables, food or any other articles for 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 buyer, and the sellers and whether or not any control is exercised over the business of, or the persons frequenting the market by the owner of the place or by any other persons;
- (f) "non-biodegradable garbage" means the waste garbage or material which is non bio-degradable and includes plastics polythene, 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 being and are more specifically included in the Schedule to this Act;
- (g) "occupier" includes any person for the time being paying or liable to pay rent or any portion of rent of the building in respect of which the word is used, or compensation or premium on account of the occupation of such building and also a rent free tenant, but does not include a lodger, and the words "occupy" and "occupation" do not refer to the lodger;
- (h) "owner" means the person who receives the rent for the use of the land or building or would be entitled to do so if they were let. It also include,
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 - (i) an agent or trustee who receives such rent on behalf of the owner;
 - (ii) a receiver, executor or administrator or a manager appointed by any Court of competent jurisdiction to have the charge, of or to exercise the right of the owner;
 - (iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purposes; and
 - (iv) a mortgage in possession;
- (i) "place" means any land or building or part of a building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building;
- (j) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing alone, 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;

(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 thoroughfare 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 the State of Haryana.

3. Prohibition to throw garbage in public drains and sewage. - (1) No person, by himself or through another, shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works, any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container likely to -

(i) injure the drainage and sewage system;

(ii) interfere with the free flow or affect the treatment and disposal of drain and sewage contents; and

(iii) be dangerous or cause a nuisance or be prejudicial to public health.

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

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

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

4. Provision for placement of receptacle and places for deposit of non-biodegradable garbage. - It shall be the duty of the local authority or any officer authorised by it, to -

(a) place or provide place in proper and convenient situation public receptacles, spots or places for temporary deposit or collection of non-biodegradable garbage;

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

- (c) provide for the removal of contents of receptacles, deposit and of the cummulation at all places provided or appointed by it under clause (a) of this section; and
- (d) arrange for recycling disposal of the non-biodegradeable garbage collected under this Act.

5. Duty of owners and occupiers to collect and deposit non-biodegradable garbage etc. - It shall be the duty of the owners and occupiers of all lands and buildings-

- (a) to collect or to cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles, deposits or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;
- (b) to provide separate receptacles or dustbins, other than those kept and maintained for deposit of a bio-degradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacle dustbins in good conditions and repair.

6. Powers of local authority for removal of non-biodegradable garbage. - The local authority may, by notice in writing, require the owner or occupier or part-owner, or person claiming to be the owner or part owner of any land or building, which has become a place of unauthorised stacking or deposit of non-biodegradable garbage and is likely to occasion a nuisance, remove or cause to be removed the said garbage so stacked or collected; and it, in its opinion, such stacking or collection of non-biodegradable waste is likely to injure the drainage and sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

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

- (a) undertake studies to determine the composition of biodegradable or non-biodegradable garbage;
- (b) establish measures to conduct or support research or programmes to encourage source reduction, reuse 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 of Haryana to provide readily accessible solid waste collection depots for residents who are not prescribed 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 waste management and recycling including information on recyclables;
- (g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and
- (h) impose requirements on manufactures, distributors and other person 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.

8. Penalties. - (1) Whoever is guilty of an act or intentional omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand or with both.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punishable with double the penalty provided for the latter offence.

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

9. Offences by companies. - (1) If the person committing any offence punishable under this act is a company, every person who, at the time of the commission of the offence, was incharge of, and responsible to the Company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the

offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purpose of this section -

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

10. Offences to be tried summarily. - All offences under the 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.

11. Compounding of offences. - (1) Any offence punishable under this act may, before the institution of the prosecution, be compounded by such officer as may be authorised by the State Government in this behalf, on payment for credit to the State Government, of such sum as such officer may specify.

(2) Where any offence has been compounded under sub-section (1), no proceeding shall be taken against the offender, if in custody, shall be discharged.

12. Directions by State Government. - The local authority shall carry out such directions as may be issued to it, from time to time by the State Government for the efficient administration of this Act.

13. Power to amend Schedule. - (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the Public Analyst, by notification in the Official Gazette, add to, or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to have been amended accordingly;

(2) Every notification under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

14. Power to delegate. - The State Government may, by notification published in the Official Gazette, direct that any power exercisable by it under this Act (not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority, as may be specified therein.

15. Protection of action taken in good faith. - No suit, prosecution or other legal proceedings shall lie against the State Government or the local authority or any officer or any other employees of the State Government or of the local authority or any other person authorised by the State Government for anything which is in good faith done or attended to be done under this Act or the rules made thereunder.

16. Other laws not affected. - The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

17. Power to make rules. - The State Government may subject to the condition of previous publication, make rules for the purposes of carrying out of the provisions of this Act.

18. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Schedule

[See Section 20(f)]

Non-Biodegradable Garbage

1. Polythylene
2. Nylon
3. P.V.C.
4. Poly-propylene
5. Poly-styrene