



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA CESS ON PRODUCTS
AND SUBSTANCES CAUSING
POLLUTION (GREEN CESS)
BILL, 2013**

(Bill No. 12 of 2013)

As _____
(To be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
APRIL, 2013**

**THE GOA CESS ON PRODUCTS AND
SUBSTANCES CAUSING POLLUTION
(GREEN CESS) BILL, 2013**

(Bill No. 12 of 2013)

A

BILL

5 *to provide for levy and collection of cess on the products and substances including hazardous substances, which upon their handling or consumption or utilization or combustion or movement or transportation causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources*
10 *of the State of Goa, under the concept of "polluter pays principle", and also to provide for measures to reduce the carbon footprint left due to such activities and for matters connected therewith or incidental thereto.*

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

20 **1. Short title and commencement.**— (1) This Act may be called the Goa Cess on Products and Substances Causing Pollution (Green Cess) Act, 2013.

(2) It shall extend to the whole of the State of Goa.

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

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

(a) "cess" means the cess leviable under the provisions of this Act;

(b) "competent authority" means a competent authority appointed under section 3 of this Act; 5

(c) "Government" means the Government of Goa;

(d) "prescribed" means prescribed by the rules made under this Act; 10

(e) "products" means those products which upon their handling, consumption, utilization, combustion or movement or transportation causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources and causes emission of carbon dioxide and other green house gases or discharge other types of effluents and includes asphalts, automotive gasolines, fuel oils, kerosene, lubricants, naphthas, waxes, other hydrocarbon compounds including mixtures and products obtained from crude oil and natural gas processing and such other products which the Government may, by notification in the Official Gazette, specify for the purpose of this Act; 15
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(f) "Official Gazette" means the Official Gazette of the Government;

(g) "substances" means substances which may upon their handling or consumption or 30

utilization or combustion or movement or transportation, causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources and causes emission of carbon dioxide and other green house gases or discharge other types of effluents and includes carbon products, coke, coal, chemicals and chemical products, hazardous substances and such other substances which the Government may, by notification in the Official Gazette, specify for the purpose of this Act. 5
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3. Appointment of Competent Authority.— (1) The Government may, by notification in the Official Gazette, appoint any person to be the competent authority under this Act and appoint as many competent authorities as may be required and assign to them such areas as may be specified in such notification. 15

(2) The competent authorities shall perform such functions and discharge such duties as may be prescribed. 20

4. Levy and collection of cess.— (1) There shall be levied and collected a cess at such rates as may be specified by the Government by a notification in the Official Gazette, not exceeding two percent of the sale value of the products and/or substances, the handling, utilization, consumption, combustion, transportation or movement, of which, by any means, causes pollution within the State of Goa, from every person carrying out any of the above activities. 25
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(2) The cess shall be assessed, levied and collected in such manner, as may be prescribed.

(3) The cess levied under this Act shall be in addition to any other cess, taxes, charges, duties, permission fees, license fees or any other fees payable under any other law for the time being in force.

5. Crediting proceeds and utilization of cess. — The proceeds of the cess collected under section 4 shall be credited to the Consolidated Fund of the State of Goa and shall be utilized for undertaking the measures to reduce the carbon footprint, by means of such programmes or schemes as may be decided by the Government.

6. Constitution of Environmental and Energy Audit Bureau.— (1) In order to identify sensitive areas of energy and environmental conservation and to recommend appropriate measures and solutions for reducing carbon footprint, and to suggest measures for deriving benefits under carbon credit trading and related matters in the State of Goa, the Government shall establish an Environmental and Energy Audit Bureau by notification in the Official Gazette.

(2) The composition of, procedure to be followed by, and functions of the Environmental Energy Audit Bureau, shall be such as may be prescribed.

7. Penalties.— Whosoever fails to pay the cess levied under the provisions of this Act shall be

punished with a fine not exceeding rupees one lakh:

Provided that, pending the payment of such cess and fine, the defaulter shall be prevented by the competent authority in dealing with products and/or substances in any manner until the payment of cess and fine is made.

8. Power of the Government to exempt or reduce cess.— The Government may, if in its opinion, it is necessary in public interest so to do, by notification in the Official Gazette and subject to such restrictions and conditions and for such period as may be specified in such notification, exempt or reduce, either prospectively or retrospectively, the cess payable under this Act, by any specified class of persons or in respect of any products or substances.

9. Other Laws not affected.— The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

10. Jurisdiction of courts barred.— No Court shall have jurisdiction in respect of any matter in relation to which the competent authority or any other person authorized by the competent authority is empowered by or under this Act to exercise any power, and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

11. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings

shall lie against the competent authority or any other person authorized by the competent authority for anything which is done or intended to be done in good faith under this Act or any rule made thereunder.

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12. Bar of suits and prosecutions.— No suit, prosecution or other proceedings shall lie against the Government or any officer of the Government, or against any other person appointed under this Act, for any act done or purported to be done under this Act, without the previous sanction of the Government.

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13. Power to issue directions.— The Government may, by general or special order, issue such directions as it may deem necessary in respect of matters not provided for in this Act and not inconsistent therewith.

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14. Powers to make rules.— (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

15. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing such difficulty:

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Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

Statement of Objects and Reasons

Due to various anthropogenic activities in state of Goa and due to the handling, consumption, utilization, combustion, movement or transportation of various types of products and substances, is causing pollution to the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources of the State of Goa by emission of carbon dioxide and other green house gases or discharge of other types of effluents.

There are various products and substances including hazardous substances, imported in the State of Goa through various sources and destinations, like the port etc., and thereafter transported to neighbouring States for utilisation, consumption, etc. The State of Goa becomes a receiving and a transit point and the transportation of these products and substances is done either through rail or by road. Whereas, some of the products and substances imported are not of major concern as far as the environmental effect is concerned, but some other products and substances cause environmental pollution due to discharge and emission of green house gases and effluents during handling, transportation, and movement in the State of Goa.

Over a period of time, such emissions and discharge of effluents has left the carbon footprint in the State of Goa, and measures have to be taken to identify sensitive areas of energy and environmental conservation and take such appropriate measures and solution for reducing carbon footprint.

The Bill seeks to provide for levy and collection of cess on the products and substances including hazardous substances, which upon their handling or consumption or utilisation or transportation or combustion or movement causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources of the State of Goa under the concept of "polluter pays principle" and also to provide for measures to reduce the carbon footprint left due to such activities.

This Bill seeks to achieve the above objects.

Financial Memorandum

The Bill provides for establishment of Environmental and Energy Audit Bureau in order to identify sensitive areas of energy and environmental conservation and to recommend appropriate measures and solutions for reducing carbon footprint, and to suggest measures for deriving benefits under carbon credit trading and related matters in the State of Goa. The revenue for operation of this Bureau shall be generated from the cess to be imposed on the value of products and / or substances. The Bill aims at generating additional revenue to the Government which will be utilised to defray the expenses toward various programmes or schemes to be implemented by the Government in order to fulfil the objects of the Bill.

Memorandum Regarding Delegated Legislation

Clause 1 (3) of the Bill empowers the Government to appoint a date, by notification in

the Official Gazette, for bringing the Act into force.

Clause 3 (1) of the Bill empowers the Government to prescribe by way of rules the functions and duties of Competent Authority.

Clause 4 (1) of the Bill empowers the Government to specify the rate of cess by notification in the Official Gazette.

Clause 4 (2) of the Bill empowers the Government to frame rules prescribing the manner of assessment, levy and collection of cess.

Clause 6 (1) of the Bill empowers the Government to establish, by Notification in the Official Gazette, the Environmental and Energy Audit Bureau.

Clause 6 (2) of the Bill empowers the Government to prescribe by way of rules the composition of, procedure to be followed by and functions of the Environmental Energy Audit Bureau.

Clause 7 of the Bill empowers the Government to prescribe by way of rules the fine.

Clause 8 of the Bill empowers the Government to issue notification in the Official Gazette exempting or reducing the cess.

Clause 13 of the Bill empowers the Government to make orders for issuing directions in respect of

matters not provided for in the Act and not inconsistent therewith.

Clause 14 of the Bill empowers the Government to frame rules for carrying out to purposes of the Act.

Clause 15 of the Bill empowers the Government to make orders for removing any doubt or difficulties.

These delegations are of normal character.

Porvorim, Goa.
24th April, 2013.

MANOHAR PARRIKAR
Minister for Science &
Technology

Assembly Hall,
Porvorim, Goa.
24th April, 2013.

N.B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

**Governor's Recommendation under Article
207 of the Constitution of India**

In pursuance of the Article 207 of the Constitution of India, I, Shri Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of the Goa Cess on Products and Substances Causing Pollution (Green Cess) Bill, 2013(Bill No. 12 of 2013) by the Legislative Assembly.

Governor of Goa