

THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE (CONTROL) RULES, 1996

No. STV (Env.) A (10)-4/92.- In exercise of the powers conferred by Section 17 of the Himachal Pradesh , Non-Biodegradable Garbage (Control) Act,1995 (Act No. 15 of 1995), the Governor of Himachal Pradesh is pleased to make the following rules, the same having been previously published in the Rajpatra, Himachal Pradesh, (Extra-Ordinary), dated the 18th July,1996 vide notification of even number dated 17-7-1996, namely :-

1. Short title and commencement-(1) These rules, may be called the Himachal Pradesh Non-Biodegradable Garbage Controls Rules, 1996.

(2) These shall come into force from such date¹ as the State Government may, by notification, appoint.

2. Definitions.- (1) In these rule unless the context otherwise require,-

- (a) “Act” means the Himachal Pradesh Non-Biodegradable Garbage (Controls) Act,1995;
- (b) “Bio-medical/clinical waste” means the waste generated in the Hospital, dispensaries, private clinics, Laboratories and slaughter houses and shall includes
 - (i) human or animal anatomical wastes ;
 - (ii) blood, body fluids and blood soaked bandages ;
 - (iii) microbiological wastes ;
 - (iv) discarded medicines ;
 - (v) disposables, waste sharps (needles, syringes, scaple, blades);
 - (vi) highly infections wastes ;
 - (vii) slaughter houses wastes ;
 - (viii) incineration wastes (ash from incineration of any bio-medical waste);
 - (ix) bio-technological waste
- (c) “ Garbage Management Committee” means the garbage/waste management committee constituted under rule 4 of these rules.;
- (d) “Garbage Management Zone” means the zone constituted under rule 3;
- (e) “Section” means the section of the Act; and
- (f) “State Government” means the Government of Himachal Pradesh.

¹.The rules come into force w.e.f. 1.1.1999 vide No. STV (ENV)A (10)4/92-1, dated 10th December, 1998 published in R.H.P. dated 16.1.99, p. 84.

(2) all other words and expressions used in these rules but not defined therein shall have the same meaning as have been assigned to them under the Act.

(3) Garbage Management Zone. - (1) For the garbage clearance, scavenging and cleaning the local authority shall divide area, falling within its territorial jurisdiction, into garbage collection/waste management zone.

(2) Every Garbage Management Zone set up under sub-rule (1) shall be under the charge of a Sanitary Inspector (by whatever name called) and a Sanitary Inspector may hold charge of one or more such zone.

4. Garbage/Waste Management Committee.-(1) To assist and devise the means for the efficient collection and disposal of the garbage in a Garbage Management Zone, set up under sub-rule (1) of rule 3, a Garbage Management Committee shall be constituted and it shall comprise of :-

- (a) the public representative of the area in local body concerned;
- (b) two responsible person of the locality nominated by local body;
- (c) the Sanitary Inspector of the area .

(2) The functions of Garbage Management Committee constituted under sub rule (1), shall be to render assistance of the local authority of the area

- (a) for selection or earmarking the places where public receptacles are to be provided for temporary deposit of Garbage/waste generated from various sources in the Garbage Management Area Zone;
- (b) for fixation of intervals within which the contents of receptacles, deposit and accumulation at all places, designated under rule 5 may be removed/cleared;
- (c) for providing safeguard to be taken while depositing the garbage /waste in public receptacles/dustbins and its removals to dumping ground for the places fixed for bio-conversion, dumping incineration or recycling;
- (d) for arranging the awareness, programmes to ensure reduction, reuse and recycling of garbage /waste ,especially the non-biodegradable waste;
- (e) for encouraging residents for the area to explore the social and economic/feasibility or separation of house hold waste, at the source for its reuse and recycling; and
- (f) for devising steps to be taken for the maintenance of ecology and reduction of environmental pollution in the area.

5. Public Garbage receptacles dustbins -(1) The local Authority in consultation with the Garbage Management Committee constituted under rule 4, shall for temporary deposit or collection of non-biodegradable

garbage/waste generated in the area provide or place, in proper place and convenient situation, separate receptacles/dustbins other than those kept and maintained for deposit of biodegradable garbage.

(2) In Hospital, dispensaries, private clinics, laboratories and slaughter houses, the person managing such institution shall provide and place at convenient places separate receptacles/dustbins for the collection and deposit garbage and bio-medical/clinical waste generated there from.

(3) The local authority and Management referred in sub rule (2) while providing/placing the receptacles and dustbins under this rule shall take every possible precaution to ensure that those are kept beyond the approach /reach dogs and stray animals.

6. Color and inscription on receptacles/dustbins.- the public receptacles and dustbins shall be painted in colour and shall carry inscription as under :-

1. Biodegradable-in black colour with inscription “for degradable waste only” ;
2. Non-biodegradable –in green colour with inscription “ For Non – Biodegradable waste only”; or
3. Bio-medical/Clinical Waste –in yellow colour with inscription “For bio-medical clinical waste only”;

7. Safeguard to be taken by owner and occupants for deposit of garbage/waste generated from their buildings and lands.- The owners and occupants of all lands and building shall collect or cause to be collected the garbage/waste generated from their respective lands /buildings and deposit it or cause to be deposited in public receptacles/dustbins provided under rule 5, for temporary deposit or collection of garbage by the local authority of the area ensuring that :

- (a) the garbage is deposited in a location designated by local authority; .
- (b) the garbage is placed in a garbage receptacles/ dustbins ;
- (c) the bio-degradable garbage is deposited in the receptacle/ dustbin /dumper designated for that purpose ; and
- (d) the non-biodegradable garbage is not mixed either with biodegradable garbage or bio-medical/clinical waste and is deposited in the receptacles / dustbins designated for that purpose.

8. Prohibition to through Non-Biodegradable Waste – as person himself, or through another shall knowingly or otherwise,-

- (a) through or cause to be thrown any non-biodegradable garbage in place other than the garbage receptacles dustbins designated for the purpose under rule 5; and

- (b) mix the bio-medical/clinical waste with other non-biodegradable waste/garbage.

9. Litter Controls.- The local authority or its officer may, order to clean up any non-biodegradable litter which has been disposed of contrary to the provision of the Act and these rules.

10. Disposal of garbage/waste.- (1) The Garbage/waste generated from various sources and deposited in the receptacles/ dustbins, provide under rule 5, shall be got collected and removed by the local authority, either through its employees or through the private agencies engaged by it for this purpose, to the dumping grounds or suitable disposal site.

(2) The non-biodegradable garbage/ waste (other than the bio-medical/clinical waste, whether comprised of biodegradable or non-biodegradable matter) collected from receptacles/dustbins and carried to dumping ground or disposal site under sub-rule (1), shall be further carried to the recycling centers arranged by local authority through its own officers or through private agencies or the rag-pickers/ kabaries;

(3) Subject to the provision contained in any other law, for time being in force, and the term and conditions which may be imposed by a local authority, and person responsible for the management of a hospital, dispensary, clinic, laboratory and slaughter house, shall dispose of the bio-medical/clinical waste (including other garbage generated there from) by the process of incineration or other non- incineration technology.

Provided that where incineration facilities are not available or economically viable, the local authority, shall, in the absence of the agreement to the contrary, arrange for the removal and disposal of the bio-medical/clinical waste by the process of incineration or other non-incineration technology.

(4) Subject to the sub-rule (3), the bio-degradable waste shall be get disposed of by the local authority, as it may deem fit, be the process of bio-conversion, dumping or incineration or an other scientific method.

(5) Each site for Bio-conversion, dumping and processing of garbage /waste generated from all sources within the territorial limits of the local authority should be located at sufficient distance from the residential habitats.

11. Inspections .- (1) For the purpose of implementation of the provision of these rules ,an officer or employee of the local authority or the members of the Garbage Management Committee constituted under rule 4, may, at any reasonable time do any or all the following :-

- (a) enter and inspect any place to determine :-
 - (i) the extents, if any , to which a garbage may cause , is causing or has caused any adverse effect ;
 - (ii) the cause of any adverse effect that may occur , is occurring or has occurred ;

(iii) now an adverse effect may, be prevented , eliminated reduced or ameliorated and the environment conserved or reclaimed ;

(b) enter and inspect any place in which such officer or employee or member, as the case may be ,reasonably believe that the waste can be found;

(c) when such officer, employee or member, as the case may be, reasonably believes that any garbage /waste may release, is releasing or has released into the environment or a place open to public view, or that garbage/waste may cause, is causing or has caused any adverse effect, require the person having charge management of control of the garbage /waste to remove the garbage /waste or cause it to be removed from where is found and deposited in a place designated for that purpose under rule 5.

(2) No entry in any private premises under sub-rule (1) shall be made after the sun-set and before the sun-rise.

12.Assistance of officers .- The owner of and every person found in , any place in respect of which an officer or employee of the local authority or the member of the Garbage Management Committee constituted under rule 4 is exercising powers and carrying out duties under the Act and these rule shall :-

(a) Give such officer, employee or member all reasonable assistance to enable him to exercise those powers and carry out those duties.

(b) Furnish all information relative to exercising of those powers and carrying out those duties that such officer, employee or member may reasonably require.
