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PART-IIA

GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

The 10th February, 2022.

No.DC/L/VII/5/2019-2022/42/110. – In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Bill of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (SOLID WASTE MANAGEMENT) ACT, 2020.

(Passed by the Khasi Hills Autonomous District Council on the 26th June, 2020)

(Received the assent of the Governor on _____)

(Published in the Gazette of Meghalaya Extraordinary issue dated the 31st March, 2022)

AN

ACT

to provide and make provision for the administration of solid wastes in the jurisdiction of the Autonomous District of Khasi Hills.

PREAMBLE

Whereas under the Sixth Schedule to the Constitution of India, the District Council is empowered to make laws on village or town administration, including public health and sanitation;

AND

Whereas the effect of globalization, wanton exploitation of natural resources and increase in the quantity and variety of waste generated, there is an exigency to manage solid waste so as to minimize its adverse effect on the environment;

AND

Whereas there is a need to include the grass-roots institutions for collective responsibility towards preservation of the environment;

AND

Whereas it is expedient and desirable to have this Act to enable to protect and preserve the environment;

NOW, THEREFORE, the District Council of the Khasi Hills Autonomous District in exercise of the powers conferred upon it under sub-paragraph (f) of paragraph 3(1) of the Sixth Schedule to the Constitution of India hereby enacts in the Seventy First Year of the Republic of India as follows:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT:-

1. This Act may be called the Khasi Hills Autonomous District (Solid Waste Management) Act, 2020.
2. It shall extend to the whole of Khasi Hills Autonomous District except in areas where there is a functional Town Committee.
3. It shall come into force with effect from the date on which it is published in the official Gazette of the Government of Meghalaya.

2. DEFINITIONS:- In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:-

- a) "**Chief**" means a Syiem, a Lyngdoh, a Sirdar or a Wahadadar as the case may be of any Elaka;
- b) "**Chief and his Dorbar**" shall have the same meaning and definition as provided under Section-2 (f) of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended.
- c) "**District**" means the Khasi Hills Autonomous District;
- d) "**District Council**" means the Khasi Hills Autonomous District Council constituted under the Sixth Schedule to the Constitution of India;
- e) "**Dorbar Shnong**" means the traditional village institution of the village of the Khasis and composed of all Khasi inhabitants of not less than 18 years of age, where the prevailing age-old customary and traditional governance and adjudication are carried-out;
- f) "**Elaka**" means a Hima which is an administrative unit within the Autonomous District as specified in Appendix-I and II of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended.
- g) "**Executive Committee**" means the Executive Committee of the Khasi Hills Autonomous District Council;
- h) "**Fine**" means a penalty imposed on waste generators or operators of waste processing and disposal facilities under this Act for non-compliance of the directions contained therein.
- i) "**Gazette**" means the Meghalaya Gazette;
- j) "**Prescribed**" means prescribed under this Act and by the Rules made thereunder;
- k) "**Raid**" means an administrative unit recognized as such within an Elaka specified in Appendix I & II of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of

Chiefs and Headmen) Act, 1959 as amended composed of one or more villages under such Elaka;

- l) **"Rangbah Shnong"** means the traditional head of a Village which shall also include a Lyngdoh, Lyngskor, Basan, Sordar Shnong, a Matabor, a Myntri Shnong falling within the jurisdiction of each of the existing Elaka specified in Appendix-I and II the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended and elected or selected as per prevailing custom in the village or Elaka;
- m) **"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, bio- medical waste and e-waste, battery waste, radioactive waste, construction and demolishing waste.
- n) **"Solid Waste Management Cell"** means a Cell of the Khasi Hills Autonomous District Council duly constituted by the Executive Committee as per the provisions of this Act to handle the aspect of waste management within the jurisdiction of the Khasi Hills Autonomous District Council;
- o) **"Town Committee"** means a Town Committee notified under the United Khasi Jaintia Hills District (Establishment of Town Committee) Act, 1960.
- p) **"Village"** means an area where a number of houses have been grouped together under one village for administrative purposes.
- q) **"Waste Generators"** means and includes every person or group or persons, every residential premises and commercial establishments which generate waste.
- r) **"Waste Collector or Waste Manager"** means a person or group of persons appointed by the Dorbar Shnong for the purpose of waste collection.

3. (1) Constitution of the Solid Waste Management Cell:

- (i) The Executive Committee shall by notification constitute a Solid Waste Management Cell comprising of the following members:-
 - a) Chairman, Executive Member I/c Health & Sanitation.
 - b) Vice Chairman to be co-opted by the Chairman.
 - c) Secretary, Officer I/c Health & Sanitation.
 - d) Two Experts and two members of the Civil Societies in the field of solid waste management.
 - e) Officers and Staff of the Council as deemed necessary.
 - f) The Cell may co-opt any person/persons as members of the Cell as deemed necessary.
- (ii) The tenure and term of the Cell shall be prescribed by the Executive Committee.
- (iii) The Solid Waste Management Cell shall facilitate, carry out and oversee the implementation of this Act & Rules framed hereunder within the jurisdiction of the District Council.

(iv) The Solid Waste Management Cell shall formulate policy, guidelines, norms, standards and orders for effective implementation of the Solid Waste Management within its jurisdiction.

(2) **Powers and duties of the Solid Waste Management Cell:** The Solid Waste Management Cell shall have the following powers and duties:-

- a) Identify and formulate schemes and projects involving the Chief and his Dorbar, the Raid and the Dorbar Shnong.
- b) Setting up a system on solid waste management at the Elaka / Raid and village level.
- c) Create public awareness through information, education and communication campaign on solid waste management.
- d) Co-ordinate with various government and civil agencies for effective implementation of the Act.
- e) To generally guide, advise and monitor the schemes/projects and activities of the Chief and his Dorbar, the Raid and the Dorbar Shnong and supervise them as provided for under this Act.
- f) Involvement of communities and Self Help Group in waste management at community level.
- g) The Cell shall be the Monitoring agency for implementation of solid waste management and may seek reports from the Elaka and village as and when required.
- h) To identify, allocate landfill and associated infrastructure for disposal for residual wastes in consultation with the concerned Elaka, Raid and Village.
- i) The Solid Waste Management Cell shall prescribed fine for villages and waste generators violating the provision of this Act.

4. Roles and Responsibilities of the Chief and his Dorbar:-

- (i) The Chief and his Dorbar in each Elaka shall oversee the implementation of the solid waste management as empowered under this Act in their respective Elaka.
- (ii) The Chief and his Dorbar shall abide by the rules and guidelines of the Act or any other orders, notification issued by the Solid Waste Management Cell from time to time.
- (iii) The Chief and his Dorbar shall have the following duties and responsibilities:
 - a) Create public awareness on littering, minimize generation of waste, reuse the waste to the extent possible, practice segregation of waste, practice home composting, vermin composting or community level composting, storage of segregated waste at source.
 - b) Prohibit and give direction to the villages/Raid concerned from littering wastes on the streets and not to dispose any waste in public place.
 - c) Involve local communities in waste management and take steps ensuring the preservation and conservation of the environment.
 - d) Levying fines or to take action on villages/Raid who violates the provisions of this Act.
 - e) The Chief shall ensure each village form a Solid Waste Management Committee or a cluster of villages may come together to form such a Committee.
 - f) Any other function and powers as may be delegated by the District Council from time to time.

5. **Roles and Responsibilities of the Rangbah Shnong and the Dorbar Shnong:-** Subject to the provisions of this Act or as prescribed the Solid Waste Management Cell, the following shall be the roles and responsibilities of the Rangbah Shnong and the Dorbar Shnong within its jurisdiction:-
- (i) Shall be responsible and accountable for the overall cleanliness of the village.
 - (ii) Shall constitute a Committee for implementation of the solid waste management within their respective village.
 - (iii) To function according to the stipulated guidelines provided by the Solid Waste Management Cell.
 - (iv) Ensure result oriented performance and smooth efficacious functioning through the active participation of all inhabitants of the village on solid waste management.
 - (v) Shall engage waste collectors/managers for collection and recovery of reusable and recyclable solid waste.
 - (vi) Prescribe from time to time user fee as deemed appropriate and to collect the fee from the waste generators on its own or through authorize agencies payable to waste collectors/pickers or any other person for sustainable solid waste management in the village.
 - (vii) Direct waste generators not to litter waste on streets, open public space, drains, water bodies and to segregate the waste at source and to handover the segregated waste to the authorized waste managers or waste collectors.
 - (viii) Arrange door to door collection of segregated waste from all households.
 - (ix) Levy fines or to take action on waste generators who fails to comply with the provisions of this Act/Rules.
 - (x) The Rangbah Shnong and his Dorbar shall submit report to Chief and his Dorbar as and when required.
6. **Duties of the Waste Generators:-** Each waste generator shall:-
- (i) Segregate and store the waste generated by them in suitable bins and handover the segregated waste to waste collectors/pickers as per direction or notification by the Solid Waste Management Cell.
 - (ii) No waste generators shall throw, burn or bury the waste generated by him on streets, open public spaces outside his premises or in the drain or water bodies.
 - (iii) Not to litter.
 - (iv) Minimize generation of wastes.
 - (v) Reuse the waste to the extent possible.
 - (vi) Practice segregation of wastes at source.
 - (vii) Ensure that no damage is caused to the environment during this process.
7. **Power to give direction:-** The Solid Waste Management Cell may give such direction as it deems fit to the Chief and his Dorbar as to carrying out the provisions of this Act and the rules made thereunder and such directions shall be binding.
8. **Protection of action in good faith:-** No suit or other legal proceeding shall lie against the Executive Committee, the Solid Waste Management Cell, any officer or person, chief, headman or body or

association in respect of anything which is done in good faith or intended to be done in pursuance of this Act or the rules of orders made thereunder.

9. **Appeal:-** Appeals against any order made by any authority under the provisions of this Act shall lie with the Executive Committee of the District Council whose decision shall be final.

10. **Power to remove difficulties:-**

(1)(a) If any difficulty arises in giving effect to any provision of this Act, the Executive Committee may on occasion requires, take any action not inconsistent with the provision of this Act which may appears to it necessary for the purpose of removing this difficulty.

(b) All such actions taken under sub-section (1) shall be placed before the Council in Session.

2. Provided that no such action shall be taken by the Council after a lapse of 2 (two) years from the date of coming into force of the Act.

11. **Power to make Rules:-** The Executive Committee may make rules for the purpose of carrying out the provisions of this Act. Such rules when published in the Gazette shall have the force of law.

Provided that the provisions in the rules shall not be inconsistent with the provisions of the Meghalaya Solid Waste Management and Bye Law, 2020 and the Solid Waste Management Rules, 2016 as amended.

STATEMENT OF OBJECT AND REASONS

Owing to the discernible deterioration of the environment, it has become expedient to sensitize, safeguard, and conserve the environment through waste management within the jurisdiction of the District Council. For effective implementation and advancement of laws, rules, regulations and guidelines and involvement of the masses at the grassroot level are needed so as to ensure sustainability and environment oriented consciousness.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 26th June, 2020.



LAMPHRANG BLAH,
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent this Bill.

Dated: Shillong,
The 28th March, 2022.



SATYA PAL MALIK,
GOVERNOR OF MEGHALAYA