

PART-I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 11th April, 2013

No. Leg. 9/2013.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 1st April, 2013, and is hereby published for general information:—

HARYANA ACT NO. 7 OF 2013

**THE HARYANA NON-BIODEGRADABLE GARBAGE (CONTROL)
AMENDMENT ACT, 2013**

**AN
ACT**

*further to amend the Haryana Non-biodegradable Garbage (Control)
Act, 1998.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Haryana Non-biodegradable Garbage (Control) Amendment Act, 2013. Short title.
2. In the Haryana Non-biodegradable Garbage (Control) Act, 1998 (hereinafter called the principal Act), in the long title, for the words and signs "Haryana Non-biodegradable Garbage (Control)", the words and signs "Haryana Non-biodegradable Material Manufacturing, Sale, Distribution, Stock, Usage, Disposal and Garbage Control" shall be substituted. Amendment of long title of Haryana Act 8 of 1998.
3. In the principal Act, for the existing preamble, the following preamble shall be substituted, namely:— Amendment of preamble to Haryana Act 8 of 1998.

"to regulate manufacturing, sale, distribution, stock, usage, Transport and disposal of non-biodegradable material and prohibition of throwing and depositing of non-biodegradable garbage in public drains, sewerage, roads and places open to public view in the State of Haryana and for matters connected therewith or incidental thereto."
4. In the principal Act, in the short title, for the words and signs "Haryana Non-biodegradable Garbage (Control)", the words and signs "Haryana Non-biodegradable material manufacturing, sale, distribution, stock, usage, disposal and garbage control" shall be substituted. Amendment of short title of Haryana Act 8 of 1998.
5. In section 2 of the principal Act, Amendment of section 2 of Haryana Act 8 of 1998.
 - (I) after clause (b), the following clause shall be inserted, namely:—
 - (bb) "competent authority" means an authority, as the State Government may, by notification appoint;

- (II) in clause (f).-
- (i) for the words "living being", the words "micro-organisms" shall be substituted; and
 - (ii) the words "and are more specifically included in the Schedule to this Act" existing at the end shall be omitted;
- (III) after clause (f), the following clause shall be added, namely:—
- (ff) "non-biodegradable material" means the material which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions and includes goods made or manufactured from Polythene, Nylon or other plastic substances such as Poly Vinyl Chloride (P.V.C.), Poly-Propylene and Poly-Styrene and includes such other materials as specified by the State Government, by notification, from time to time.
- (IV) for clause (g), the following clause shall be substituted, namely:—
- (g) "occupier" means and includes,—
- (i) any person who for the time being is paying or is liable to pay licence fee or rent for land or building or any portion thereof in respect of which such licence fee or 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; and
 - (iv) any person who is liable to pay to the owner or any other person, damages for the use and occupation of any land or building;'

Insertion of
section 3A in
Haryana Act 8
of 1998.

6. After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. Prohibition to manufacture, use etc. of non-biodegradable material.- (1) The State Government may, by notification, impose restriction or prohibition on the usage, sale, stock, distribution transport of things made of non-biodegradable material which is contrary to the norms, as the State Government may, by notification specify.

(2) The State Government may impose requirements on manufacturers, distributors and other persons who produce or handle commodities, with respect to the type, size, labeling and composition of packaging material, keeping in view use and disposal including standards and/or norms for material degradability and re-cyclability.”

7. In section 6 of the principal Act after the words “may think necessary” occurring at the end, the following words and signs shall be added, namely:—

Amendment of section 6 of Haryana Act 8 of 1998.

“and dispose of the said garbage or material at the cost of such person in the manner as provided under sub-section (5) of section 7A of this Act.”

8. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 7A in Haryana Act 8 of 1998.

“7 A. Power of entry and inspection.- (1) Subject to the provisions of this section, any person empowered by the State Government, by notification in this behalf, shall have a right to enter, at all reasonable times, with such assistance as it considers necessary, any place—

- (a) for the purpose of performing any of the functions entrusted to him by the State Government; or
- (b) for the purpose of determining whether and if so in what matter, any such functions are to be performed or whether any provisions of this Act or the rules made there under or any notice, order or direction served, made or, given under this Act is being or has been complied with; or
- (c) for the purpose of examining any record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing such record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person handling any non-biodegradable material or non-biodegradable garbage shall be bound to render all assistance to the person empowered under sub-section (1) for carrying out the functions under that sub-section and if he fails, to be punished under this Act.

(3) if any person willfully delays or obstructs any person empowered under sub-section (1), in the performance of his functions, he shall be liable to be punished under this Act.

(4) The provisions of Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

(5) Any non-biodegradable garbage or non-biodegradable material seized under this section shall be disposed of in the manner, as the State Government, by notification, specify.”.

Amendment of section 8 of Haryana Act 8 of 1998.

9. For sub-section (1) of section 8 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) Any person who contravenes any of the provisions of this Act or of any rules, notification or order made, issued or given under this Act, shall be guilty of an offence and punishable with imprisonment for a term which may extend to three months or with fine which may extend to rupees fifty thousand, or with both.”.

Amendment of section 11 of Haryana Act 8 of 1998.

10. In section 11 of the principal Act,—

(I) In sub-section (1), for the words “such officer may specify” existing at the end, the words “the State Government may, by notification, specify” shall be substituted;

(II) For sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any offence has been compounded under sub-section (1), no proceeding shall be taken against the offender in respect of the offence as compounded, and the offender, if in custody, shall be discharged. However, there shall be no compounding for the second or repeated offence.”.

Amendment of section 12 of Haryana Act 8 of 1998.

11. For section 12 of the principal Act, the following section shall be substituted, namely:—

“12. The local authority and the competent 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.”.

Omission of section 13 of Haryana Act 8 of 1998.

12. Section 13 of the principal Act shall be omitted.

13. For section 15 of the principal Act, the following section shall be substituted, namely:—

Amendment of section 15 of Haryana Act 8 of 1998.

"No suit, prosecution or other legal proceedings shall lie against the State Government or the local authority, or the competent authority or any officer or other employees of the State Government or of the local authority or the competent authority for anything which is in good faith done or intended to be done under this Act or the rules made thereunder."

14. Schedule to the principal Act shall be omitted.

Omission of Schedule to Haryana Act 8 of 1998.

15. In the principal Act, for the word "sewage" wherever occurring the word "sewerage" shall be substituted.

Amendment of certain provisions of Haryana Act 8 of 1998.

RAJ RAIJUL GARG,
Secretary to Government, Haryana,
Law and Legislative Department.