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सरकारी राजपत्र
OFFICIAL GAZETTE

भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

UT ADMINISTRATION OF DAMAN & DIU
OFFICE OF THE SECRETARY (PRI)
SECRETARIAT, MOTI DAMAN.

Draft Bye-Laws for Gram Panchayat
DAMAN & DIU

DP/DMN/SBM/2018-19/F.40 **Date : 30/05/ 2019**

NOTIFICATION

The following draft of certain bye-laws which the Secretary (Panchayat) Daman & Diu with the approval of Administrator of UT of Daman & Diu proposes to make in exercise of the powers conferred by Section 122 of the Daman & Diu Panchayat Regulation 2012 (No. 4 of 2012) and in pursuance of Rule 15 clauses (e), (f) and (zf) of the Solid Waste Management Rules, 2016 made by Government of India, Ministry of Environment, Forest and Climate Change under the provisions of the Environment (Protection) Act, 1986 (29 of 1986), is hereby published, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft will be taken into consideration by the UT Administration of Daman & Diu on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette of Daman & Diu.

Any objection or suggestion which may be received by the Secretary (Panchayat) from any person in respect of the said draft before expiry of the period so specified will only be considered by him.

CHAPTER – I

GENERAL

1. **Short Title and Commencement :** (1) These bye-laws may be called as **Daman & Diu Gram Panchayat** Solid Waste (Handling and Management) Bye-Laws, 2018.

2. It shall come into force on the date of their Publication in the Official Gazette of Daman & Diu.

2. Applicability: These bye-laws shall apply to every domestic, institutional, industrial, commercial, and other non residential solid waste generators within the Gram Panchayat area of UT Administration of Daman & Diu (herein after referred to as the Gram Panchayat) except industrial waste, hazardous waste, hazardous chemicals, bio-medical waste, e-waste, those are covered under separate rules made under the Environment (Protection) Act, 1986.

3. Definitions:

In this Bye-Law, unless the context otherwise requires the following words shall have meaning herein defined:-

3.1 **"Aangan"/premises/place** means the public place in front of, or adjacent on any side of any premises, extending to the road, kerb side including the footpath kerb, drain, nala, plot or premises.

3.2 **"Administrator"** means the Administrator of Union Territory of Daman & Diu appointed by President of India under article 234 constitution;

3.3 **"Acrobic composting"** means a controlled process involving microbial decomposition/breaking down of organic matter in the presence of oxygen;

3.4 **"Agency/Agent"** means any entity/person appointed or authorized by Gram Panchayat to act on its behalf, for discharge of duties or functions i.e. sweeping of streets, collection of waste, collection of charges / fines, and other such delegated responsibilities etc.;

3.5 **"Anacrobic digestion"** means a controlled process involving microbial decomposition/ breaking down of organic matter in absence of oxygen;

3.6 **"Authorization"** means the permission given by the State Pollution Control Board or Pollution Control Committee, as the case may be, to the operator of a facility or local authority, or any other agency responsible for processing and disposal of solid waste;

3.7 **"Bio-degradable waste"** means any organic material that can be degraded by microorganisms into simpler stable compounds; for example the waste of plant and animal origin e.g. kitchen waste, food & flower waste, leaf litter,

garden waste, animal dung, fish/meat waste and any other material that gets degraded/decomposed by the action of microorganisms;

3.8 **"Bio-medical waste"** means any waste, which is generated during the diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biological, and including categories mentioned in Schedule IV of the Bye-laws ;

3.9 **"Bio-methanation"** means a process which entails enzymatic decomposition/ breaking down of the organic matter by microbial action to produce methane-rich biogas;

3.10 **"Brand owner"** means a person or company who sells any commodity under a registered brand label.

3.11 **"Buffer zone"** means zone of no-development to be maintained around solid waste processing and disposal facility, exceeding 5 TPD of installed capacity. This will be maintained within the total area allotted for the solid waste processing and disposal facility.

3.12 **"Bulk Waste Generator"** means the owner, occupier or any other person representing owners and occupiers of House(s)/Flat(s), Group of Houses/Flats, housing society(s) / complex(s), Restaurant(s); Hotel(s), Market(s), Industrial Estate(s) and Shopping Complex(s) / Mall(s) and includes buildings occupied by the Central Government, Departments or Undertakings, State Government Departments or Undertakings, Local Bodies, Public Sector Undertakings or Private Companies, Hospital(s), Nursing Home(s), School(s), College(s), University(s), Other Educational Institutions, Hostel(s), Hotel(s), Commercial Establishment(s), Places of Worship, Stadia and Sports complexes, clubs, gymkhanas, marriage halls, recreation/ entertainment complexes having an average waste generation rate exceeding 100kg per day; or any other establishment sources / premises that are specifically identified and notified by the Gram Panchayat to be so;

3.13 **"Bulk garden and horticultural waste"** means bulk waste from parks, gardens, traffic islands, road medians etc. including grass & wood clippings,

weeds, woody 'brown' carbon-rich material such as pruning, branches, twigs, wood chipping, straw or dead leaves and tree trimmings, which cannot be accommodated in the daily collection system for bio-degradable waste;

3.14 **"Census town"** means an urban area as defined by the Registrar General and Census Commissioner of India;

3.15 **"Chief Executive Officer"** means an officer appointed by Administrator as Chief Executive Officer, District Panchayat.

3.16 **"Collection"** means lifting and removal of solid waste from designated collection points or any other location;

3.17 **"Collection at Source"** means the collection of solid waste by Gram Panchayat directly from the premises of any building or common premises of a group of buildings. This is also referred to as "point to point collection";

3.18 **"Combustible waste"** means non-biodegradable, non-recyclable, non-reusable, nonhazardous solid waste having minimum calorific value exceeding 1500 kcal/kg and excluding chlorinated materials like plastic, wood pulp, etc;

3.19 **"Composting"** means a controlled process involving microbial decomposition/degradation/breaking down of organic matter including vermi-composting – which is a process of using earthworms for conversion of biodegradable waste into compost;

3.20 **"Community Service"** means to serve the community by sweeping of road, cleaning of walls, tree guard portion etc.

3.21 **"Contractor"** means a person or firm that undertakes a contract to provide materials or labour to perform a service or do a job for service providing authority;

3.22 **"Construction and Demolition waste"** means waste from building materials, debris and such rubble resulting from construction, re-modelling, repair and demolition operations;

3.23 **"Co-processing"** means use of non-biodegradable and non-recyclable solid waste having calorific value exceeding 1500kcal as raw material or as

a source of energy or both to replace or supplement the natural mineral resources and fossil fuels in industrial processes;

3.24 **"Decentralized processing"** means establishment of dispersed facilities for localized processing of biodegradable waste and recovery of recyclables closest to the source of generation so as to minimize transportation of waste for processing or disposal;

3.25 **"Delivery"** means handing over any category of solid waste to a Daman Gram Panchayat worker or any other person appointed, authorized or licensed by the Gram Panchayat for taking delivery of such waste;

3.26 **"Director Panchayat"** means an officer In charge of Panchayats in the Department of Panchayati Raj working under the direct control and Superintendence of the Secretary of that Department;

3.27 **"Disposal"** means the final and safe disposal of post-processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in Schedule I to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds;

3.28 **"Domestic hazardous waste"** means discarded paint drums, pesticide cans, CFL bulbs, tube lights, medicines including expired medicines, broken mercury thermometers, batteries, used needles and syringes and contaminated gauge, etc., generated at the household level;

3.29 **"Door to door collection"** means collection of solid waste from the door step of households, shops, commercial establishments, offices, institutional or any other non-residential premises and includes collection of such waste from entry gate or a designated location on the ground floor in a housing society, multi storied building or apartments, large residential, commercial or institutional complex or premises;

3.30 **"Door-to-Door collection system Panchayat vehicle"** means the bell-ringing or such vehicle (includes a carriage, cart, van, dray, truck, hand-cart, bicycle, cycle-rickshaw, auto-rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street) provided

by Gram Panchayat or an agency authorized by Gram Panchayat for point to point collection of Solid Waste.

3.31 **"Drain"** Including a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter, polluted water, waste water, rain water or subsoil water.

3.32 **"Dry waste"** means waste other than bio-degradable waste and inert street sweepings and includes recyclable and non-recyclable waste, combustible waste and sanitary napkin and diapers, etc and includes the category of solid waste referred to at No. 6.2 of these Bye-laws.

3.33 **"Dry Waste Sorting Centre"** means any designated land, shed, kiosk, or structure located on any Panchayat or Government land or in a public space which is authorized to receive and sort dry waste;

3.34 **"Dump sites"** means a land utilized by local body for disposal of solid waste without following the principles of sanitary land filling;

3.35 **"Energy"** means the energy used for processing and those generated by the processing or in the clearing thereof or in the removal of such matter thereform.

3.36 **"E- Waste"** means water electrical and electronic equipment whole or in part or reject from their manufacturing and repair processes, which are intended to be discarded.

3.37 **"Extended producer responsibility" (EPR)** means responsibility of any producer of packaging products such as plastic, tin, glass and corrugated boxes, etc., for environmentally sound management, till end-of-life of the packaging products;

3.38 **"Facility"** means any establishment wherein the solid waste management processes namely segregation, recovery, storage, collection, recycling, processing, treatment or safe disposal are carried out;

3.39 **"Fine"** means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non-compliance of the directions contained in these rules bye- laws;

3.40 **"Fuel"** means the energy consumed for the collection, transportation, processing and disposal of waste or generated as a bye product of processing in the form of solid, liquid or gas.

3.41 **"Fuel Charge"** incurred for the collection, transportation, processing and disposal of waste.

3.42 **"Garbage"** means Biodegradable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

3.43 **"Gram Panchayat"** means a Gram Panchayat constituted under the Daman & Diu Panchayat Regulation 2012;

3.44 **" Gram Panchayat Solid Waste"** includes commercial and residential wastes generated in a Gram Panchayat or Notified Local Body in either Solid or Semi -Solid form excluding industrial hazardous waste but including properly and fully treated bio-medical waste as per applicable rules;

3.45 **"Generator of waste"** means any person generating solid waste within the limits of Gram Panchayat;

3.46 **"Handling"** includes all activities relating to sorting, segregation, material recovery, collection, secondary storage, shredding, baling, crushing, loading, unloading, transportation, processing and disposal of solid wastes;

3.47 **"Hazardous waste"** means any waste, which by reason of any of its physical, chemical, reactive, toxic harm able, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances and shall include wastes specifically listed in Schedule III of these Bye-laws.

3.48 **"House-gully"/lane/Service Lane** means a passage or strip of land, constructed, set apart or utilized for the purpose of serving as a drain or of affording access to the latrine, urinal, cesspool or other receptacle for filthy or other polluted matter by persons employed in the removal of cleaning thereof or in the removal of such matters there from;

3.49 **"Incineration"** means an engineered process involving burning or combustion of solid waste to thermally degrade waste materials at high temperatures;

3.50 **"Inerts"** means wastes which are not bio-degradable, recyclable or combustible street sweeping or dust and silt removed from the surface drains;

3.51 **"Inert Solid Waste"** means any solid waste or remnant of processing whose physical, chemical and biological properties make it suitable for sanitary land filling;

3.52 **"Informal waste collector"** includes individuals, associations or waste traders who are involved in collection, sorting, sale and purchase of recyclable materials;

3.53 **"Landfill"** means a waste disposal site for the deposit of residual solid waste in a facility designed with protective measures against pollution of ground water, surface water and air fugitive dust, windblown litter, bad odour, fire hazard, bird menace, pests or rodents, greenhouse gas emissions, slope instability and erosion;

3.54 **"Leachate"** means the liquid that oozes and seeps through solid waste or other medium and has extracts of dissolved or suspended material from the media;

3.55 **"Litter"** means all refuse and other such waste material which, tends to create nuisance, dirt, insanitary conditions, ugliness and endangers cleanliness, public orderliness & movement, environment, public health, safety, life and welfare if dropped, thrown, scattered, deposited or left un-cleaned or unpicked as against the prohibition under these Bye-laws;

3.56 **"Littering"** means carelessly spreading litter so that falls, descends, blown, seeps, percolates or otherwise escapes or is likely to fall, descend, blown, seep, percolate or otherwise escape into or onto any public or private place; Or causing, permitting or allowing litter to fall, descend, blow, seep, percolate or otherwise escape into or onto any public or private place;

3.57 **"Local body"** for the purpose of these rules means Gram Panchayat;

3.58 **"Lysometer"** means a device which is used to measure the movement of water in or through the medium of soil layer or which is used to collect the leached water for qualitative analyses.

3.59 **"Market"** includes any place where persons assemble for the sale of, or for the purpose of exposing of sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human needs whatsoever, with or without the consent of the owner of such place not withstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the person frequenting, the market by the owner of the place or by any other person;

3.60 **"Materials recovery facility" (MRF)** means a facility where non-compostable solid waste can be temporarily stored by the local body or any other entity mentioned in rule 2 or any person or agency authorized by any of them to facilitate segregation, sorting and recovery of recyclables from various components of waste by authorized informal sector of waste pickers, informal recyclers or any other work force engaged by the local body or entity mentioned in rule 2 for the purpose before the waste is delivered or taken up for its processing or disposal;

3.61 **"Non-biodegradable waste"** means any waste that cannot be degraded by micro-organisms into simpler stable compounds;

3.62 **"Nuisance"** includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offense to the sense of sight, smell, hearing, breath, modesty and dignity or disturbance to movement, work, rest or sleep, or which is or may be dangerous to life or injurious to health or property;

3.63 **"Neighbour"** means a clearly defined locality, with reference to its physical layout, character or inhabitant.

3.64 **"Nuisance Detectors" (NDs)** means those employees of Gram Panchayat who are appointed by Gram Panchayat to detect acts of Public nuisance etc. under the Bye laws;

3.65 **"Occupier"** includes- (a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable; in occupation of, or otherwise using, any land or building or part thereof, for any purpose whatsoever;

(b) An owner in occupation of, or otherwise using his land or building;

(c) A rent- free tenant of any land or building;

(d) A licensee in occupation of any land or building; and

(e) Any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(f) The custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act.

(g) The General Manager of a Railway and the head of a Govt. Department, in respect of properties under their respective control;

3.66 **"Offensive matter"** includes animal carcasses, kitchen or stable refuse dung, dirt and putrid or putrefying substances other than sewage.

3.67 **"Operator of a facility / operator of concession"** means a person or entity, who owns or operates the concession for handling, collection, sorting, storage, transportation, processing and disposal of solid waste and it also includes any other agency appointed by the local body / panchayat authority for management and handling of solid waste in its area and any other entity or agency appointed by the local body;

3.68 **Owner**

a. Means any person who exercises the rights of an owner of any building or land or apart thereof or with whom from time to time is vested the legal title to premises, and if owner is not present for the time being those lease holder and tenants are considered as owner for the propose of the Bye-laws.

b. In the case where the person in whom the legal title is vested is insolvent or decreases or in under any form of legal disability whatsoever, the person in whom the administration and control of

such persons property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.

c. In any case where the Gram Panchayat is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon.

3.69 **"Panchayat Secretary"** means a Panchayat secretary appointed under sub section (1) of section 25 of the Daman & Diu Panchayat Regulation 2012;

3.70 **"Pellet forming"** means a process used to make pellets, which will be small cubes/cuboids or cylindrical pieces from solid waste and will also include fuel pellets which is obtained from garbage.

3.71 **"Person"** means any person or persons and shall include any shop or establishment or firm or company or association or body of individuals whether incorporated or not and their agents; assignee etc; and shall mean to include Government and its offices and employees.

3.72 **"Point to Point Collection"** means the system of collection of solid waste from specific pick-up points as designated by Gram Panchayat up to which the generator must bring the collected and stored waste for delivery in vehicles so provided/appointed/permitted by the Gram Panchayat.

3.73 **"Premises"** means any land or building or part of a building and includes-

(a) The garden, ground and out- houses, if any, appertaining to a building or part of a building;

(b) Any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

3.74 **"Primary collection"** means collecting, lifting and removal of segregated solid waste from source of its generation including households, shops, offices and any other non-residential premises or from any collection points or any other location specified by the local body;

3.75 **"Private Street"** means any street which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners.

3.76 **"Processing"** means any scientific process by which solid waste is treated for processing for the purpose of reuse, recycling or transformation into new products or making it suitable for land filling;

3.77 **"Public Nuisance"** means any act, omission, offence or wrong-doing which causes or is likely to cause nuisance (as defined) in any public place;

3.78 **"Public place"** means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

3.79 **"Public road"** means any road, street or though fare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section therefore or to which the public has a right of access, and includes-

a. The verge of any such road, street or thoroughfare,
b. Any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
c. Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

3.80 **"Public Street"** means any street which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners.

3.81 **"Receptacle"** means container, including bins and bags, used for the storage of any category of waste as prescribed by Gram Panchayat form time to time;

3.82 **"Recycling"** means the process of transforming segregated non-biodegradable solid waste into raw materials for producing new products, which may or may not be similar to the original products;

3.83 **"Redevelopment"** means rebuilding of old residential or commercial buildings at the same site, where the existing buildings and other infrastructures have become dilapidated;

3.84 **"Refuse derived fuel"(RDF)** means fuel derived from combustible waste fraction of solid waste like plastic, wood, pulp or organic waste, other than chlorinated materials, in the form of pellets or fluff produced by drying, shredding, dehydrating and compacting of solid waste ;

3.85 **"Refuse"** means any waste matter generated out of different activities, processes, either degradable/non-degradable garbage and rubbish /inert in nature in either solid or semi-solid form which cannot be consumed, used or processed by the generator in its existing form;

3.86 **"Regulation"** means Daman and Diu Panchayat Regulation,2012;

3.87 **"Repeated offence"** means when an offence under these bye-laws has been repeated five times by the same person it will be called repeated offence.

3.88 **"Residual solid waste"** means and includes the waste and rejects from the solid waste processing facilities which are not suitable for recycling or further processing;

3.89 **"Rubbish"** includes ashes, broken bricks, broken glasses, dust, malba, mortar and refuse of any kind which is not filth;

3.90 **"Rules/bye-laws"** means regulatory framework notified by State / rural local body, census town and notified area for facilitating the implementation of these rues /bye-laws in their jurisdiction

3.91 **"Sanitary land filling "** means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odour, fire hazard, animal menace, bird menace, pests or rodents, greenhouse gas emissions, persistent organic pollutants slope instability and erosion;

3.92 **"Sanitation"** means the promotion of hygiene and the prevention of disease and other Causes of ill health related to environmental factors. However, the relevant provisions in respect of sanitation and health in any other rules, act or bye laws shall continue to prevail as usual.

3.93 **"Sanitary waste"** means wastes comprising of used diapers, sanitary towels or napkins, tampons, condoms, incontinence sheets and any other similar waste;

3.94 **"Sarpanch"** means the Sarpanch of a Gram Panchayat;

3.95 **"Schedule"** means the Schedule appended to these Bye-laws;

3.96 **"Secondary storage"** means the temporary containment of solid waste after collection at secondary waste storage depots or MRFs or bins for onward transportation of the waste to the processing or disposal facility;

3.97 **"Secretary Panchayat"** means the Secretary incharge of the department of Panchayati Raj in the Union Territory of Daman & Diu.

3.98 **"Segregation"** means sorting and separate storage of various components of solid waste namely biodegradable wastes including agriculture and dairy waste, non-biodegradable wastes including recyclable waste, non-recyclable combustible waste, sanitary waste and non recyclable inert waste, domestic hazardous wastes, and construction and demolition wastes;

3.99 **"Service provider"** means an authority providing public utility services like water, sewerage, electricity, telephone, roads, drainage, etc;

3.100 **"Solid waste"** means and includes solid or semi-solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non-residential wastes, street sweepings, silt removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, treated bio-medical waste excluding industrial waste, biomedical waste and e-waste, battery waste, radio-active waste generated in the area under the local authorities and other entities mentioned in rule 2;

3.101 **"Sorting"** means separating various components and categories of recyclables such as paper, plastic, cardboards, metal, glass, etc., from mixed waste as may be appropriate to facilitate recycling; means separating organic, inorganic, recyclable and hazardous wastes into categories to facilitate recycling;

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3.102 **"Stabilizing"** means the biological decomposition of biodegradable wastes to a stable state where it generates no leach ate or offensive odors and is fit for application to farm land ,soil erosion control and soil remediation;

3.103 **"State board or Committee"** means, as applicable, the State Pollution Control Board of a state or the Pollution Control Committee of a Union Territory.

3.104 **"Street vendor"** means any person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

3.105 **"Source"** means the premises from which waste is generated.

3.106 **"Stabilized biodegradable waste"** means the biologically stabilized (free of pathogens) waste resulting from the mechanical / biological treatment of biodegradable waste; only when stabilized such waste can be used with no further restrictions;

3.107 **"Storage"** means the temporary containment of solid waste in receptacles; prevent littering, attraction to vectors, stray animals and excessive foul odors;

3.108 **"Street"** includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway.

3.109 **"Tipping fee"** means a fee or support price determined by the local authorities or any state agency authorized by the UT Administration to be paid to the concessionaire or operator of waste processing facility or for disposal of residual solid waste at the landfill;

3.110 **"Transfer station"** means a facility created to receive solid waste from collection Local Body and transport in bulk in covered vehicles or containers to waste processing and, or, disposal facilities;

3.111 **"Transportation"** means conveyance of solid waste, either treated, partly treated or untreated from a location to another location in an environmentally sound manner through specially designed and covered transport system so as to prevent the foul odor, littering and unsightly conditions and accessibility to vectors, animals and birds;

3.112 **"Treatment"** means the method, technique or process designed to modify physical, chemical or biological characteristics or composition of any waste so as to reduce its volume and potential to cause harm;

3.113 **"User fee"** means a fee imposed by the local body and any entity mentioned in rule 2 on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services.

3.114 **"Vadose water"** means the water situated between top soil and ground water table level, i.e. in the unsaturated soil strata.

3.115 **"Vermi** composting" means the process of conversion of bio-degradable waste into compost using earth worms;

3.116 **"Ward"** means an administrative ward of Daman & Diu, Gram Panchayat unless specified otherwise.

3.117 **"Waste generator"** means and includes every person or group of persons, every residential premises and non-residential establishments including Indian Railways, Defence establishments, which generate solid waste;

3.118 **"Waste hierarchy"** means the priority order in which the solid waste is to should be managed by giving emphasis to prevention, reduction, reuse, recycling, recovery and disposal, with prevention being the most preferred option and the disposal at the landfill being the least;

3.119 **"Waste picker"** means a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste

from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.

3.120 **"Zone"** means a Zone referred to in clause 4 of this Bye Laws.

3.121 **"Zonal office"** means the office of an administrative zone; of Gram Panchayat which is headed by Panchayat Secretary of said Panchayat.

3.122 Words and expressions used herein but not defined, but defined in the Daman & Diu Panchayat Regulation, 2012, the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977 and the Air (prevention and Control of Pollution) Act, 1981 and all the Waste Management Rules shall have the same meaning as assigned to them in the respective Acts/Rules.

4. POWER TO DECLARE SOLID WASTE FREE/ SANITATION ZONES

1) The Secretary Panchayat has the power to declare in such manner as may be prescribed, any area or areas within the Gram Panchayat, as sanitation zone or waste free area or areas for the purpose of this Bye-law.

2) In such areas, Gram Panchayat by notification can prohibit the dumping or depositing of any waste in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

5. Prohibition of littering, and other nuisances and ensuring "Clean Aangan /Premises/Place".

5.1 **Littering in/or on any public/private place:** No person shall throw or deposit litter in any occupied/unoccupied/open/vacant public or private place except in authorized public or private litter receptacles.

5.2 **Littering from vehicles:** No person shall throw or deposit litter upon any street, road, sidewalk, playground, garden, traffic island or other public/private place from any vehicle either moving or parked.

5.3 **Litter from waste carriage vehicles:** No person shall drive or move any truck or other vehicle filled with litter unless such vehicles are so designed to cover the litter and loaded as to prevent any litter from being blown off or deposited upon any road, sidewalks, traffic islands, playground, garden or other public place.

5.4 **Creating Public Nuisance:** No person shall cook, bathe, spit, urinate, defecate, feed animals / birds or allow their droppings/poop, wash utensils or any other object or keep any type of storage in any public place except in such public facilities or conveniences specifically provided for any of these purposes.

5.5 Gram Panchayat reserves the right to ban sale, purchase and use of any items including but not limited to polythene, plastic bags, poisonous spray within its territorial area, so as to regulate solid waste disposal, and manage any threat to the environment. Provided that any such resolution shall be sent to the Director, who shall have the authority to annual any such resolution in general public interest. No person shall indulge in production, distribution, storage, sale and use of banned items.

5.6 Temporary toilets shall be provided by the builder at construction sites, where a labour force is deployed for carrying out construction activities to prevent open defecation. Making of such prior provision should be one of the conditions while granting building permission by concerned Authority and must be adhered to.

5.7 It shall be the responsibility of the owner of any premises to provide adequate toilets and sanitation facility for the residents or occupier of the said premises. Failure to do so shall invite penalties as specified in the schedule.

5.8 Gram Panchayat through Panchayat Secretary is authorized to seal any premises where toilet/sewerage/septic tank facilities have not been provided by the owners or occupiers. Provided that no such order of sealing shall be made without giving the owner one month's notice. Provider further that any such seal shall be opened on directions of

Standing Committee on providing such facilities and payment of Rs. 10,000/-.

5.9 Gram Panchayat, through Panchayat Secretary, may request any other department including electricity, road, PWD, water etc to cut-off the supply of essential services to the occupier who has refused comply with the directions of Panchayat Secretary regarding Solid waste disposal/management/toilets/sewerage. The concerned department, on receipt of such request, shall within seven days of such request, comply with the same.

6. **Segregation, storage, delivery and collection of Solid Waste**

6.1 **Segregation of waste into separate specified groups:** Every generator of Solid Waste shall separate the waste at source of generation into the following categories as applicable and shall store separately, without mixing it for segregated storage in authorized storage bins, private/public receptacles for handing over or delivering to authorized waste pickers or waste collectors as directed by the Gram Panchayat from time to time;

1) Bio-degradable (wet) waste,
2) Specified domestic hazardous waste,
3) Fully treated Bio-medical waste (as per applicable rules),
4) Construction and demolition waste,
5) Bulk garden and horticulture waste including tree and plant trimmings,
6) All other non- biodegradable (dry) waste including recyclable and non-recyclable waste. Sanitary waste like napkins, diapers, tampons etc shall be securely wrapped in pouches provided by the manufacturers or brand owners or in suitable wrappers as instructed by the official / authority and shall be stored with the dry waste for handing over.
7) All bulk generators shall manage the waste at their premises as per instructions notified by the Gram Panchayat from time to time

6.2 Gram Panchayat may separately decide and notify different stages for implementation of the rules/ byelaw taking into account the level of awareness among generators of waste as well as availability of infrastructural support in their operational Local Body.

6.3 Gram Panchayat shall separately decide and notify from time to time the mandatory colour coding and other specifications of receptacles prescribed for storage and delivery of different types of solid waste to enable safe and easy collection without any mixing or spillage of waste, which generators of different types of solid waste shall have to adhere to.

6.4 **Delivery of segregated premises waste:** It shall be the duty of every generator of solid waste, either owner or occupier of every land and building to collect or cause to be collected from their respective land, premises and building, to segregate waste and to store and deliver the same to the Panchayat worker/vehicle/waste picker / waste collector deployed by the Gram Panchayat for the purpose.

6.5 **Bio-degradable waste:** Segregated Bio-degradable Solid Waste (as per the illustrative list in **Schedule II**, if not composted by the generator, shall be stored by them within their premises and its delivery shall be ensured to the Gram Panchayat worker/vehicle/waste picker / waste collector or to the bio-degradable waste collection vehicle provided for specified commercial generators of bulk bio-degradable waste at such times as may be notified from time to time.

6.6 **Composting by all generators:** Local composting or processing of waste shall be promoted to minimize transportation of waste. It shall be mandatory for the bulk generators to do in house processing of waste.

6.7 **Specified household hazardous waste:** (as listed in **Schedule III**) shall be stored and delivered by every generator of waste to the collection vehicle, which shall be provided weekly by Gram Panchayat or any other Agency authorized by the Daman & Diu Pollution Control Committee (PCC). For collection of such waste, or to a center designed for collection of such waste for disposal in a manner that is mandated by the

Administration of Union Territory of Daman & Diu or Daman & Diu Pollution Control Committee (PCC).

6.8 **Untreated bio-medical waste**: (as listed in **Schedule IV**) shall be collected & stored in specified type of covered receptacles and delivered by every generator of such waste to the collection vehicle which shall be provided weekly by Gram Panchayat or any other Agency authorized by the Daman & Diu Pollution Control Committee (PCC)for collection of such waste, or to a centre designed for collection of such waste for disposal in a manner that is mandated by the Administration of Union Territory of Daman & Diu or Daman & Diu Pollution Control Committee (PCC) in accordance with the Bio-Medical Waste (Management &Handling) Rules, 2016.

6.9 **Construction and Demolition waste** shall be stored and delivered separately at such spot and at such time as notified by Gram Panchayat or its agent from time to time for collection of such waste. Small generators (household level) shall be responsible to segregate the Construction & Demolition waste at source by contacting a local help-line of Gram Panchayat or the Agent who shall then send a vehicle to pick up such segregated construction & demolition waste on payment of necessary charges by the said generator and transport this waste to a processing centre. The details of local Help line of Gram Panchayat shall be available in the Office of Panchayat Secretary and on their website.

6.10 All other Non-biodegradable ("Dry") waste - both recyclable and non-recyclable – shall be stored and delivered by every generator of waste to the dry waste collection vehicle, which shall be provided Gram Panchayat its Agents at such spots and at such times as may be notified by them from time-to-time for collection of such waste.

6.11 Bulk garden and horticultural waste shall be kept un-mixed and composted at source. Gram Panchayat shall also notify Instructions/ guidelines with regard to pruning of trees and storage and delivery of tree trimmings including segregated garden and horticultural waste by

charging suitable fees as notified by it from time to time, for collection and transport to its facility.

6.12 **Burning of waste:** Disposal by burning of domestic, hazardous and commercial solid waste at roadsides, or at any private or public property is prohibited.

6.13 If such owner or occupied fails to comply with any direction contemplated by this Bye law, he / she shall be guilty of an offence punishable under relevant laws and Gram Panchayat may remove, or cause to be removed dispose of or treat such hazardous waste in any suitable manners and recover the expenses incurred in doing so from such owner or occupier.

7. Obligatory duties of Gram Panchayat

7.1 **Action against Transport Contractors, agents or Employees of Gram Panchayat:** Every Gram Panchayat shall take action against the Transport Contractor and/or Agents/employees of Gram Panchayat, if any worker of the contractor or any employee of Gram Panchayat mixes segregated waste at any point of collection, or fails to pick up waste as per the specified time schedule.

7.2 **Infrastructure facilities:** Gram Panchayat shall provide adequate infrastructure facilities to assist citizens' compliance with these Bye-laws. In addition to waste collection services, litter bins, dry waste sorting centers, and composting centers shall be set up, wherever possible and essential, in consultation with local citizens. Adequate community toilets shall be provided in slum localities with the participation of Community Based Organizations to prevent nuisance such as defecating/urinating, washing and bathing in public places.

7.3 **Citizen Resource Base**: Gram Panchayat shall facilitate information about composting as well as recycling of dry waste through composting centres and dry waste sorting centers listing them on its website.

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7.4 **Bio-degradable puja articles:** Gram Panchayat shall authorize interested organizations to collect bio-degradable 'puja' articles (flowers, leaves, fruits etc.) at certain designated sites near water bodies such as beaches, lakes, ponds, etc. in notified receptacles. The collection from such receptacles shall preferably be composted at a suitable location.

7.5 **Point-to-Point waste collection services:** Gram Panchayat shall provide for the collection of the solid waste from specific pick-up points on a public or private road up to which the generator must bring the collected, segregated and stored waste for delivery to Gram Panchayat worker/vehicle/waste picker / waste collector provided by Gram Panchayat according to the route plans at such times and at such spots as notified by the concerned Panchayat Secretary/Health Officer/ any other authorized official in advance for specified types of waste for different localities.

7.6 **Collection at source:** Gram Panchayat shall provide for the collection of solid waste from premises of a building or group of buildings from waste storage receptacles kept on the premises to which Gram Panchayat shall be provided access at such times as may be notified by the Panchayat.

7.7 **Data about waste received at landfill:** Gram Panchayat shall release publicly, the monthly data about the quantity of waste going to the different landfills and waste processing sites. Such information shall be available at the Office and on Panchayat website.

7.8 **Community Bins in public places:**

a) Gram Panchayat shall provide and maintain suitable community bins on public roads or other public spaces, as determined by the each Gram Panchayat, itself or through an Agent as an interim arrangement till Gram Panchayat makes provision for collection at source or point-to-point collection at the required frequencies and shall notify the same on Gram Panchayat website from time to time.

8.1 Slums

8.1.1 The Panchayat Secretary/Health Officer/ any other authorized official shall extend solid waste management to the uncovered areas within their jurisdiction.

8.1.2 Where applicable, Gram Panchayat shall extend door-to-door collection system at fixed times at a point outside the slum, for collection of segregated solid waste.

8.1.3 In exceptional cases, until the services of a door-to-door collection system at required frequencies are provided at designated spots on a public road or any other public place for the time being, manned community waste storage bins shall be maintained by Gram Panchayat, where segregated waste shall be deposited by the generator, and from where Gram Panchayat shall collect such waste.

8.1.4 Cleanliness drives shall be conducted by Gram Panchayat with the help of Gram Panchayat Members, Citizens organizations, Government bodies / Corporate etc for the cleanliness inside the slums, from time to time.

8.2 Poultry, Fish and Slaughter Waste (From all areas other than designated slaughter houses and markets)

8.2.1 Every owner / occupier of any premises other than designated slaughter houses and markets, who generates poultry, fish and slaughter waste as a result of any commercial activity, shall store the same separately in closed, hygienic condition and deliver it at a specified time, on a daily basis to Gram Panchayat collection vehicle provided for this purpose. Deposit of such waste in any community bin is prohibited and shall attract fines as indicated in the schedule of Fines.

8.2.2 The Panchayat Secretary/Health Officer/ any other authorized official of Gram Panchayat shall be responsible for repair/re-

modelling of civic facilities in the markets to provide maximum hygiene and sanitary conditions in the market premises.

8.3 **Vendor/Hawkers:** All vendors/hawkers shall keep their biodegradable and other waste unmixed in containers / bins at the site of vending for segregated storage of waste generated by that vending activity. It shall be the responsibility of the generator/ vendor to deliver this waste duly segregated to the Collection Vehicle of Gram Panchayat or to the nearest designated community bins as directed. Failing which fine shall be imposed as per the Schedule of Fines. Each Vendor/hawker shall be responsible to maintain their 'Clean Aangan'.

8.4 **House /gullies/Service Lanes:**

8.4.1 It shall be the responsibility of the owner/occupier of premises within house-gullies to ensure that no waste is dumped or thrown in the house-gully, and to segregate and deliver any solid waste to the waste collection vehicle which shall be provided by Gram Panchayat at such spots and at such times as may be notified by official/authority.

8.4.2 Where owners/occupiers of such premises wish to avail of the services of Gram Panchayat for the cleaning of the house gully, they must apply to the concerned Office of Gram Panchayat and pay suitable prescribed charges as notified by Gram Panchayat from time to time. It shall be the responsibility of the owners/occupiers to provide access to the house gully for cleaning purposes.

8.5 **Litter by owned / pet animals:**

It shall be the responsibility of the owner of any pet animal to promptly scoop/clean up any poop/litter/faecal matter created by any owned/pet animals on the street or any public place, and take adequate steps for the proper disposal of such waste in their own sewage or other such sanitary system.

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8.6 **Public Gatherings and Events:**

8.6.1 For Public Gatherings and Events, organized in public places for any reason (including for processions, exhibitions, circus, fairs, political rallies, commercial, religious, socio-cultural events, protests and demonstrations, etc.) where Police and/or Gram Panchayat permission is required, it shall be the responsibility of the Organizer of the event or gathering to ensure the cleanliness of that area as well as all appurtenant area immediately after the event.

8.6.2 **A Refundable Cleanliness Deposit:** The Organizer of the event shall pay required deposit with the concerned office for the duration of the event, which shall be refundable on the completion of the event on notifying that the said public place has been restored back to a clean state, and any waste generated as a result of the event has been collected and transported to designated sites, to the satisfaction of Panchayat Secretary/Health Officer/ any other authorized official concerned. This deposit shall be only for the cleanliness of the public place and does not cover any damage to property. This section shall also, apply to various other events which are being organized outside the Panchayat Parks i.e. on roads/lanes etc.

In case, the Organizers of the event wishes to avail of the services of Gram Panchayat for the cleaning, collection and transport of waste generated as a result of that event, they shall apply in advance to the concerned Office of Gram Panchayat and pay the necessary charges in advance as may be fixed for this purpose by Gram Panchayat. Such cleanliness deposit and charges shall be such as are decided by Panchayat from time to time. So long as Panchayat does not pass any resolution, the cleanliness deposit and cleanliness charges shall be equal to Rs. 50 for every gathered person. If any party conducts an event without giving security

deposit, the cleanliness deposit shall be recovered as a fine from them.

8.7 **Receptacles on private property:**

Every owner or occupant of private property shall maintain authorized refuse receptacles on private premises provided the receptacles are neither visible from public street/roads and sidewalks nor accessible to animals.

8.8 **Other public places**

The Government / Semi-government, statutory bodies shall be responsible for implementation of these Bye-laws within the public premises owned/occupied by them.

9. Penalties for contravention of these Bye-laws

9.1 Whosoever contravenes any of the provisions of these Byelaws or fails to comply with the requirements made under any of these Byelaws shall be punished with a fine as mentioned in **Schedule-I** appended to these Bye-laws, failing which, the said defaulter shall be liable to do the community service for at least one hour like road sweeping or graffiti cleaning etc. as directed / ordered by the Nuisance Detector or Implementing Authority or any person authorized to do so. The fines can be recovered in the same manner and to the same extent as property tax.

9.2 The owner/ occupier shall be deemed to be guilty of the offence and shall pay the fine, if the responsible person for dumping waste in a private place is unidentified.

9.3 If it becomes necessary on the part of the Gram Panchayat to remove or process the waste, which was the responsibility of any other agency to remove or process then the responsible person or entity shall be liable to pay the expenses to the Gram Panchayat at the rate of 5 times the charges prescribed or Rs. 5000/- per incidence whichever is higher.

9.4 (Nothing in these bye-laws prevents Gram Panchayat to recover—in addition to the fine prescribed under bye-laws, administrative charges for

any extra expense incurred on removal or disposal of waste because of non cooperation of any person.

9.5The dues under these bye-laws shall be recovered in the same manner and to the same extent as property tax. Provided that no such recovery Proceedings shall be initiated unless the defaulter has been given one month's time to pay the dues.

10. **Miscellaneous provisions:**

10.1 Bio medical waste and industrial waste shall not be mixed with solid waste and the collection of such waste shall be made as per the rules/byelaws specified separately for the purpose. Common Bio Medical Waste Treatment Facility (CBWTF) services shall be availed for disposal of bio medical waste as per rules/byelaws. Disposal of such hazardous waste will have to be ensured at the Common Bio Medical Waste Treatment Facility (CBWTF) plant at the prescribed charges.

10.2 Stray animals shall not be allowed to roam freely around waste dumps or at other places in the city and arrangement will have to be made for restraining them at authorized area/place only.

10.3 No one will collect or throw waste water, muddy water, night soil, dung, excreta etc. from his/her building, institution or commercial establishment to pollute the atmosphere and ground with its stench and harm public health or obstruct traffic, failing which, administrative charges or fine shall be levied on the spot for spreading such waste, and case can be brought against them in court.

10.4 If a person is found spreading pollution or filth in public parks etc. by throwing dead animal/cattle or its parts, it will be a punishable offense and fine and administrative charges shall also be levied.

10.5 It shall be the duty of Gram Panchayat to protect all waste handlers from the ill-effects of their occupation and should be given annual medical examination and monitoring, given appropriate health

education and free medical treatment if it is felt that the illness is occupation – related. Gram Panchayat shall provide person protection equipment's and monitor that the same is used by the workers.

10.6 The Gram Panchayat shall develop a management information system for effectively taking corrective measures as well as proper planning for future. Geographic Information System (GIS) shall be introduced and MIS may be integrated in this system. There should be route maps and duty charts with each of the supervisory staff, who should check work on site is going as per schedule and vehicles and manpower are giving their optimum output.

11. Responsibility of Gram Panchayat –

11.1 **Transport of the solid waste:** - The vehicles used for the transport of solid waste are to be duly closed so that the waste should not be visible to the public and the waste is not scattered elsewhere on the road during transportation. the following standards should be maintained during the transportation of the solid waste.

11.2 The solid waste would be collected and cleaned as per schedule from the established waste collectors. Along with the waste, the surrounding area of the disposal site should also be kept clean.

11.3 The design of the transport vehicles will be such that the waste will not be allowed to touch ground until it reaches its final processing/disposal site, and thus the recurring handling of the waste will not be allowed.

12. Recycling of the solid waste - To process the solid waste collected in the Gram Panchayat as useful materials, various solid waste disposal units approved by the pollution control board/PCC and different techniques of such solid waste should be applied so that the dependency of waste disposal on the landfills can be minimized. Following standards should be applied for the expected results:-

12.1 For the processing of the bio-degradable waste, various techniques can be used such as vermin composting, composting, mechanized composting, bio-methanation etc. Also the waste can be degraded using the other natural methods/resources by obtaining the required authorizations.

12.2 For the waste material mixed with the recyclable/renewable resources as a mixture, the method of recycling should be used. In some cases the waste resources can be used to generate energy. Such plants with the technology should be authorized by the pollution control board.

13. Prosecution and Penalties: - As provided in these byelaws, for any breaching of the said byelaws, prosecutions and penalties can be rendered as levied down in these byelaws or in The Daman & Diu Panchayat Regulation, 2012. Further, as per the Environment Protection Act of 1986, cases can be filed against them.

14. RESPONSIBILITY OF ELECTED MEMBERS AND PANCHAYAT SECRETARY

14.1 The administrative powers to implement the provisions of this Byelaw and the resolutions passed by a Panchayat shall be vested in the Panchayat Secretary and he/she shall be directly responding for the proper discharge of the functions imposed by or under this bye law.

14.2 **The Panchayat Secretary shall-**

a) Supervise and control the acts done and steps taken by the officers and employees of the Gram Panchayat in solid waste management.

b) Exercise such other powers and perform such other functions that may be conferred or entrusted under the provisions of this Bye law or the rules made there under.

c) The Sarpanch, the Panchayat Secretary, the Health Officer may, in emergent circumstances, direct the execution of any work or

performance of any act related to solid waste management, in respect of which sanction of the Panchayat is necessary and in his/her opinion the immediate execution or performance of which is necessary for the safety of the public and may also direct that the expenses incurred for the execution of such work or performance of such act be paid from the fund of the Gram Panchayat.

14.3 The elected members of the panchayat shall have the responsibility to ensure that the provisions of these bye laws are followed in letter and spirit in their respective areas.

15. Appeal. There shall be no appeal against fine when the total amount of fine does not exceed Rs. 10,000/- per incidence. Appeal against any other order of Panchayat Secretary or any other official of Gram Panchayat shall lie with standing committee whose decision shall be final.

16. GENERAL PROVISIONS FOR SANITATION

1) No person and Domestic animals shall bath, spit, urinate, defecate, feed/slaughter animal or birds, repair / wash vehicles, utensils or any other object or keep any type of storage for any of these purposes.
2) Toilets shall be provided by the builders at construction sites. Training centers, all type of institutions at their place of business to prevent open defection. Making of such prior provision should be one of the conditions while granting building permission and must be adhered to. After notification of in this Byc-laws all residential/ commercial building is to have their toilets within 03 (three) months otherwise they will be considered as agencies / individuals promoting open defections and the penalties will be imposed accordingly.

17. ACCESS TO PREMISES

1) The occupier of premises shall grant the Gram Panchayat access to the premises for the purpose of collecting and removing refuse and shall

ensure that nothing obstructs, frustrates or hinders the Gram Panchayat in the carrying out its services.

2) Wherein the opinion of the Gram Panchayat, the collection or removal of refuse from any premises is likely to result in damage to the premises or to the Gram Panchayat Property or injury to the refuse collectors or any other person, it may, as a condition of rendering a refuse collection service in respect of the premises, require the occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

18. NOTICE AND PENALTY

1) The Gram Panchayat may serve a notice on the occupier of any premises, requiring such occupier to clear any waste on such premises in a manner and within a time specified in such notice.

2) If a person, on whom a notice has been served, fails to comply with the requirements imposed by the notice, such person shall be guilty of an offence and liable on conviction to the penalties prescribed from time to time Bye- laws.

3) If a Person by whom a notice is served, fails to comply with any requirements imposed by such notice, the Gram Panchayat may-Enter on the premises and clear the wastes, and Recover from the occupier the expenditure incurred in having done so.

4) a. Where on any occasion, an officer of the Gram Panchayat finds any person who such officer has reason to believe on that occasion committed an offence under sections of the Bye- laws, he may serve a notice on that person offering such person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

b. A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall specify-

a) the period;

b) the amount of the fixed penalty; and

c) to whom , and the address at which, the fixed penalty may be paid.

c. The fixed penalty payable to the Gram Panchayat from time to time.

5) Any person who contravenes or fails to comply with any provision of these Bye-laws shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment, or to both such fine and imprisonment or to such other penalty as determined by a court of competent jurisdiction.

6) Any person who dump, deposit, discharge, spill or release waste, or cause or permit such wastes to be dumped, discharged, spilled or released, whether or not the waste is in a container or receptacle, in or at any place, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, sewers and storm water drains, except in a container or at a place which has been specially indicated, provided or set apart, for such purpose is an offence and liable to be fined with Rs. 500/- on the spot; the order can be issued by an employee not below the rank of a Sanitary Inspector of the Gram Panchayat and one who contravenes the order shall be liable to be prosecuted.

19. PROVISION FOR PROCESSING OF SOLID WASTES

1) The Gram Panchayat may, for the purpose of recycling, treating, processing and disposing of solid waste or converting such solid wastes into compost or any other matter construct, acquire, operate, maintain and manage any establishment within or outside the Panchayat area and run it on a commercial basis or may contract out such activity.

2) Gram Panchayat may make adequate arrangements for the treatment of solid wastes for the preparation of compost and the disposal of it by sale or other means.

3) Within the sites for processing and disposal of waste identify suitable locations for:-

   a) Weighbridge
   b) Composing plant
   c) Composting area
   d) Composting storage area
   e) Packing area
   f) Shredded plastic storage area
   g) Wash and change area
   h) Security cabin
   i) Secured landfill for the disposal of rejects
   j) Site for RDF
   k) Leachate treatment plant
   l) Parking area for vehicles
   m) Vehicle washing area
   n) Canteen quarters
   o) Workshop for vehicles
   p) Store room
   q) Laboratory
   r) Office space.

4) While selecting site, the Gram Panchayat shall take due care of the ground water table, land use etc. of the sites.

5) It should be atleast 500 mts away from habitation tourist areas, wetlands etc.

6) It should be 3 meters above the local ground water level wherever possible, failing which the site level any need to be raised.

7) A 500 mts wide no development Buffer zone to be declared to prevent objections by future inhabitants.

8) The waste processing and disposal site must be fenced to prevent unauthorized entry.

9) The Gram Panchayat shall improve existing roads or make new ones and maintain the same.

10) The Gram Panchayat shall provide a green belt to improve the environment.

11) The waste processing or disposal facilities shall include facility based on state-of-the – art technology duly approved by the Pollution Control Committees.

12) The waste processing area should be covered and it shall be provided with impermeable base with facility for collection of leachete and surface water run –off into lined drains leading to a leachete treatments and disposal facility.

20. PROVISION FOR FINAL DISPOSAL OF SOLID WASTE

1) Every Gram Panchayat shall identify and notify suitable lands within or outside the panchayat area for the purpose of final disposal of waste.

2) While notifying the land, health and Environment aspects shall be taken into consideration by the Gram Panchayat.

3) The Gram Panchayat shall provide for decentralized processing plants wherever and whenever possible, and opt for centralizes land fill site. The Gram Panchayat shall find suitable and adequate land for processing and disposal of waste keeping in view the requirements for atleast the next 20 – 25 years. The landfill site for the rejects should preferably be the same parcel of land as the composting site, or very nearby to minimize the cost of handling, transporting and land filling the rejects.

4) Land fill site should be developed as specified in SWM Rule 2016(**Schedule I**)

5) Necessary precautions shall be taken to minimize nuisance of odour, flies, rodents, bird menace and fire hazard;

6) Process rejects shall be removed on a regular basis shall be sent for well designed landfill site.

7) Rejects and non biodegradable waste shall be land filled according to standard procedure.

8) Wastes should be spread in thin layers and compacted to achieve a high density of waste.

9) The waste may be covered on a day to day basis with thick layer of inert materials such as construction wastes or soil to avoid any foul smell and breeding of rodents and insects.

10) After completion of landfill, a final cover shall be designed to minimize infiltration and erosion.

11) To minimize erosion of the final cover, plantation or vegetation cover may be made to sustain native plant growth.

12) Rain water flow into the land fill area should be prevented.

13) Run-off from land filled areas should not enter any well or water body.

14) Regularly monitory nearby water quality.

15) Public gardens with land-scaping may be developed in stages on the landfill in such a manner that stagnation of rainwater does not take place and rainwater runs off the site.

16) Records may be maintained of date, time and quantity of wastes received site and the number of trips made by each transport vehicle.

17) After completion of land fill a minimum final raised cover of soil or construction waste of at-least 30 cm shall be provided and maintained to ensure run-off of rain-water from the surface.

18) Maintaining the integrity and effectiveness of final cover, including making repairs to the cover as necessary to correct the effective of settlement, subsidence, erosion or other events and preventing rain-water run-on and run-off from eroding or otherwise damaging the final cover;

19) Monitoring ground water in accordance with requirements and taking corrective measures as and when required;

20) Monitoring of landfill gases to assess levels of methane, for ensuring compliance as per the prescribed standards.

21) Planned use of closed landfill sites can commence after ensuring that the landfill gases, leachates and ground-water analysis permit such use.

22) Installation of landfill gas control system including gas collection system shall be made at landfill site.

23) Ambient air quality at the landfill site and at the vicinity shall be monitored.

21. PROVISION FOR LEACHATES COLLECTION AND TREATMENT

1) Provisions for management of leachates collection and treatments shall be made. The treated leachates shall meet the standards specified in Schedule – I of SWM Rules, 2016.

2) It shall be incumbent on the Gram Panchayat to establish a leachate treatment plant along with a windrow composting facility and landfill site as per the SWM Rules, 2016.

3) The leachate plant shall be able to treat the leachate both from the processing plant and the land fill.

4) The Gram Panchayat shall identify appropriate technology for leachate treatment.

22. GRAM PANCHAYAT SANITATION SOCIETY

The Gram Panchayat shall form a Sanitation Society that shall prepare, submit and implementation a plan for the safe and sanitary management of solid waste generated in areas under its geographic and jurisdictional coverage.

The Sanitation Society shall be a society registered under the Charitable Societies Act and promoted and controlled by the Gram Panchayat for the purpose. A separate Bye- law shall be prepared for the society.

The Sanitation Society shall have the following duties and responsibilities:

a. Develop the Solid Waste Management Plan that shall ensure the long – term management of solid waste, as well as integrate the various solid waste management plans and strategies in its area of jurisdiction .In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community.

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b. Monitor the implementation of the SWM Plan through its various political sub- divisions and in co-operation with the private sector and the Gram Panchayat.

c. Adopt specific revenue – generating measures to promote the viability of its SWM Plan.

d. Review every five (five) years or as the need arises the SWM Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;

e. Develop the specified benchmarks and protocols for monitoring and evolution.

f. Recommended measures and safeguards against pollution and for the preservation of the natural ecosystem; and

g. Mandatory public hearings for Local Government solid waste management plans shall be undertaken by the respective societies in accordance with process to be formulated in the implementing rules and regulations.

23. AMENDMENTS OF SOLID WASTE MANAGEMENT BYE- LAWS

Implementation, handling and compliance of this bye-law will be amended time to time based on the rules notified/amended by Ministry f Environment & Forest and climate change for Management and handling of solid waste for compliance of the previous therein.

24. All rates and penalties will be increased @3% per Annum and will be reviewed in every three years.

EXTRAORDINARY No. : 21
DATED : 30TH MAY, 2019.

Schedule – I

(See clause 9.1)

(Schedule of Fines): It is hereby declared for all intents and purposes that applicable provisions of Solid Waste Management Rules 2016, Shall be read as part and parcel of these Bye laws.

Sr. No.	No. of Bye law	Sub-division/ Description of Rule/ Bye law	Fines for up to 5 offences	Repeated Offense
1)	No.5.1 to 5.3	Littering in/or on any public/private place, Vehicles, Waste carriage vehicles, Creating Public Nuisance	Rs. 100/-	Rs. 1000/
2)	No.5.4	Creating Nuisance	Rs. 50/-	Rs. 500/-
3)	No. 5.5	Using banned items	Rs. 100/-	Rs. 1000/-
4)	No. 5.6	Not Providing functional toilets or sanitation facilities at construction sites.	Rs. 1000/-	Rs. 10000/- & Sealing
5)	No. 5.7	Not providing toilet/ sanitation facilities	Rs. 500/-	Rs. 5000/
6)	No 6.1	For delivering waste that is not segregated and not stored in separate bins: a) individual	Rs. 50/-	Rs. 500/-
7)	No. 6.1	b) bulk generator	Rs. 500/-	Rs. 5000/-
8)	No. 6.5	For not delivering bio-degradable waste in a segregated manner as specified	Rs. 50/-	Rs. 500/-
9)	No. 6.9	For not storing & delivering construction and demolition waste in segregated manner.	Rs. 500/-	Rs. 5000/-
10)	No. 6.10	All other Non-biodegradable waste	Rs. 50/-	Rs. 500/-
11)	No. 6.11	For not delivering garden waste and tree trimmings as specified	Rs. 50/-	Rs. 500/-
12)	No. 6.12	For burning waste	Rs. 500/-	Rs. 5000/-
13)	No. 7.1	Mixing segregated waste	Rs. 500/-	Rs. 5000/-
14)	No. 7.5	Putting waste at not specified places	Rs. 200/-	Rs. 2000/-

15)	No. 8.2	For not delivering (non household) fish, poultry and meat waste in segregated manner, as specified	Rs. 150/-	Rs. 1500/-
16)	No. 8.3	For a vendor / hawker without a container / waste basket	Rs. 150/-	Rs. 1500/-
17)	No. 8.3	For a vendor / hawker who does not deliver waste in a segregated manner as specified	Rs. 150/-	Rs. 1500/-
18)	No. 8.4	For not keeping a house/gully/service lanes clean	Rs. 100/-	Rs. 1000/-
19)	No. 8.5	For littering/defecation by pet / owned animals	Rs. 300/-	Rs. 3000/-
20)	No. 8.6	For not cleaning-up after public gathering / event within 4 hours	Forfeiture of the Cleanliness Deposit Rs. 100/-	
21)	No. 10.1	Violation of provisions regarding hazardous waste and bio-medical waste	Rs. 50/-	Rs. 500/-
22)	No. 5.5	Use, sale, Storage or distribution of plastic bags is banned in Panchayat area	Rs. 200/-	Rs. 2000/-

SCHEDULE – II

Illustrative list of biodegradable and recyclable waste

(See clause 6.5)

Biodegradable Waste "Biodegradable waste" means "wet" waste of plant and animal origin.	Recyclable waste "Recyclable waste" means "dry" waste that can be transformed through a process into raw materials for producing new products, which may or may not be similar to the original products
•Kitchen Waste including: tealeaves, egg shells, fruit and vegetable peels •Meat and bones •Garden and leaf litter, including flowers •Soiled paper •House dust after cleaning •Coconut shells •Ashes	•Newspapers •Paper, books and magazines •Glass •Metal objects and wire •Plastic •Cloth Rags •Leather •Rexene •Rubber •Wood /furniture •Packaging

Schedule III:

Specified hazardous waste:

(See clause 6.7)

Specified Household Hazardous Waste:
•Aerosol cans
•Batteries and button cells
•Bleaches and household kitchen and drain cleaning Agents &its Containers.
•Car batteries, oil filters and car care products and consumables
•Chemicals and solvents and their containers
•Cosmetic items, chemical-based Insecticides and their containers
•Light bulbs, tube-lights and compact fluorescent lamps (CFL)
•Discarded Medicines and its containers,
•Paints, oils, lubricants, glues, thinners, and their containers
•Pesticides and herbicides and their containers
•Photographic audio/video tapes and their containers, chemicals
•Styrofoam and soft foam packaging of furniture, packaging and equipment
•Thermometers and mercury-containing products

EXTRAORDINARY No. : 21
DATED : 30TH MAY, 2019.

Schedule IV

List of Bio-medical waste: (Extract from the Bio-Medical Waste Rules)

(See clause 6.8)

Bio-medical waste
"Bio-medical waste" means any waste, which is generated during the diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biological.
Category No 4 Waste sharps (Needles, syringes, scalpels, blades, glass, etc. that may cause puncture and cuts. This includes both used and unused sharps)
Category No 5 Discarded Medicines and Cytotoxic drugs (waste comprising of outdated, contaminated and discarded medicines)
Category No 6 Solid Waste(Items contaminated with blood, and body fluids including cotton, dressings, soiled plaster casts, lines, beddings, other material contaminated with blood)
Category No. 7 Solid Waste (waste generated from disposable items other than the waste sharps such as tubing's, catheters, intravenous Sets etc)

By order and in the name of the Administrator of Daman & Diu.

Daman

Date: 30/05/2019.

(GURPREET SINGH)
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