

Panaji, 15th September, 2016 (Bhadra 24, 1938)

SERIES I No. 24

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/25/2016-LA

The Goa Waste Management Corporation Act, 2016 (Goa Act 19 of 2016), which has been passed by the Legislative Assembly of Goa on 10-8-2016 and assented to by the Governor of Goa on 12-9-2016, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 15th September, 2016.

The Goa Waste Management Corporation Act, 2016

(Goa Act 19 of 2016) [12-9-2016]

AN

ACT

to make special provision for securing the orderly establishment and development of facilities for management of various types of wastes in the manner provided under law, to assist generally in the organization and scientific management thereof, and for that purpose to establish the Goa Waste

Management Corporation, and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Sixty-seventh Year of the Republic of India, as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called “The Goa Waste Management Corporation Act, 2016”.

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

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

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

(a) “amenity” includes road, supply of water or electricity, connectivity, street lighting, drainage, sewerage, conservancy and such other convenience as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) “Bio-medical waste” means any waste which is generated during the diagnosis, treatment or immunisation of human beings or animals or in research activities pertaining thereto and includes the wastes specified in Schedule I of the Bio-medical Waste (Management and Handling) Rules, 2016;

(c) “building” means any structure or erection, or a part of a structure or erection, which is intended to be used for residential, educational, commercial, industrial or other purposes, whether in actual use or not;

(d) “Collector” means the Collector of a district and includes any Officer specially appointed by the Government to perform the functions of a Collector under this Act;

(e) “Corporation” means the Goa Waste Management Corporation established under section 3 of the Companies Act;

(f) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of means of water supply or other engineering process for safe disposal or utilization of wastes;

(g) “E-waste” means waste generated from electrical and electronic equipment, either in whole or in part and includes rejects from the manufacturing and repair process of such equipment which are intended to be discarded;

(h) “facility” means establishment of any facility for the purpose of managing waste and includes institutions, industrial establishments, production and tool room, testing labs, research labs, manufacturing units, waste treatment plant, waste treatment and storage facility, environmental labs and such other facility as may be notified by the Government;

(i) “Government” means the Government of Goa;

(j) “Hazardous waste” means any waste which by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment, whether alone or when comes in contact with other wastes or substances and includes the waste as specified in the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2016.

(k) “management” with its grammatical variations and cognate expressions, means carrying out of scientific, engineering and sustainable scheme for taking measures for safe disposal or utilization of the wastes;

(l) “means of access” includes a road, wharf or any other means of access, whether private or public, for vehicles or boats or for foot passengers;

(m) “premises” means any land or building or part of a building and includes:—

(i) garden, ground and out-house, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(n) “prescribed” means prescribed by rules made under this Act;

(o) “Waste” includes commercial waste, residential waste, hazardous waste, electronic and electrical waste (E-waste), bio-medical waste etc.;

(p) “waste management” means any service which is directly or indirectly undertaken for the purpose of waste management and includes providing any service for effectively managing waste, such as, treatment, storage, disposal, utilization, etc, of waste;

(q) “waste management area/site” means any area/site selected by the Government where the Corporation may develop plots of land and/or build buildings/facilities and make them available for waste management;

(r) The expression “land” and the expression “person interested” shall have the same meaning respectively assigned to them in section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013).

Chapter II

3. *Establishment and incorporation.*— (1) For the purpose of securing and assisting in the orderly establishment and development of facilities for scientific management of various types of wastes, there shall be established by the Government, by notification in the Official Gazette, a Corporation by the name, the Goa Waste Management Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose off property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

4. *Constitution.*— (1) The Corporation shall consist of the following Directors, namely:—

- (i) Chief Minister of Goa.
- (ii) Minister in-charge of Science and Technology Department.
- (iii) Secretary (Science and Technology) to the Government of Goa.
- (iv) Director, Directorate of Science and Technology.
- (v) Director – Directorate of Environment.
- (vi) Member Secretary, Goa State Pollution Control Board.
- (vii) Director, Directorate of Panchayats.
- (viii) Director, Directorate of Municipal Administration.
- (ix) One scientific expert and one engineering expert, to be nominated by the Government.
- (x) Two persons having experience in managing waste, to be nominated by the Government.
- (xi) Two persons, one each from Municipality and panchayat, to be nominated by the Government.
- (xii) The Managing Director of the Corporation, who shall be the Chief

Executive Officer of the Corporation and shall also be the ex-officio Secretary to the Corporation.

(2) The Chief Minister of Goa shall be the Chairperson, and the Minister in-charge of Science and Technology Department shall be the Vice-Chairperson, of the Corporation.

(3) The Managing Director of the Corporation shall be responsible for the day to day functioning of the Corporation besides to execute all the decisions taken by the Board of Directors.

5. *Disqualification for being Director.*— A person shall be disqualified for being nominated as a Director of the Corporation, if he—

- (a) is an employee of the Corporation, not being the Managing Director; or
- (b) is of unsound mind, and stands so declared, by a competent Court; or
- (c) is an undischarged insolvent; or
- (d) is convicted of an offence involving moral turpitude within a period of five years immediately before he being nominated as a Director.

6. *Term of office and conditions of service of Director.*— (1) The Directors of the Corporation nominated under sub-section (1) of section 4, shall hold office during the pleasure of the Government.

(2) The Chairperson, Vice-Chairperson and Directors of the Corporation nominated under sub-section (1) of section 4, shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure for attending the meeting of the Corporation or of any Committee thereof or when appointed in connection with the work undertaken by or for the Corporation, as may be prescribed.

(3) The office of the Director and/or Chairperson and/or Vice-Chairperson of the Corporation, in so far as it is an office of profit under the Government, shall not disqualify the holder of such office for being chosen as

and for being a member of the Legislative Assembly of Goa.

7. Meetings of Corporation.— (1) The Corporation shall meet at such times and places, and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of its business, as may be prescribed.

(2) A Director, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the Corporation shall, at the earliest possible opportunity, disclose the nature of his interest to the Corporation, and shall not be present for any meeting of the Corporation when any such contract, loan, arrangement or proposal is discussed.

(3) There shall be at least 1/3rd of the total number of Directors of the Corporation present for any meeting so called, failing which, the meeting shall stand cancelled. The Managing Director who shall function as ex officio secretary to the Corporation shall remain present for all such meetings.

8. Cessation of being Director.— If a Director,—

(a) becomes, subject to any of the disqualifications mentioned in section 5; or

(b) tenders his resignation in writing to, and such resignation is accepted by, the Government; or

(c) is absent without the leave from Chairperson for three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months; or

(d) is convicted of an offence involving moral turpitude, he shall cease to be a Director of the Corporation.

9. Vacancies how to be filled.— Any vacancy of a Director of the Corporation shall be filled as early as practicable in like manner as if the appointment was being made originally:

Provided that, during any such vacancy, the continuing directors may act as if no vacancy had occurred.

10. Temporary absence of Directors.— (1) If the Chairperson, Vice-Chairperson or any other Director of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties or is granted leave of absence by the Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his Directorship, the Government may appoint another person who fulfils the requirements thereof, to act for him and carry out his duties and functions by or under this Act. Such person shall vacate office on the date when the Director for whom he is acting resumes his duties.

(2) In the absence of the Chairperson, Vice-Chairperson shall preside over the meetings of the Corporation and in absence of both of them, the Directors present shall choose the Presiding Officer to preside over the meetings of the Corporation.

11. Proceedings presumed to be good and valid.— No disqualification of, or defect in the appointment of, any person acting as the Chairperson or Vice-Chairperson or a Director of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

12. Officers and servants of the Corporation.—

(1) The Government shall appoint a Managing Director and a Chief Accounts Officer of the Corporation.

(2) The Corporation may appoint such other officers and servants, subordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions, subject to the approval of the Government.

(3) The conditions of appointment and service of the Managing Director, the Chief Accounts Officer and other officers and servants of the Corporation shall be such as may be prescribed.

Chapter III

Functions and Powers of the Corporation

13. *Functions.*— The functions of the Corporation shall be,—

(i) generally to secure and assist in orderly establishment and development of facilities for the management of various categories of wastes such as solid wastes, e-waste, bio-medical waste, hazardous waste and any other waste in order to develop and create clean and sustainable waste-free environment in the State of Goa by ensuring disposal of all wastes in the manner provided under the law.

(ii) in particular and without prejudice to the generality of clause (i) to,—

(a) frame Policies and to establish, develop facilities for effective management of all wastes at places selected by the Government;

(b) manage facilities which have already been established or are in the process of establishment;

(c) develop areas in consultation with the Government for the purpose of making them available for waste management;

(d) promote and implement schemes for managing waste at household, institutional, corporate and panchayat/municipality level;

(e) develop a database of available technologies and best practices to tackle various waste and other waste problems at various levels;

(f) develop facilities relating to information dissemination and mass awareness to educate the general public and other establishments;

(g) encourage development of research facilities, provide aid to organizations, individuals, institutions, panchayats and municipalities to develop and implement new models of waste management, etc;

(h) hold, organize and attend conferences, workshops, panel discussions, exhibitions, etc.;

(i) undertake schemes or works, either jointly or on agency basis, with other corporate bodies or institutions, or with the Government, in furtherance of the purposes for which the Corporation is established and on all matters connected therewith;

(j) undertake purchase of equipment as deemed essential for waste management;

(k) liaise with the Central Government for various schemes and utilize available Central funds for waste management schemes/projects;

(l) undertake research and development on pilot projects for innovative techniques, processes, for complete management of wastes.

(m) work out techniques, schemes and projects for reducing the carbon footprint and to undertake steps for deriving benefits under carbon credit trading;

(n) exercise any other function for carrying out the purposes of this Act.

14. *General powers of the Corporation.*— Subject to the provisions of this Act, the Corporation shall have power,—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions including a condition that any fees charged by the transferee shall be in accordance with such guidelines that may be framed by the Corporation in this regard, from time to time, as may be deemed proper by the Corporation;

(b) to provide or cause to be provided amenities and common facilities in waste management area/site and construct and maintain or cause to be maintained works and buildings thereof;

(c) to make available buildings on lease to the persons intending to start waste management services or facilities;