

R. K. KHULBEY
(District & Sessions Judge)
Member Secretary



**UTTARAKHAND STATE LEGAL
SERVICES AUTHORITY**

ADR Centre, High Court Campus,
Nainital-263002

E-MAIL ONLY

To,
The District Judges/Chairpersons,
District Legal Services Authorities,
State of Uttarakhand.

No. 459 /UKSLSA/2022

Dated: 20 July, 2022

Sub: **Regarding the directions issued as per in Jitendera Yadav
Vs. Union of India & Others in WP (PIL) No.93 of 2022.**

Sir/Madam,

With reference to aforesaid subject kindly find enclosed herewith the copy of Judgement dated 07.07.2022 passed by the Hon'ble High Court of Uttarakhand in WP (PIL) No. 93 of 2022. As per the said Judgement, the Hon'ble Executive Chairman, Uttarakhand SLSA Nainital has been pleased to issue the following directions:

1. All District Legal Services Authorities shall launch an awareness campaign drive about the Environment Protection Act, the Rules framed thereunder & Plastic Waste Management Rules, 2016 as well as Uttarakhand Plastic and other Non-Biodegradable Garbage (Regulation of Use of Disposal) Act, 2013 and the notification dated 16.02.2021. Such awareness campaign may be carried out in co-operation with District Administration, NGOs meant for the purpose, students including other stakeholders.
2. All DLSAs shall sensitize the common mass about the biodegradable and non-biodegradable wastes alongwith the relating Rules, Regulations and Provisions meant for the purpose.
3. All DLSAs shall launch a campaign drive, to identify that the Biodegradable and non-biodegradable dustbins & collection centers have been placed/fixed or not at the required places in the Gram Panchayats areas and in urban areas, where the waste of any kind may be collected. Thereafter, the waste may be used in recycling process. Also, to look into that such dustbins are in used/working conditions and if not,

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concerned/responsible authority may be contacted/informed about the same.

4. All DLSAs shall carry out cleanliness campaign throughout the district especially in river bank areas, ponds, places of drinking water resources and sensitize the common mass about the benefits of being clean.
5. All DLSAs shall initiate the above cleanliness campaign drive in co-operation with youth as well as children. All the schools as well as educational institutions in the district may be contacted to initiate the awareness programme for the purpose of cleaning the atmosphere of the area around. The schools as well as institutions which may dwelt upon the drive in most successful manner may get rewarded by the concerned DLSA. This drive will be monitored periodically so that public at large may be sensitized about the need to get rid of waste in the society to prevent environmental degradation.
6. All DLSAs shall submit detailed action taken/activities report fortnightly including the details of number of deputed persons (PLVs, NGO members, students etc.) and working hours of such deputed persons etc.

With Regards.

Yours sincerely,

(R.K. Khulbey)

20.07.22

Encl: As above.

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE CHIEF JUSTICE SHRI VIPIN SANGHI

AND

JUSTICE SHRI RAMESH CHANDRA KHULBE

WRIT PETITION (PIL) NO.93 OF 2022

07TH JULY, 2022

Jitendra Yadav

.....Petitioner

Vs.

Union of India and others

.....Respondents

Counsel for the petitioner

: Shri Dushyant Mainali.

Counsel for respondent no.1

: Shri Lalit Sharma.

Counsel for the State/respondent

nos. 2, 3, 4, 7 and 8

: Shri C.S. Rawat, learned
Chief Standing Counsel for the
State.

Counsel for respondent no.5.

: Shri Rajeev Bhatt.

Counsel for respondent no.6.

: Shri Adity Pratap Singh.

JUDGMENT: (Per Shri Vipin Sanghi, Chief Justice)

Issue notice.

2. Learned counsel for the respondents appears and accepts notice.

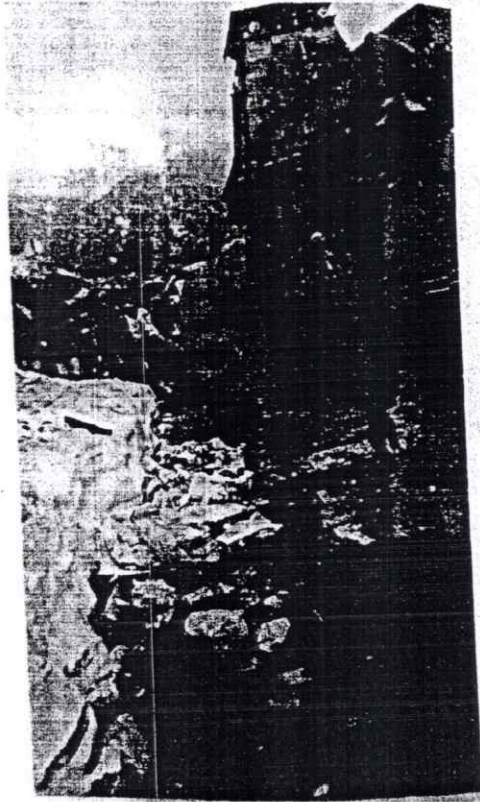
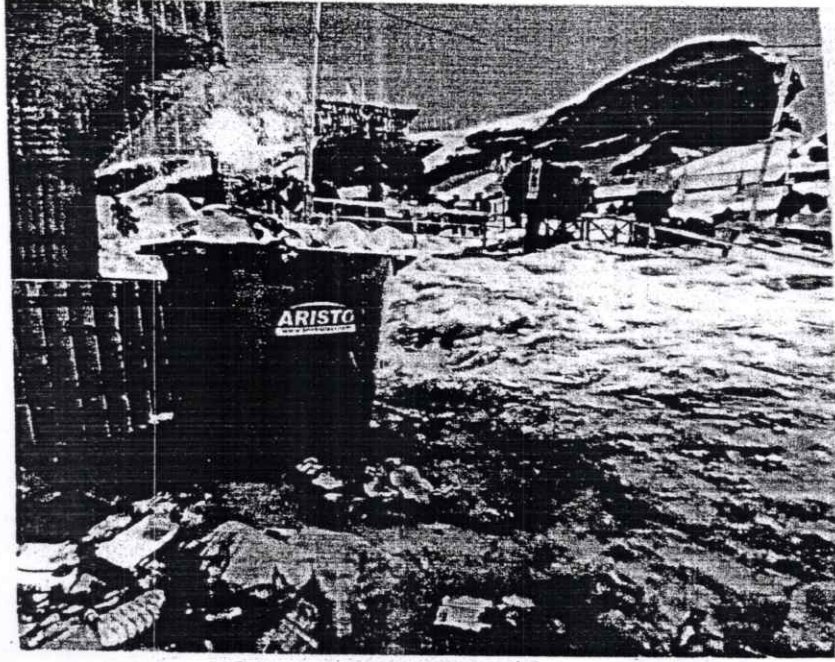
3. The petitioner has preferred the present writ petition in public interest. The petitioner states that he is passionate about environment protection. After having studied and worked in Delhi, and authored several books, in his quest for peaceful living in clean environment, he permanently shifted to and settled in district Almora. The

petitioner has preferred this writ petition since he is alarmed by the ecological degradation of the State of Uttarakhand due to ignorance and non-observance of Extended Producers Responsibility, and due to failure of the State and its Authorities to follow the Solid Waste Management Laws enforced in the State of Uttarakhand. In this background, the substantive reliefs sought by the petitioner in this petition are as follows :-

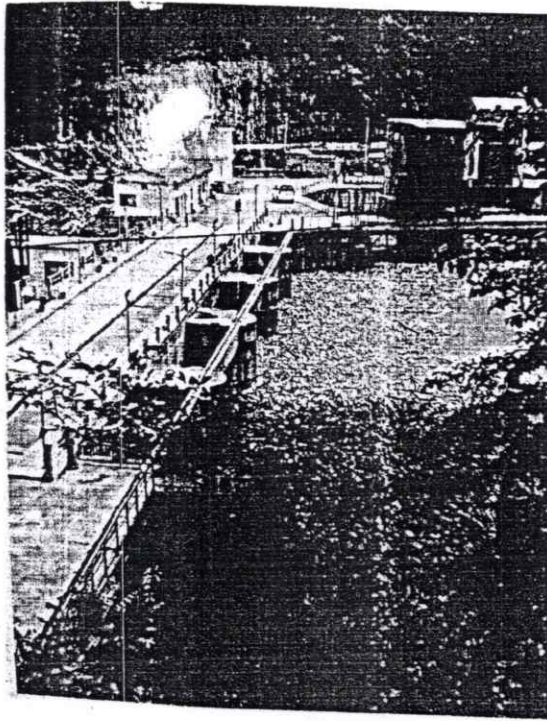
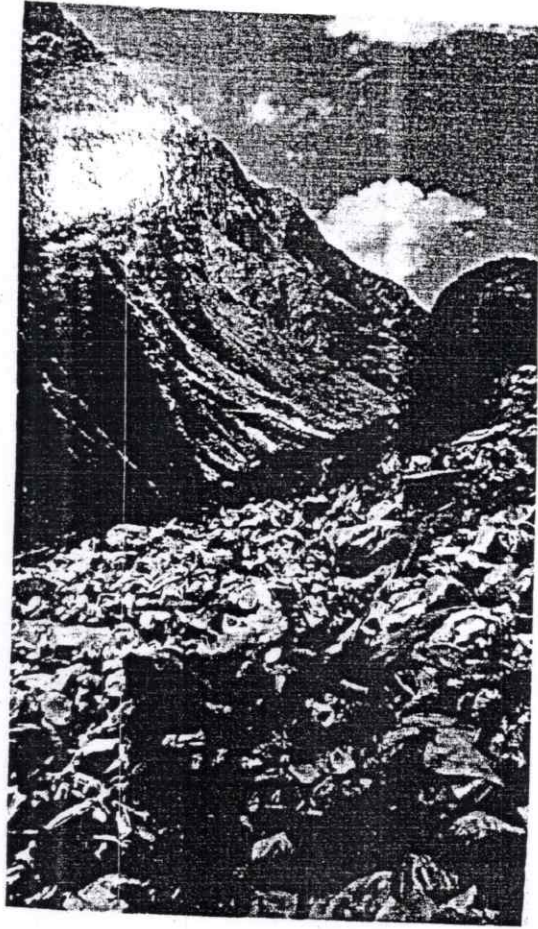
- “(i) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to take all immediate effective steps to strictly implement the provisions of Plastic Waste Management Rules 2016 (as amended upto date) and the provisions of Uttarakhand Plastic and other Non Biodegradable Garbage (Regulation of Use and Disposal) Act, 2013 and to strictly enforce the Extended Producer’s Responsibility in terms of the notification dated 16.02.2021 in its letter and spirit.*
- (ii) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to take all immediate and possible steps for implementation of Uttarakhand Panchayat Solid Waste Management Policy 2017, by developing a robust Plastic Waste Management Mechanism including segregation at the level of village panchayats and urban local bodies, in its letter and spirit, forthwith without any further delay.”*

4. Even before we proceed to record the submissions advanced by the learned counsel for the petitioner, and to issue provisional directions premised thereon, we may begin by producing some of the photographs placed on record, which show the nature and extent of solid waste collection and utter lack of management in respect thereof by the State. These photographs are as follows:-

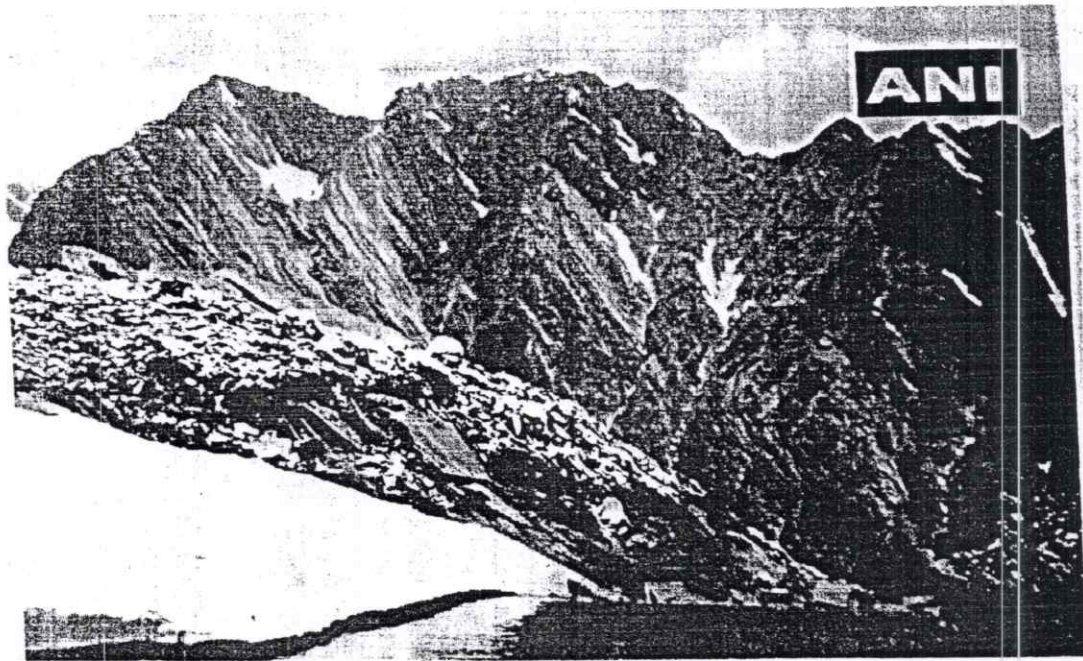
HIGH COURT OF UTTARAKHAND



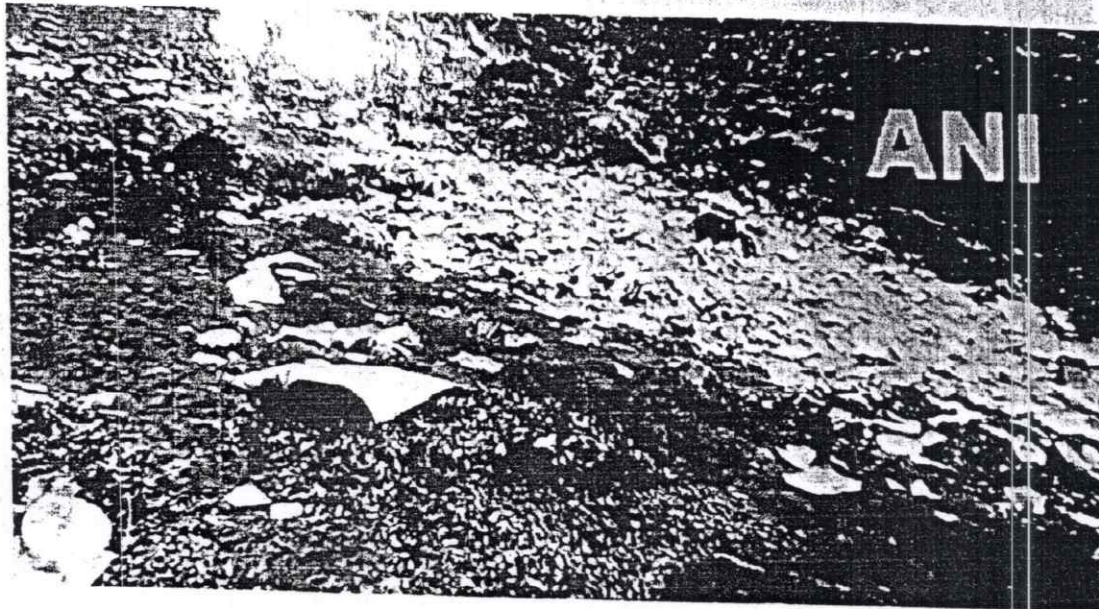
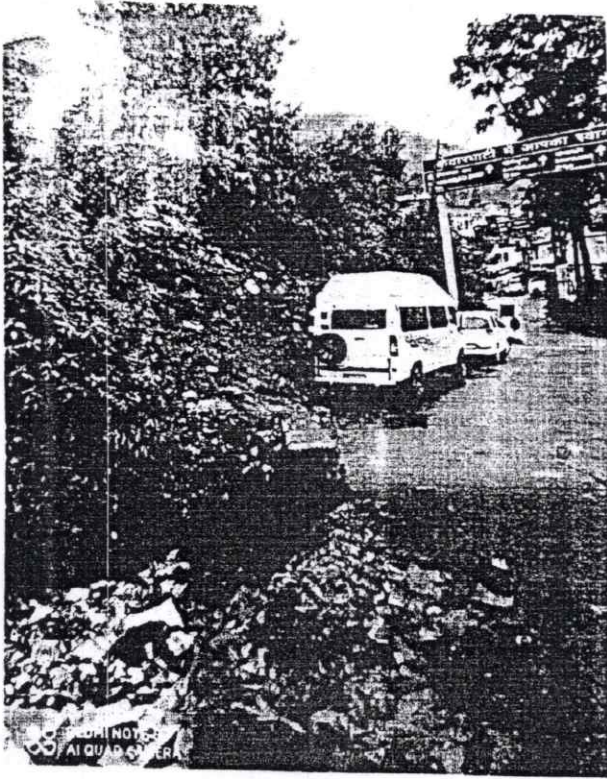
HIGH COURT OF UTTARAKHAND



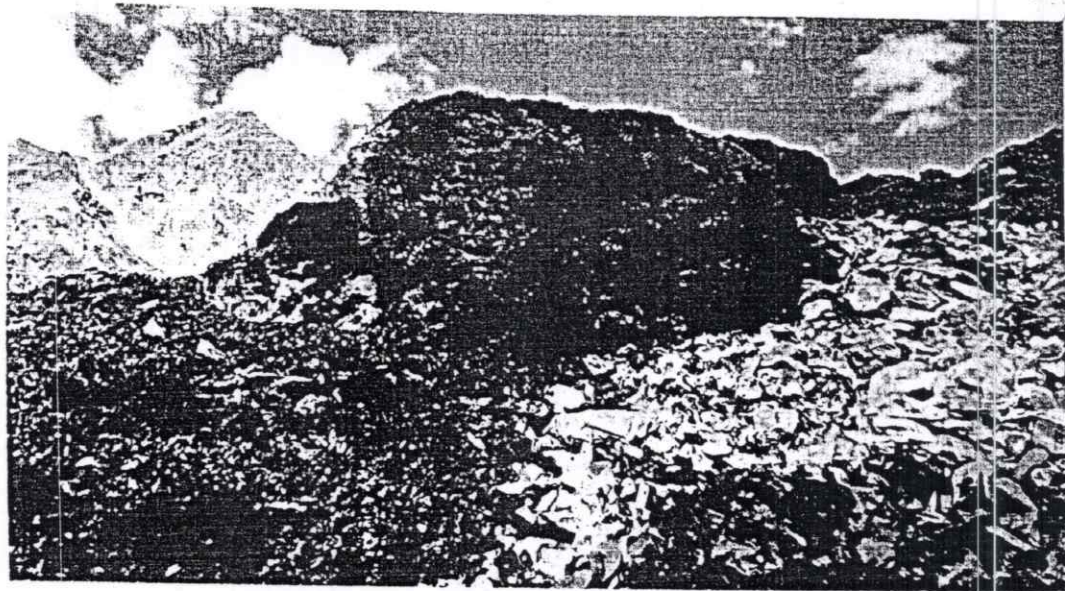
HIGH COURT OF UTTARAKHAND



HIGH COURT OF UTTARAKHAND



HIGH COURT OF UTTARAKHAND



5. Learned counsel for the petitioner submits that it is not that the statutory frame work to deal with the aforesaid state of affairs is missing or deficient. He has, firstly, drawn our attention to the Environment (Protection) Act, 1986 (the "Act"). Under the said Act, "Environment" is defined to include water, air and land

[Section 2(a)]. "Environmental pollutant" is defined under Section 2(b) to mean any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment. Section 2(c) defines "Environmental Pollution" to mean the presence in the environment of any environmental pollutant. "Hazardous substance" is defined in Section 2(e) to mean any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organisms, property or the environment. The said Act empowers the Central Government to take measures to protect and improve the environment. In recognition of the fact that Plastic-as presently in use, is mostly non-biodegradable, the Central Government, in exercise of the powers vested in it by virtue of Sections 3, 6 and 25, framed the Plastic Waste Management Rules, 2016, which were amended on 27.03.2018 by the Plastic Waste Management (Amendment Rules), 2018 (the "Rules"). These Rules have been duly published in the Gazette of India and have statutory force.

6. For the present purpose, we may only take note of some of the relevant provisions of these Rules. Rule 3 contains the definitions, which, in Clause (h), defines "extended producer's responsibility" to mean the responsibility of a producer for the environmentally sound management of the product until the end of its life.

7. Rules 9, 12 and 13 of the amended Rules are relevant, and they are read as follows:-

"9. Responsibility of producers, Importers and Brand Owners:-

1. The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned;

2. Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal. The Brand Owners whose consent has been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement with two years thereafter;

3. Manufacture and use of multi-layered plastic which is non - recyclable or non - energy recoverable or with no alternate use of plastic if any should be phased out in Two years time;

4. The producer, within a period of three months from the date of final publication of these rules in the Official Gazette shall apply to the Pollution Control Board or the Pollution Control Committee, as the case may be, of the States or the Union Territories administration concerned, for grant of registration;

5. No producer shall on and after the expiry of a period of Six Months from the date of final publication of these rules in the Official Gazette manufacture or use any plastic or multi-layered packaging for packaging of commodities without registration from the concerned State Pollution Control Board or the Pollution Control Committees; and

6. Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multi-layered packaging."

(emphasis supplied)

"12. Prescribed authority.-

(1) The State Pollution Control Board and Pollution Control Committee in respect of a

Union territory shall be the authority for enforcement of the provisions of these rules relating to registration, manufacture of plastic products and multi-layered packaging, processing and disposal of plastic wastes;

- (2) **The concerned Secretary-in-charge of Urban Development of the State or a Union Territory shall be the authority for enforcement of the provisions of these rules relating to waste management by waste generator, use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multi-layered packaging;**
- (3) **The concerned Gram Panchayat shall be the authority for enforcement of the provisions of these rules relating to waste management by the waste generator, use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multi-layered packaging in the rural area of the State or a Union Territory; and**
- (4) *The authorities referred to in sub-rules (1) to (3) shall take the assistance of the District Magistrate or the Deputy Commissioner within the territorial limits of the jurisdiction of the concerned district in the enforcement of the provisions of these rules."*

(emphasis supplied)

13. Registration of producer, recyclers and manufacturer,-

1. **No person shall manufacture carry bags or recycle plastic bags or multi-layered packaging unless the person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee of the Union Territory concerned, as the case may be, prior to the commencement of production;**

2. Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application in Form-I to

i. "The concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating one or two States

or Union Territories”; or

ii. “The Central Pollution Control Board, if operating in more than two States or Union Territories”.

3. Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II.

4. Every manufacturer engaged in manufacturer of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.

5. The State Pollution Control Board or the Pollution Control Committee shall not issue or renew registration to plastic waste recycling or processing units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) along with a certificate of registration issued by the District Industries Centre or any other Government agency authorised in this regard.

6. The State Pollution Control Board or the Pollution Control Committee shall not renew registration of producer unless the producer possesses and action plan endorsed by the Secretary in charge of Urban Development of the concerned State or Union Territory for setting of plastic waste management system;

7. On receipt of the application complete in all respects for the registration for recycling or processing of plastic waste under sub-rule (3), the State Pollution Control Board may, after such inquiry as it considers necessary and on being satisfied that the applicant possesses appropriate facilities, technical capabilities and equipment to handle plastic waste safely, may grant registration to the applicant on fulfilment of the conditions as may be laid down in terms of registration;

8. Every State Pollution Control Board or Pollution Control Committee shall take a decision on the grant of registration within ninety days of receipt of an application which is complete in all respects;

9. The registration granted under this rule shall initially be valid for a period of one year, unless revoked, suspended or cancelled and shall subsequently be granted for three years;

10. State Pollution Control Board or the Pollution Control Committees shall not revoke, suspend or cancel registration without providing the opportunity of a hearing to the producer or person engaged in recycling or processing of plastic wastes; and

11. Every application for renewal of registration shall be made at least one hundred twenty days before the expiry of the validity of the registration certificate."

(emphasis supplied)

8. From the aforesaid Rules, it would be seen that the producers of plastic waste were obliged to, within six months of the publication of the amended Rules, work out modalities for waste collection system, based on Extended Producers Responsibility, with the involvement of the State Urban Development Departments through their own distribution channel, or through the local body concerned. Rule 9 also places the primary responsibility for collection of multi-layered plastic sachet or pouches, or packaging, on the producers, importers and brand owners, who introduce the products in the market. It is their obligation to establish a system for collecting back the plastic waste generated due to their products. The plan that they prepare is required to be submitted to the State Pollution Control Board, while applying for Consent to Establish or Operate, or seek renewal of its permission/ license to produce goods, which result in plastic waste. The brand owners are also obliged to submit their plan within one year from the date of notification of the Rules, and implement the same within two years thereafter.

9. Considering the fact that the amended Rules came into force on 27.03.2018, the time limits set in Rule 9 for existing producers and brand owners to fulfill their statutory obligations has since long expired. In relation to

States, the concerned Secretary-in-charge of Urban Development of the State is the Authority charged with the responsibility of enforcement of the provisions of the said Rules relating to waste management by waste generators.

10. Rule 12(2) of the said Rules also recognizes the manner in which generation of plastic waste takes place i.e. by use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multi-layered packaging. The Gram Panchayats have been charged with the responsibility for enforcement of the provisions of these Rules relating to waste management by the waste generators, on account of use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multi-layered packaging in rural areas of the State.

11. Under Rule 12(4) of the said Rules, the District Magistrate or the Deputy Commissioner concerned has been charged with the responsibility of providing assistance to the Secretary-in-charge of Urban Development of the State, as well as to the Gram-Panchayat, within the territorial limits of the jurisdiction of the concerned district, in the enforcement of provisions of the said Rules.

12. Under Rule 13 of the Rules, there is an embargo against manufacture of carry bags, or recycle plastic bags, or multi-layered packaging, unless the concerned person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee, as the case may be, prior to commencement of production. Under Rule 13(4) of the Rules, every manufacturer engaged in manufacture of plastic to be

used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee for the grant of registration, or for renewal of registration.

13. Rule 14 of the Rules casts the responsibility on retailers and street vendors not to sell, or provide commodities to consumers in carry bags or plastic sheets, or multi-layered packaging, which are not manufactured and labeled, as prescribed under the Rules. Every retailer or street vendor selling or providing commodities in plastic carry bags, or multi-layered packaging, or plastic-sheets, or the like, or covers made of plastic sheets, which are not manufactured or labeled or marked in accordance with the said Rules, are liable to pay fine as specified under the by-laws of the local bodies.

14. At this stage itself, we may observe that from the materials placed on record to which reference shall be made a little later, it is evident that there is utter non-compliance of the Plastic Waste Management (Amendment) Rules, 2018, as there are hardly any registrations obtained by producers, importers or brand owners with the State Pollution Control Board in the State of Uttarakhand.

15. We direct the respondent Uttarakhand State Pollution Control Board to state, on affidavit, as to how many manufacturers, brand owners or importers, have registered themselves with the said Board in terms of Rule 13 of the Rules. They should also indicate the particulars of those producers, importers, and brand owners, who have not sought registration and complied with their obligation under the said Rules, and who are

manufacturing plastic products/raw materials or are importing into the State, or selling their brand of goods within the State of Uttarakhand, while using non-biodegradable plastic.

16. We also direct that those producers, importers and brand owners, who do not register with the Uttarakhand State Pollution Control Board within the next fifteen days, shall not be permitted to either produce, or import into the State of Uttarakhand, or sell products of their brands, in the State of Uttarakhand, and the State shall ensure that all such products, which are contained in plastic sachets or pouches or packaging, are not permitted to enter the boundary of the State, or sold, in any manner whatsoever. Wide publicity shall be given to these directions by the State, so that all concerned have notice of it.

17. Since the primary responsibility for collection of used multi-layered plastic, sachets, or pouches, or packaging is of the producers, importers and brand owners, and it is their obligation to prepare their plan for collection and to submit the same to the Uttarakhand State Pollution Control Board while applying for consent, the Uttarakhand State Pollution Control Board shall also require all producers, importers and brand owners to strictly comply with this requirement. The affidavit to be filed by the Uttarakhand State Pollution Control Board should also indicate as to how many producers, importers and brand owners have provided the said plans, and those producers, importers and brand owners, who do not provide their plans for collection in the next 15 days, shall not be permitted to either produce, import or sell their

brands, in the State of Uttarakhand, in plastic receptacles.

18. Respondent no. 4 – the Director, Urban Development, in the State of Uttarakhand, shall file his affidavit disclosing as to what steps he has taken for enforcement of the provisions of the aforesaid Rules relating to waste management by waste generators on account of use of plastic carry bags, plastic sheets, or the like, covers made of plastic sheets, and multi-layered packaging in terms of Rule 12 aforesaid. We direct respondent no. 4 to state on affidavit as to what measures he proposes to adopt, if not already adopted, for effective enforcement of the aforesaid Rules, and the definite timelines within which the measures would be implemented.

19. We are pained to notice that, even though the Gram Panchayats have been charged with the responsibility of enforcement of the provisions of the Rules relating to waste management by waste generators on account of use of plastic carry bags, plastic sheets, or the like, and covers made of plastic sheets, and multi-layered packaging in the rural areas of the State, not a single report is available with the State with regard to the steps taken by the Gram Panchayats in this regard. We have noticed that there are 7791 Gram Panchayats in the State of Uttarakhand, and solid waste, on account of use of plastic, is rampant in all rural areas of the State of Uttarakhand, *inter-alia*, due to use of plastics by the local population, as also the flow of tourists to all remote corners of the State.

20. We, therefore, direct all the District Magistrates

in the State of Uttarakhand to file their respective affidavits disclosing as to what steps they have taken to render assistance to Respondent no. 4 – the Director, Urban Development in the State of Uttarakhand, and the Gram Panchayats, for the enforcement of the aforesaid Rules. The District Magistrates should also delineate the concrete and effective steps that they propose to take in a defined timeline to fulfill their statutory obligations under Rule 12(4) of the aforesaid Rules. The Commissioners shall ensure compliance by all the DMs of this direction, apart from ensuring that the DMs comply with their obligations and discharge their responsibilities under the laws framed for keeping the environment free from pollution, *inter alia*, due to non-biodegradable plastic waste.

21. We also direct the District Magistrates to launch, in their respective districts, awareness campaigns about the Environment (Protection) Act, the Rules framed thereunder, as well as the Uttarakhand Plastic and Other Non Biodegradable Garbage (Regulation of Use and Disposal) Act, 2013, and the Notification dated 16.02.2021 issued thereunder, to which reference shall be made a little later, so that the public at large - including retailers and street vendors, are sensitized about the need to manage plastic waste in a proper manner to prevent environmental degradation.

22. We further direct that the State Legal Services Authority shall also be roped in the said awareness program, and all the District Legal Services Authorities shall provide whatever assistance can be rendered for this purpose, considering the fact that environmental

degradation is directly impinging on the Right to Life of the people in the State, which is guaranteed under Article 21 of the Constitution of India.

23. We may now take note of the Uttarakhand Plastic and Other Non Biodegradable Garbage (Regulation of Use and Disposal) Act, 2013 ("Act of 2013" for short) enacted by the State Legislature. This Act of 2013 defines "biodegradable garbage" to mean the garbage or waste material capable of being destroyed by action of living beings. On the other hand, "non-biodegradable garbage" means the waste garbage made of non-biodegradable material. "Non-biodegradable material" is defined to mean the material including plastic which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions, and includes goods made or manufactured from Polythene, Nylon or other plastic substances such as Poly Vinyl Chlorides (P.V.C.), Poly-Propylene and Poly-Styrene, specified in the Schedule of the said Act of 2013. Section 3 of the said Act of 2013 empowers the State Government to impose restriction or prohibition on the manufacture, sale, purchase, storage, distribution and use of any plastic or other non-biodegradable material within the State of Uttarakhand, which is contrary to the norms, as the State Government may, by notification, specify.

24. Sections 4 to 7 of this Act are pertinent and read as follows: -

CHAPTER - II

Restriction or prohibition on use of non-biodegradable material

"4. Prohibition on throwing non-biodegradable garbage

in public drain, sewers and water bodies. - (1) No person, by himself or through another, shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works, canals, ponds, streams or rivers, any non biodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless-

(a) the garbage is placed in a closed garbage receptacle;
or

(b) the garbage is deposited in a location designated, by a local authority having jurisdiction on an area for the disposal of the garbage.

5. Restriction on burn of non- biodegradable. - No person shall burn any non-biodegradable garbage containing any material mentioned in the schedule.

CHAPTER - III

Management of non-biodegradable garbage

6. Provision for placement of receptacles and places for deposit of non- biodegradable garbage. - ***It shall be the duty of the local authority, or any officer authorized by it, to-***

(a) place or provide in proper and convenient situation public receptacles, or places for temporary deposit or collection of non-biodegradable garbage;

(b) provide separate dust bins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of bio-degradable garbage;

(c) provide for the removal of contents of receptacles, deposit and of the accumulation at all places provided under clause (a) of this section;

(d) arrange for recycling of the non-biodegradable garbage collected under this Act;

(e) all such receptacles should have the facility to be closed from the upper side facing the sky.

7. Duty of owners and occupiers to collect and deposit non-biodegradable garbage. - ***It shall be the duty of the***

owners and occupiers of all lands and buildings:-

(a) to collect or to cause to be collected from their respective land and buildings the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area ;

(b) to provide separate receptacles or dust bins, other than those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles dust bins in good condition and repair."

(emphasis supplied)

25. Thus, on a reading of Section 4, it can be seen that there is a prohibition against the throwing or causing to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works, canals, ponds, streams or rivers, any non-biodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container.

26. Unfortunately, this provision of the Act of 2013 is being complied more in its breach, than compliance, as is evident not only from the photographs and other materials placed on record, but on a simple glance anywhere in the State. It is something that we can take notice of, since we see mounds of plastic waste collected within the municipal limits of the towns, as well as along the highways, in rivers and rivulets, meadows and plains, glaciers, and even in fields in the State.

27. It is also evident that Section 4 (2) has not been complied with by anyone. The reason for this is also the lack of adequate provision by the state of garbage receptacles, wherein non-biodegradable waste could be

put, after being segregated. Unfortunately, it appears that the whole State has become a large garbage dump. We fail to understand as to how the statutory authorities in the State i.e., the Commissioners; the District Magistrates; the Executive Officers of the Municipalities of the local bodies; the authorities in the State Pollution Control Board, and; the Police can be so insensitive, and how they can shut their eyes to what is evident for all to see throughout the State. The local authorities have miserably failed to comply with their statutory obligations under Section 6 of providing public receptacles or places for temporary deposit of collection of non-biodegradable garbage, and to remove the waste from the receptacles on a regular basis. Separate dust bins for temporary deposit of non-biodegradable garbage have not been provided, and there is no system of removal of the contents of these receptacles and transportation for their scientific disposal.

28. We direct the local authorities within the State to file their respective affidavits, disclosing as to how they have complied with each of their obligations contained in Section 6 of the aforesaid Act of 2013. It shall be the responsibility of the Secretary, Department of Environment, Government of Uttarakhand to ensure that these directions are communicated to the Chief Executive Officers of all the local authorities for due compliance.

29. Section 7, which casts duties on owners and occupiers of all lands and buildings to collect, or cause to be collected from their respective lands and buildings, non-biodegradable garbage and to deposit, or cause to be deposited, the same in public receptacles, or places

provided for collection of such garbage by the local authorities. This obligation is also not being complied with, firstly, for the reason that public receptacles are not made available, and; secondly, on account of lack of awareness and sensitivity in the people. We have already directed the launching of a State wide campaign for making people aware of their obligations which are not only statutory, but also moral to ensure a clean environment. It is the constitutional right of all persons to be provided a clean environment. The campaign should address the aspects provided for in Section 7 of the Act of 2013, as aforesaid. The District Magistrates should also indicate in their affidavits, as to what steps have been taken to impose penalty and punishment on the violators under Sections 10 and 11 of the aforesaid Act of 2013.

30. As noticed hereinabove, Section 3 of the said Act of 2013 empowers the State Government to issue notification for imposing restriction or prohibition on the manufacture, sale, purchase, storage, distribution and use of any plastic or other non-biodegradable material within the State of Uttarakhand.

31. In terms of the said powers, the State of Uttarakhand has issued a notification on 16.02.2021. We would like to recite the preamble to this notification, which shows that the State, and at least some Officers of the State, are conscious of the alarming situation created by proliferation of the non-biodegradable waste in the State. The said preamble reads as follows: -

“Whereas, plastics are non-biodegradable and cause threat to the ecological system as they reduce the fertility of soil and thereby hamper the growth of plants, choke drains and sewer resulting in overflowing of gutters and if swallowed by cattle and wild animals,

they may cause death by obstructing their intestine;

Any whereas, the colour pigments present in the plastic contaminate food products wrapped in them and cause health hazards and some of it even carcinogenic;

And whereas, plastic products take hundreds of years for degradation, as they are not biodegradable, they also block the rain water infiltration into the soil hindering recharge of ground water;

And whereas, the plastic bags when discarded can get filled with rain water offering ideal breeding ground for vector borne diseases like malaria, dengue etc. and burning of plastics also releases carcinogenic and toxic substances like dioxins, furans and hydrogen cyanide, which pollute air as well as cause severe and chronic health problems;

And whereas, plastic waste and micro plastic cause danger to fresh and marine water biodiversity and also hamper ecosystem services due to spreading of such waste in and around eco-systems, on tourists places, heritage sites, eco-fragile areas like- Buggyals, high altitude areas and on agriculture and forest areas."

32. Unfortunately, the afore-extracted legislative concerns do not appear to have motivated the executive authorities into action.

33. The restrictions imposed by the said notification are pertinent, and we may reproduce the same hereunder: -

*"1. (a) No person, by himself or through another, shall knowingly or otherwise, **sale, trade, manufacture, import, store, carry, transport, use, supply or distribute** the following plastic/thermocool/Styrofoam items in the entire state of Uttarakhand.*

*(i). **Polythene carry bags of any shape (with or without handle), thickness, size & colour; and non-woven poly propylene bags***

Provided above restriction shall not be applicable on bio-compostable plastic bags and polybags more than 50 micron thickness used for handling, collection, transportation of the waste such as bio medical waste, municipal solid waste and hazardous waste.

*(ii). **Single use disposable cutleries made up of thermocol (polystyrene), polyurethane, Styrofoam and the like; or plastic such as plate, tray, bowl, cup, glass, spoon, fork, straw, knives, stirrer etc. of any size and shape.***

*(iii). **Single use food packaging containers made up of recycled plastic of any size, shape,***

thickness and colour used to cover-carry, store food/liquid items.

Note: Compostable plastics shall conform to the Indian Standard; IS 17088:2008. The manufacturers or seller of bio-compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling.

(b) **No person shall knowingly or otherwise, litter any public place with any plastic item allowed under this notification.**

2. The authorities or owners of places of religious worship or institutions, multiplex, malls, hotels and restaurants, café, mobile food counters or vans, caterers and other such places like marriage or party halls, offices or institutions and the outdoor event shall be responsible for ensuring strict compliance of the aforesaid provisions and they shall provide space for collection of plastic waste within their campus and shall sent it to the recycles, duly registered with Uttarakhand Pollution Control Board.

3. **Manufacturers of Products of Polyethylene Terephthalate (PET/PETE) bottles for bottled drinking water and soft drinks shall take back the Polyethylene Terephthalate (PET/PETE) bottles and plastic waste respectively through the same retail sales network under mutually agreed terms and conditions based on Extended Producer's Responsibility or they have to mandatorily compensate expenses incurred by the local authorities (Urban Local Bodies and Village Panchayats etc.) in collection, transportation and safe disposal of the plastic waste generated due to their products.**

4. **All manufacturing units engaged in manufacturing of the item as mentioned under clause 1(a)(i) to clause 1(a)(iii) shall have to stop manufacturing of such items within six months from the date of issue of this notification.**

5. Any Violation of above provisions shall attract the penalty as follows:-

Violators	Amount of Penalty
Manufacturer	Rs. 5.00 Lakh
Transporter	Rs. 2.00 Lakh
Whole Sellers/Traders	Rs. 1.00 Lakh
Individual Users	Rs. 100/-
For subsequent violation by the same legal entity shall attract twice the fine mentioned above.	

6. **Following Officers are authorized for implementation of the directions and imposition**

of the penalty:-

- i). **District Magistrate** or officer nominated by him not below the rank of Tehsildar.
- ii). **Municipal Commissioner/ Executive Officer of the Urban Local Bodies** or officer nominated by them not below the rank of sanitary supervisors.
- iii). **Superintendent of Police officer** nominated by him not below the rank of Inspector.
- iv). **Divisional Forest Officer** or officer nominated by him not below the rank of Range officer."
- v). **Commissioner Tax Department** or officer nominated by him not below the rank of joint commissioner.
- vi). **Commissioner Transport Department** or officer nominated by him not below the rank of joint commissioner.
- vii). **Regional Officer, Pollution Control Board** or officer nominated by him not below the rank of Asst. Engineer."

(emphasis supplied)

34. It is evident to us, as daylight, that these restrictions have only remained on paper, and no significant, effective or perceptible effort has been made by the State to enforce the same on the ground.

35. We direct the State and its officers aforesaid to strictly enforce the restrictions imposed by the said Notification dated 16.02.2021 forthwith. In the affidavit, which shall be filed by the Secretary, Department of Environment, Government of Uttarakhand, and the officers abovementioned, shall specifically deal with the aspect of compliance of each of the restrictions mentioned in the notification dated 16.02.2021. Wherever it is proposed to take further planned action to enforce the restrictions, the same shall be delineated, and a definite timeline, therefor, shall be indicated.

36. Learned counsel for the petitioner has drawn attention of this Court to the communication dated 25.06.2019 issued by the Uttarakhand Environment Protection and Pollution Control Board, addressed to all the District Magistrates in the State of Uttarakhand, wherein he, *inter-alia* noted that, presently, none of the

producers, importers and brand owners have produced any plan of action from which it could be said how much plastic waste is being generated by them in the State, and how the same is being collected/managed and disposed of. He also records that the producers, importers and brand owners have not obtained registrations and have not even applied for the same to the Uttarakhand Environment and Pollution Control Board. All the District Magistrates were required to direct the producers, importers and brand owners within their districts to take steps for registration, preparation, and implementation of the plan for collection and disposal of plastic waste.

37. The District Magistrates, in their respective affidavits, shall also state as to what steps they have taken to comply with the communication dated 25.06.2019, as also the order issued by the Uttarakhand Environment and Pollution Control Board, on 28.12.2019, in exercise of the powers under Section 5 of the Environment Protection Act, which too has been referred by the counsel for the petitioner.

38. Learned counsel for the petitioner has also drawn the attention of this Court to the extract of an annual report published by the Uttarakhand Environment and Pollution Control Board for the year 2020-21. This status report shows that only 53 plastic units were registered with the State Pollution Control Board, out of which 46 are recyclers, and only, 7 are manufacturing units.

39. It appears to us that a large majority of manufacturers, and none of the importers and brand owners, have bothered to register with the Uttarakhand,

State Pollution Control Board under the Plastic Waste Management Rules, 2016 framed under the Environment Protection Act, as taken note of hereinabove and the respondent authorities are indifferent to this non-compliance.

40. The petitioner has also drawn attention of the Court to the queries raised under the Right to Information Act, 2005. The responses given to the queries raised by the petitioner are evasive, and do not provide any information with regard to the compliance of the provisions of the aforesaid laws by the concerned authorities.

41. Learned counsel has also referred to the policy framed by the Government in the year 2017 for management of solid waste by the Village Panchayats. We may state that without adequate awareness, guidance, and provision of resources to the Gram Panchayats, the said policy has only remained on paper, and has not been implemented to achieve the stated objective.

42. All the affidavits as aforesaid shall be filed by the respective Authorities within the next five weeks.

43. Lastly, we direct the respondents to immediately take steps to clear the solid waste/non-biodegradable plastic waste, which has been collected all over the State in a mission mode. In this regard, status report should be filed by respective District Magistrates within three weeks. A copy of this order also be sent to State Legal Services Authority to do the needful in this regard.

44. List this matter on 03.08.2022 to examine the

status report, as aforesaid, and thereafter, post on 23.08.2022 for further hearing in the petition.

45. A copy of this order be communicated to the Member Secretary SLSA for information and compliance.

VIPIN SANGHI, C.J.

RAMESH CHANDRA KHULBE, J.

Dated: 07th July, 2022
SK/RB

[Published in the Gazette of India, Part-II, Section-3, Sub-section (i)]
Ministry of Environment, Forest and Climate Change

Notification

New Delhi, the 18th March, 2016

G.S.R 320(E).— Whereas the Plastic Waste (Management and Handling) Rules, 2011 published vide notification number S.O 249 (E), dated 4th February, 2011 by the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time, provided a regulatory frame work for management of plastic waste generated in the country;

And whereas, to implement these rules more effectively and to give thrust on plastic waste minimization, source segregation, recycling, involving waste pickers, recyclers and waste processors in collection of plastic waste fraction either from households or any other source of its generation or intermediate material recovery facility and adopt polluter's pay principle for the sustainability of the waste management system, the Central Government reviewed the existing rules;

And whereas, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the draft rules, namely, the Plastic Waste Management, Rules, 2015 were published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 423(E), dated the 25th May, 2015 in the Gazette of India, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And Whereas copies of the said Gazette were made available to the public on the 25th May, 2015;

And Whereas the objections and suggestions received within the said period from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, Therefore, in exercise of the powers conferred by sections 3,6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Plastic Waste (Management and Handling) Rules, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.-(1)These rules shall be called the Plastic Waste Management Rules, 2016.

(1) Save as otherwise provided in these rules, they shall come into force on the date of their

publication in the Official Gazette.

2. Application.-(1) These rules shall apply to every waste generator, local body, Gram Panchayat, manufacturer, Importers and producer.

(2) The rule 4 shall not apply to the export oriented units or units in special economic zones, notified by the Central Government, manufacturing their products against an order for export: Provide this exemption shall not apply to units engaged in packaging of gutkha, tobacco and pan masala and also to any surplus or rejects, left over products and the like.

3. Definitions.- In these rules, unless the context otherwise requires.-

- (a) **“Act”** means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) **“brand owner”** means a person or company who sells any commodity under a registered brand label.
- (c) **“carry bags”** mean bags made from plastic material or compostable plastic material, used for the purpose of carrying or dispensing commodities which have a self carrying feature but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use.
- (d) **“commodity”** means tangible item that may be bought or sold and includes all marketable goods or wares;
- (e) **“compostable plastics”** mean plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue;
- (f) **“consent”** means the consent to establish and operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);
- (g) **“disintegration”** means the physical breakdown of a material into very small fragments;
- (h) **“extended producer’s responsibility ”** means the responsibility of a producer for the environmentally sound management of the product until the end of its life;
- (i) **“food-stuffs”** mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;

- (j) **“facility”** means the premises used for collection, Storage, recycling, processing and disposal of plastic waste;
- (k) **“importer”** means a person who imports or intends to import and holds an Importer - Exporter Code number, unless otherwise specifically exempted.
- (l) **“institutional waste generator”** means and includes occupier of the institutional buildings such as building occupied by Central Government Departments, State Government Departments, public or private sector companies, hospitals, schools, colleges, universities or other places of education, organisation, academy, hotels, restaurants, malls and shopping complexes;
- (m) **“manufacturer”** means and include a person or unit or agency engaged in production of plastic raw material to be used as raw material by the producer.
- (n) **“multilayered packaging”** means any material used or to be used for packaging and having at least one layer of plastic as the main ingredients in combination with one or more layers of materials such as paper, paper board, polymeric materials, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;
- (o) **“plastic”** means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;
- (p) **“plastic sheet”** means Plastic sheet is the sheet made of plastic;
- (q) **“plastic waste”** means any plastic discarded after use or after their intended use is over;
- (r) **“prescribed authority”** means the authorities specified in rule 12;
- (s) **“producer”** means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity;
- (i) **“recycling”** means the process of transforming segregated plastic waste into a new product or raw material for producing new products;
- (t) **“registration”** means registration with the State Pollution Control Board or Pollution Control Committee concerned, as the case may be;

- (u) **“street vendor”** shall have the same meaning as assigned to it in clause (l) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014);
- (v) **“local body”** means urban local body with different nomenclature such as municipal corporation, municipality, nagarpalika, nagarnigam, nagarpanchayat, municipal council including notified area committee (NAC) and not limited to or any other local body constituted under the relevant statutes such as gram panchayat, where the management of plastic waste is entrusted to such agency;
- (w) **“virgin plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;
- (x) **“waste generator”** means and includes every person or group of persons or institution, residential and commercial establishments including Indian Railways, Airport, Port and Harbour and Defense establishments which generate plastic waste;
- (y) **“waste management”** means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner;
- (z) **“waste pickers”** mean individuals or agencies, groups of individuals voluntarily engaged or authorised for picking of recyclable plastic waste.

4. Conditions.- (1) The manufacture, importer stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheet and multilayered packaging, shall be subject to the following conditions, namely:-

- a) carry bags and plastic packaging shall either be in natural shade which is without any added pigments or made using only those pigments and colourants which are in conformity with Indian Standard : IS 9833:1981 titled as “List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water”, as amended from time to time;
- b) Carry bags made of recycled plastic or products made of recycled plastic shall not be used for storing, carrying, dispensing or packaging ready to eat or drink food stuff;
- c) carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness;
- d) plastic sheet or like, which is not an integral part of multilayered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except where the thickness of such plastic sheets

- impair the functionality of the product;
- e) the manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Boards or Pollution Control Committee;
 - f) sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;
 - g) recycling of plastic waste shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;
 - h) The provision of thickness shall not be applicable to carry bags made up of compostable plastic. Carry bags made from compostable plastics shall conform to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time. The manufacturers or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling; and
 - i) plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms.

5. Plastic waste management.- (1) The plastic waste management by the urban local bodies in their respective jurisdiction shall be as under:-

- (a) plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time.
- (b) local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with.
- (c) Thermo set plastic waste shall be processed and disposed off as per the guidelines issued from time to time by the Central Pollution Control Board.
- (d) The inert from recycling or processing facilities of plastic waste shall be disposed of in compliance with the Solid Waste Management Rules, 2000 or as amended from time to time.

6. Responsibility of local body.- (1) Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.

(2) The local body shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-

- (a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;
- (b) ensuring that no damage is caused to the environment during this process;
- (c) ensuring channelization of recyclable plastic waste fraction to recyclers;
- (d) ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board;
- (e) creating awareness among all stakeholders about their responsibilities;
- (f) engaging civil societies or groups working with waste pickers; and
- (g) ensuring that open burning of plastic waste does not take place.

(3) The local body for setting up of system for plastic waste management shall seek assistance of producers and such system shall be set up within one year from the date of final publication of these rules in the Official Gazette of India.

(4) The local body to frame bye-laws incorporating the provisions of these rules.

7. Responsibility of Gram Panchayat.- (1) Every gram panchayat either on its own or by engaging an agency shall set up, operationalise and co-ordinate for waste management in the rural area under their control and for performing the associated functions, namely,-

- (a) ensuring segregation, collection, storage, transportation, plastic waste and channelization of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process;
- (b) creating awareness among all stakeholders about their responsibilities; and
- (c) ensuring that open burning of plastic waste does not take place

8. Responsibility of waste generator.- (1) The waste generator shall.-

- (a) take steps to minimize generation of plastic waste and segregate plastic waste at source in accordance with the Solid Waste Management Rules, 2000 or as amended from time to time.
- (b) not litter the plastic waste and ensure segregated storage of waste at source and handover segregated waste to urban local body or gram panchayat or agencies

appointed by them or registered waste pickers', registered recyclers or waste collection agencies;

(2) All institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Municipal Solid Waste (Management and Handling) Rules, 2000 notified vide S.O 908(E) dated the 25th September, 2000 under the Act or amendment from time to time and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on its own or through the authorized waste collection agency.

(3) All waste generators shall pay such user fee or charge as may be specified in the bye-laws of the local bodies for plastic waste management such as waste collection or operation of the facility thereof, etc.;

(4) Every person responsible for organising an event in open space, which involves service of food stuff in plastic or multilayered packaging shall segregate and manage the waste generated during such events in accordance with the Municipal Solid Waste (Management and Handling) Rules, 2000 notified vide S.O 908(E) dated the 25th September, 2000 under the Act or amendment from time to time.

9. Responsibility of producers, Importers and Brand Owners.- (1) The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned.

(2) Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal. The Brand Owners whose consent has been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement with two years thereafter.

(3) manufacture and use of non- recyclable multilayered plastic if any should be phased out in Two years time.

(4) The producer, within a period of three months from the date of final publication of these rules in the Official Gazette shall apply to the Pollution Control Board or the Pollution Control Committee, as the case may be, of the States or the Union Territories administration concerned, for grant of registration.

(5) No producer shall on and after the expiry of a period of Six Months from the date of final publication of these rules in the Official Gazette manufacture or use any plastic or

multilayered packaging for packaging of commodities without registration from the concerned State Pollution Control Board or the Pollution Control Committees.

(6) Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multilayered packaging.

10. Protocols for compostable plastic materials.-Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in Schedule-I to these rules.

11. Marking or labelling.-(1) Each plastic carry bag and multilayered packaging shall have the following information printed in English namely,-

- (a) name, registration number of the manufacturer and thickness in case of carry bag;
- (b) name and registration number of the manufacturer in case of multilayered packaging; and
- (c) name and certificate number [Rule 4(h)] in case of carry bags made from compostable plastic

(2) Each recycled carry bag shall bear a label or a mark “recycled” as shown below and shall conform to the Indian Standard: IS 14534: 1998 titled as “Guidelines for Recycling of Plastics”, as amended from time to time;



NOTE: PET-Polyethylene terephthalate, HDPE-High density polyethylene, V-Vinyl (PVC), LDPE- Low density polyethylene, PP-Polypropylene, PS-Polystyrene and Other means all other resins and multi-materials like ABS (Acrylonitrile butadiene styrene), PPO (Polyphenylene oxide), PC (Polycarbonate), PBT (Polybutylene terephthalate) etc.

Each carry bag made from compostable plastics shall bear a label “compostable” and shall conform to the Indian Standard : IS or ISO 17088:2008 titled as Specifications for “Compostable Plastics”.

12. Prescribed authority.- (1) The State Pollution Control Board and Pollution Control Committee in respect of a Union territory shall be the authority for enforcement of the

provisions of these rules relating to registration, manufacture of plastic products and multilayered packaging, processing and disposal of plastic wastes.

(2) The concerned Secretary-in-charge of Urban Development of the State or a Union Territory shall be the authority for enforcement of the provisions of these rules relating to waste management by waste generator, use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multilayered packaging.

(3) The concerned Gram Panchayat shall be the authority for enforcement of the provisions of these rules relating to waste management by the waste generator, use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and multilayered packaging in the rural area of the State or a Union Territory.

(4) The authorities referred to in sub-rules (1) to (3) shall take the assistance of the District Magistrate or the Deputy Commissioner within the territorial limits of the jurisdiction of the concerned district in the enforcement of the provisions of these rules.

13. Registration of producer, recyclers and manufacturer,- (1) No person shall manufacture carry bags or recycle plastic bags or multilayered packaging unless the person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee of the Union Territory concerned, as the case may be, prior to the commencement of production;

(2) Every producer shall, for the purpose of registration or for renewal of registration, make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, in Form I

(3) Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II.

(4) Every manufacturer engaged in manufacturer of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.

(5) The State Pollution Control Board or the Pollution Control Committee shall not issue or renew registration to plastic waste recycling or processing units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) along with a certificate of registration issued by the District Industries Centre or any other Government agency authorised in this regard.

(6) The State Pollution Control Board or the Pollution Control Committee shall not renew registration of producer unless the producer possesses and action plan endorsed by the Secretary in charge of Urban Development of the concerned State or Union Territory for setting of plastic waste management system.

(7) On receipt of the application complete in all respects for the registration for recycling or processing of plastic waste under sub-rule (3), the State Pollution Control Board may, after such inquiry as it considers necessary and on being satisfied that the applicant possesses appropriate facilities, technical capabilities and equipment to handle plastic waste safely, may grant registration to the applicant on fulfilment of the conditions as may be laid down in terms of registration.

(8) Every State Pollution Control Board or Pollution Control Committee shall take a decision on the grant of registration within ninety days of receipt of an application which is complete in all respects.

(9) The registration granted under this rule shall initially be valid for a period of one year, unless revoked, suspended or cancelled and shall subsequently be granted for three years.

(10) State Pollution Control Board or the Pollution Control Committees shall not revoke, suspend or cancel registration without providing the opportunity of a hearing to the producer or person engaged in recycling or processing of plastic wastes.

(11) Every application for renewal of registration shall be made at least one hundred twenty days before the expiry of the validity of the registration certificate.

14. Responsibility of retailers and street vendors- (1) Retailers or street vendors shall not sell or provide commodities to consumer in carry bags or plastic sheet or multilayered packaging, which are not manufactured and labelled or marked, as per prescribed under these rules.

(2) Every retailers or street vendors selling or providing commodities in, plastic carry bags or multilayered packaging or plastic sheets or like or covers made of plastic sheets which are not manufactured or labelled or marked in accordance with these rules shall be liable to pay such fines as specified under the bye-laws of the local bodies.

15. Explicit pricing of carry bags.- (1) The shopkeepers and street vendors willing to provide plastic carry bags for dispensing any commodity shall register with local body. The local body shall, within a period of six months from the date of final publication of these rules in the Official Gazette of India notification of these rules, by notification or an order under their appropriate state statute or byelaws shall make provisions for such registration on payment of plastic waste management fee of minimum rupees forty eight thousand @ rupees four thousand per month. The concerned local body may prescribe higher plastic waste

management fee, depending upon the sale capacity. The registered shop keepers shall display at prominent place that plastic carry bags are given on payment.

(2) Only the registered shopkeepers or street vendors shall be eligible to provide plastic carry bags for dispensing the commodities.

(3) The local body shall utilize the amount paid by the customers for the carry bags exclusively for the sustainability of the waste management system within their jurisdictions.

16. State Level Monitoring Committee.- (1) The State government or the union Territory shall, for the purpose of effective monitoring of implementation of these rules, constitute a State Level Advisory Committee consisting of the following persons, namely;-

- | | | |
|-----|---|--------------|
| (a) | the Secretary, Department of Urban Development | - Chairman |
| (b) | Director from State Department of Environment | - Member |
| (c) | Member Secretary from State Pollution Control Board
or Pollution Control Committee | - Member |
| (d) | Municipal Commissioner | - Member |
| (e) | one expert from Local Body | - Member |
| (f) | one expert from Non-Governmental
involved in Waste Management | - Member |
| (g) | Commissioner, Value Added Tax or his nominee,
Member | - |
| (h) | Sales Tax Commissioner or Officer | - Member |
| (i) | representative of Plastic Association,
Drug Manufacturers Association,
Chemical Manufacturers Association | - Member |
| (j) | one expert from the field of Industry | - Member and |
| (k) | one expert from the field of academic institution | - Member |
| (l) | Director , Municipal Administration- Convener | |

The State Level Advisory Body shall meet at least once in Six Month and may invite experts, if it considers necessary.

17. Annual reports.- (1) Every person engaged in recycling or processing of plastic waste shall prepare and submit an annual report in Form-IV to the local body concerned under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th April, of every year.

(2) Every local body shall prepare and submit an annual report in Form –V to the concerned Secretary-in-charge of the Urban Development Department under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th June, every year.

(3) Each State Pollution Control Board or Pollution Control Committee shall prepare and submit an annual report in Form VI to the CPCB on the implementation of these rules by the 31st July, of every year.

(4) The CPCB shall prepare a consolidated annual report on the use and management of plastic waste and forward it to the Central Government along with its recommendations before the 31st August of every year.

Schedule-I

[See rule 10]

1.	IS / ISO 14851: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by measuring the oxygen demand in a closed Respirometer
2.	IS / ISO 14852: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by analysis of evolved carbon dioxide
3.	IS / ISO 14853: 2005 Plastics- Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system-Method by measurement of biogas production
4.	IS /ISO 14855-1: 2005 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-1 General method)
5.	IS / ISO 14855-2: 2007 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-2: Gravimetric measurement of carbon dioxide evolved in a laboratory- scale test)
6.	IS / ISO 15985: 2004 Plastics- Determination of the ultimate anaerobic biodegradation and disintegration under high-solids anaerobic digestion conditions- Methods by analysis of released biogas
7.	IS /ISO 16929: 2002 Plastics- Determination of degree of disintegration of plastic materials under defined composting conditions in a pilot - scale test
8.	IS / ISO 17556: 2003 Plastics- Determination of ultimate aerobic biodegradability in soil by measuring the oxygen demand in a Respirometer or the amount of carbon dioxide evolved
9.	IS / ISO 20200:2004 Plastics- Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory - scale test

FORM - I

[See rules 13 (2)]

APPLICATION FOR REGISTRATION FOR PRODUCERS or Brand Owners

From:

.....

.....(Name and full address of the occupier)

To

The Member Secretary,

..... Pollution Control Board or Pollution Control Committee

.....

.....

Sir,

I /We hereby apply for registration under rule 9 of the Plastic Waste Management Rules, 2015

1. Producers

PART – A GENERAL		
1.(a)	Name and location of the unit	
(b)	Address of the unit	
(c)	Registration required for manufacturing of: (i) Carry bags; (a) petro- based, (b) Compostable (ii) Multilayered plastics	
(d)	Manufacturing capacity	
(e)	In case of renewal, previous registration number and date of registration	
2.	Is the unit registered with the District Industries Centre of the State Government or Union territory? If yes, attach a copy.	
3.(a)	Total capital invested on the project	
(b)	Year of commencement of production	
4. (a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
5.	Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power	

	generation and water.	
6.	Status of compliance with these rules- Thickness – fifty micron (Yes/No)	
PART – B PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS		
7.	(a) Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974)? If yes, attach a copy	
	(b) Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)? If yes, attach a copy	
PART – C PERTAINING TO WASTE		
8.	Solid Wastes or rejects: (a) Total quantum of waste generated (b) Mode of storage within the plant (c) Provision made for disposal of wastes	
9.	Attach or Provide list of person supplying plastic to be used as raw material to manufacture carry bags or plastic sheet of like or multilayered packaging	
10.	Attach or provide list of personnel or brand Owners to whom the products will be supplied	
11.	Action plan on collecting back the plastic wastes	
		Name and Signature
		Designation
Date :		
Place :		

II Brand Owners:

PART – A GENERAL		
1.	Name, address and Contact number	
2	In case of renewal, previous registration number and date of registration	
3	Is the unit registered with the District Industries Centre of the State Government or Union	

	territory? If yes, attach a copy.	
4.(a)	Total capital invested on the project	
(b)	Year of commencement of production	
5. (a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
PART – B PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS		
5	Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974)? If yes, attach a copy	
6	Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)? If yes, attach a copy	
PART – C PERTAINING TO WASTE		
7.	Solid Wastes or rejects: (c) Total quantum of waste generated (d) Mode of storage within the plant (d) Provision made for disposal of wastes	
8.	Attach or Provide list of person supplying plastic material	
9	Action plan on collecting back the plastic wastes	
Name and Signature		
Designation		
Date :		
Place :		

FORM - II
[see rule 13 (3)]

**APPLICATION FORM FOR REGISTRATION OF UNITS ENGAGED IN
PROCESSING OR RECYCLING OF PLASTIC WASTE**

1.	Name and Address of the unit				
2.	Contact person with designation, Tel./Fax /email				
3.	Date of commencement				
4.	No. of workers (including contract labour)				
5.	Consents Validity	a. Water (Prevention & Control of Pollution) Act, 1974; Valid up to _____ b. Air (Prevention & Control of Pollution) Act, 1981; Valid up to _____ c. Authorization ; valid up to			
6.	Manufacturing Process	Please attach a flow diagram of the manufacturing process flow diagram for each product.			
7.	Products and installed capacity of production (MTA)	Products		Installed capacity	
8.	Waste Management:	S No	Type	Category	Qty.
	a. Waste generation in processing plastic-waste	(i)			
		(ii)			
		(iii)			
	b. Waste Collection and transportation (attach details)				
	c. Waste Disposal details	S No	Type	Category	Qty
		(i)			

		(ii)			
	d. Provide details of the disposal facility, whether the facility is authorized by SPCB or PCC				
	e. Please attach analysis report of characterization of waste generated (including leachate test if applicable)				
9.	Details of plastic waste proposed to be acquired through sale, auction, contract or import, as the case may be, for use as raw material	(i) Name (ii) Quantity required /year			
10.	Occupational safety and health aspects	Please provide details of facilities			
11.	Pollution Control Measures				
	Whether the unit has adequate pollution control systems or equipment to meet the standards of emission or effluent.	If Yes, please furnish details			
	Whether unit is in compliance with conditions laid down in the said rules.	Yes/No			
	Whether conditions exist or are likely to exist of the material being handled or processed posing adverse immediate or delayed impacts on the environment.	Yes/No			
	Whether conditions exist (or are likely to exist) of the material being handled or processed by any means capable of yielding another material (e.g. leachate) which may possess eco-toxicity.	Yes/No			
12.	Any other relevant information including fire or accident mitigative measures				
13.	List of enclosures as per rule				

Name and Signature

Designation

Date :

Place :

FORM - III
[See rules 13(4)]

APPLICATION FOR REGISTRATION FOR MANUFACTURERS of plastic raw materials

From:

.....

.....(Name and full address of the occupier)

To

The Member Secretary,

..... Pollution Control Board or Pollution Control Committee

.....

.....

Sir,

I/We hereby apply for registration under the Plastic Waste Management Rules, 2011

PART – A GENERAL		
1.(a)	Name and location of the unit	
(b)	Address of the unit	
(c)	In case of renewal, previous registration number and date of registration	
2.	Is the unit registered with the DIC or DCSSI of the State Government or Union territory? If yes, attach a copy.	
3.(a)	Total capital invested on the project	
(b)	Year of commencement of production	
(c)	List of producers and quantum of raw materials supplied to producers	
		Name and Signature
		Designation
Date :		
Place :		

Form - IV
[See rules 17 (1)]

**Format of Annual Report by Operator of plastic waste processing or recycling Facility
to the Local Body**

Period of Reporting:

(1)	Name and Address of operator of the facility	
(2)	Name of officer in-charge of the facility (Telephone/Fax/Mobile/ E-mail)	
(3)	Capacity:	
(4)	Technologies used for management of plastic waste:	
(5)	Quantity of plastic waste received during the year being reported upon along with the source	
(6)	Quantity of plastic waste processed (in tons): - Plastic waste recycled(in tons) - Plastic waste processed (in tons) - Used (in tons)	
(7)	Quantity of inert or rejects sent for final disposal to landfill sites:	
(8)	Details of land fill facility to which inert or rejects were sent for final disposal: - Address -Telephone	
(9)	Attach status of compliance to environmental conditions, if any specified during grant of Consent or registration	

Signature of Operator

Dated :

Place:

Form - V
[See rules 17(2)]

**FORMAT FOR ANNUAL REPORT ON PLASTIC WASTE MANAGEMENT TO BE
SUBMITTED BY THE LOCAL BODY**

Period of Reporting:

(1)	Name of the City or Town and State:	
(2)	Population	
(3)	Area in sq. kilometers	
(4)	Name & Address of Local body Telephone No. Fax No. E-mail:	
(5)	Total Numbers of the wards in the area under jurisdiction	
(6)	Total Numbers of Households in the area under jurisdiction	
(7)	Number of households covered by door to door collection	
(8)	Total number of commercial establishments and Institutions in the area under jurisdiction -Commercial establishments - Institutions	
(9)	Number of commercial establishments and Institutions covered by door to door collection -Commercial establishments - Institutions	
(10)	Summary of the mechanisms put in place for management of plastic waste in the area under jurisdiction along with the details of agencies involved in door to door collection	
(11)	Attach details of infrastructure put in place for management of plastic waste generated in the area under jurisdiction	
(12)	Attach details of infrastructure required, if any along with justification	
(13)	Quantity of Plastic Waste generated during the year from area under jurisdiction (in tons)	
(14)	Quantity of Plastic Waste collected during the year from area under jurisdiction (in tons)	
(15)	Quantity of plastic waste channelized for recycling during the year (in tons)	

(16)	Quantity of plastic waste channelized for use during the year (in tons)	
(17)	Quantity of inert or rejects sent to landfill sites during the year (in tons)	
(18)	<p>Details of each of facilities used for processing and disposal of plastic waste</p> <p>Facility-I</p> <p>i) Name of operator ii) Address with Telephone Number or Mobile iii) Capacity iv) Technology Used v) Registration Number vi) Validity of Registration (up to)</p> <p>Facility-II</p> <p>i) Name of operator ii) Address with Telephone Number or Mobile iii) Capacity iv) Technology Used v) Registration Number Validity of Registration (up to)</p>	
(19)	Give details of: Local body's own manpower deployed for collection including street sweeping, secondary storage, transportation, processing and disposal of waste.	
(20)	Give details of: Contractor or concessionaire's manpower deployed for collection including street sweeping, secondary storage, transportation, processing and disposal of waste.	
(21)	Mention briefly, the difficulties being experienced by the local body in complying with provisions of these rules including the financial constrains, if any	
(22)	Whether an Action Plan has been prepared for improving solid waste management practices in the city? If yes (attach copy) Date of revision:	

Signature of CEO or Municipal Commissioner or
Executive Officer or Chief Officer

Date:

Place:

**STATE-WISE STATUS OF IMPLEMENTATION OF PLASTIC WASTE MANAGEMENT RULES, 2016 FOR THE YEAR ... ANNUAL
REPORT Format**

Name of the SPCB or PCC	Estimated Plastic Waste generation Tons Per Annum (TPA)	No. Of registered Plastic Manufacturing or Recycling (including multilayer, compostable) units. (Rule 9)			No. of Unregistered plastic manufacturing Recycling units. (in residential or unapproved areas)	Details of Plastic Waste Management (PWM) e.g. Collection, Segregation, Disposal (Co-processing road construction etc.) (Rules 6) (Attach separate sheet)	Partial or complete ban on usages of Plastic Carry Bags (through Executive Order) (Attach copy of notification or executive order)	Status of Marking Labelling on carry bags (Rule 8) [Specify the number of units or not complied]	Explicit Pricing of carry bags (Rule 10)	Details of the meeting of State Level Advisory Body (SLA) along with its recommendations on Implementation (Rule 11)	No. of violations and action taken on non-compliance of provisions of these Rules	Number of Municipal Authority or Gram Panchayat under jurisdiction and Submission of Annual Report to CPCB (Rule 12)
		Plastic units	Compostable Plastic Units	Multilayer Plastic units								
(1)	(2)	(3)			(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

[F.No. 17-2/2001-HSMD]

Bishwanath Sinha
Joint Secretary to Government of India

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 27th March, 2018

G.S.R. 285(E).—In exercise of powers confirmed by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules to amend the Plastic Waste Management Rules, 2016, published in the Gazette of India, Extraordinary, vide number G.S.R. 320(E), dated the 18th March, 2016, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the aforesaid rules in public interest, namely :-

1. (1) These rules may be called Plastic Waste Management (Amendment) Rules, 2018.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 3,-
 - i. after clause (a), the following clause shall be inserted, namely:-

“(ab) ‘alternate use’ means use of a material for a purpose other than for which it was conceived, which is beneficial because it promotes resource efficiency;”;
 - ii. after clause (g), the following clause shall be inserted, namely:-

“(ga) ‘energy recovery’ means energy recovery from waste that is conversion of waste material into usable heat, electricity or fuel through a variety of processes including combustion, gasification, pyrolysis, anaerobic digestion and land fill gas recovery;”.
3. In the said rules, in rule 9, in sub-rule (3), for the words “non-recyclable multilayered plastic if any”, the words “multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use” shall be substituted.
4. In the said rules, in rule 13, for the sub-rule (2) the following sub-rule shall be substituted, namely: -

“(2) Every producer or brand-owner shall, for the purpose of registration or renewal of registration, make an application, in Form 1 to,-

 - (i) the concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating in one or two states or Union territories; or
 - (ii) the Central Pollution Control Board, if operating in more than two States or Union Territories.”.
5. In the said rules, the rule 15 shall be omitted.

[F. No. 17-2/2001-HSMD]

RITESH KUMAR SINGH, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number GSR 320(E), dated the 18th March, 2016.

**The Uttarakhand Plastic and Other Non Biodegradable Garbage
(Regulation of Use and Disposal) Act, 2013
[Uttarakhand Act No. 17 of 2013]**

**An
Act**

to regulate the use and disposal of plastic and other non-biodegradable garbage in the State of Uttarakhand and for matters connected therewith or incidental thereto.

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

**Chapter -I
Preliminary**

- | | |
|---|--|
| Short title,
extent and
commencement | 1. (1) This Act may be called the Uttarakhand Plastic and Other Non Biodegradable Garbage (Regulation of Use and Disposal) Act, 2013.
(2) It extends to the whole of Uttarakhand.
(3) It shall come into force at once. |
| Definitions | 2. In this Act, unless the context otherwise requires-
(a) " bio-degradable garbage " means the garbage or waste material capable of being destroyed by the action of living beings;
(b) " Competent authority " means any authority, officer or person appointed by the State Government, by notification, for enforcement of any of the provisions of this Act;
(c) " house gully " means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof or the removal of such matter therefrom;
(d) " local authority " means a Municipal Corporation, a Municipal Council, a Nagar Panchayat, a Cantonment Board, a Zila Parishad, a Kshettra Panchayat or a Gram Panchayat constituted under any law for the time being in force;
(e) " market " includes any place where persons, assemble for exposing for sale of meat, fish, fruits, vegetables, food or any other articles for human use or consumption with or without the consent of the owner of such place, notwithstanding that there may be no common regulation for the concourse of the buyers and the sellers and whether or not any control is exercised over the business of the person frequenting the market by the owner of the place or by any other persons;
(f) " non-biodegradable garbage " means the waste garbage made of non-biodegradable material; |

- (g) **“non-biodegradable material”** means the material including plastic which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions and includes goods made or manufactured from Polythene, Nylon or other plastic substances such as Poly Vinyl Chlorides (P.V.C.), Poly-Propylene and Poly-styrene specified in the Schedule to this Act;
- (h) **“occupier”** includes –
- (i) 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 building in respect of which such rent is paid or is payable;
 - (ii) an owner in occupation of or otherwise using his land or building;
 - (iii) a rent free tenant of any land or building; and
 - (iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (i) **“owner”** includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building, whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it, if the land or building or part thereof were let to a tenant;
- (j) **“place”** means any land or building or part of a building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building.
- (k) **“place open to public view”** includes any private place or building, monument, fence or balcony visible to a person being in, or passing along any public place;
- (l) **“prescribed”** means prescribed by rules made under this Act;
- (m) **“Public Analyst”** means the person appointed or recognized to be the Government Analyst, in relation to any environmental laboratory established or recognized in the State, under the provisions of the Environment (Protection) Act, 1986 (29 of 1986); and
- (n) **“public place”** means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house-gully or way, whether a thoroughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass.

Chapter -II

Restriction or prohibition on use of non-biodegradable material

- | | |
|--|---|
| <p>Restriction or prohibition on use of certain things manufactured from non-biodegradable material</p> | <p>3. (1) The State Government may, by notification, impose restriction or prohibition on the manufacture, sale, purchase, storage, distribution and use of any plastic or other non-biodegradable material within the State of Uttarakhand, which is contrary to the norms as the State Government may, by notification, specify.</p> <p>(2) The State Government may, by notification, impose requirements on manufacturers, distributors and other persons, who produce or handle commodities, with respect to the type, size, labeling and composition of packaging or with respect to its use and disposal including standards or norms for material degradability and re-cyclability.</p> |
| <p>Prohibition on throwing non-biodegradable garbage in public drain, sewers and water bodies</p> | <p>4. (1) No person, by himself or through another, shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works, canals, ponds, streams or rivers, any non biodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container.</p> <p>(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless-</p> <p>(a) the garbage is placed in a closed garbage receptacle; or</p> <p>(b) the garbage is deposited in a location designated, by a local authority having jurisdiction on an area for the disposal of the garbage.</p> |
| <p>Restriction on burn of non-biodegradable</p> | <p>5. No person shall burn any non-biodegradable garbage containing any material mentioned in the schedule.</p> |

Chapter- III

Management of non-biodegradable garbage

Provision for placement of receptacles and places for deposit of non-biodegradable garbage	<p>6. It shall be the duty of the local authority, or any officer authorized by it, to-</p> <ul style="list-style-type: none"> (a) place or provide in proper and convenient situation public receptacles, or places for temporary deposit or collection of non-biodegradable garbage; (b) provide separate dust bins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of biodegradable garbage; (c) provide for the removal of contents of receptacles, deposit and of the accumulation at all places provided under clause (a) of this section; (d) arrange for recycling of the non-biodegradable garbage collected under this Act; (e) all such receptacles should have the facility to be closed from the upper side facing the sky.
Duty of owners and occupiers to collect and deposit non-biodegradable garbage	<p>7. It shall be the duty of the owners and occupiers of all lands and buildings:-</p> <ul style="list-style-type: none"> (a) to collect or to cause to be collected from their respective land and buildings the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area ; (b) to provide separate receptacles or dust bins, other than those kept and maintained for deposit of bio-degradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles dust bins in good condition and repair.
Power of local authority or competent authority for removal of non-biodegradable garbage or non-biodegradable material	<p>8. The local authority or the competent authority may, after giving notice in writing to the owner or occupier or part-owner, or person claiming to be the owner or part-owner of any land or building, which has become a place of unauthorized stacking or deposit of non-biodegradable garbage or non-biodegradable material which is likely to occasion a nuisance or is likely to injure the drainage and sewage system or is likely to be dangerous to life and health, remove or cause to be removed the said garbage or material so stacked or collected, or take such steps as it may think necessary, and dispose of the said garbage or material at the cost of such person in the manner as provided under the rules made under this Act.</p>

Chapter -IV

Penalties and Punishments

Power of entry and inspection

9. (1) Subject to the provisions of this section, any person empowered by the State Government, by notification in this behalf, shall have a right to enter, at all reasonable times with such assistance as considered necessary, any place-
- (a) for the purpose of performing any of the functions entrusted to him by the State Government;
 - (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made there under or any notice, order or direction served, made or, given under this Act is being or has been complied with;
 - (c) for the purpose of examining any record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing such record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.
- (2) Every person handling any non-biodegradable material or non-biodegradable garbage shall be bound to render all assistance to the person empowered under sub-section (1) for carrying out the functions under that sub-section and if he fails to be punished under this Act.
- (3) The provisions of Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.
- (4) Any non-biodegradable garbage or non-biodegradable material seized under this section shall be disposed of in the manner as the State Government may, by notification, specify.

Penalties

10. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, or abets or is accessory to the commission of an offence under this Act shall be punishable with three months simple imprisonment or fine, upto ₹ Five hundred in case of individuals and petty retailers, upto ₹ Fifty thousand in case of retail shops and business enterprises and upto ₹ Two lakhs in case of manufacturing and trading firms, or with both.

Punishment	11.	Whoever having been convicted of an offence under this Act is convicted again of any offence under this Act shall be punishable for the latter offence with double the penalty provided in section 10 above.
Offences by Companies	12.	<p>(1) If the person committing any offence punishable under this Act is a Company, every person who, at the time of the commission of the offence, was in charge of, and responsible to the Company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p style="padding-left: 40px;">Provided that nothing contained in this Act shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1) above, where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary or other officer of the Company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation- For the purposes of this section-</p> <p>(a) "Company" means any corporate body and includes a firm or other association of individuals; and</p> <p>(b) "Director" in relation to a firm means a partner in the firm.</p>
Offences to be tried summarily	13.	All offences under the Act shall be tried in a summary way by a Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to such trials.
Compounding of offences	14.	(1) Any offence punishable under this Act may, before the institution of the prosecution, be compounded by such officer as may be authorized by the State Government in this behalf, on payment, for credit to the State Government, of such sum as the State Government may, by notification,

specify :

Provided that such payment in any single case shall not exceed the fine prescribed for the same.

- (2) Where any offence has been compounded under sub-section (1) above, no proceeding shall be taken against the offender, in respect of the offence as compounded, and the offender, if in custody, shall be discharged.

Chapter-V

Registration of Waste Godowns and Safety of Labour

- Registration** 15. (1) Every operator of Waste Godowns will obtain registration from concerning local bodies including Gram Panchayats for storage of any type of non-biodegradable garbage as per provisions of rules made on this behalf.
- (2) All agencies entrusted for cleaning and collection of non-biodegradable garbage as registered under sub-section (1) will disclose the identity and responsibilities of each rag picker and other labour engaged in cleaning, collection, storage and management of garbage and no person below the age of fourteen would be engaged in the aforesaid activities.
- (3) No registered waste godown or labour involved in cleaning, segregating or otherwise disposing any garbage, whether biodegradable or otherwise will be prosecuted in any way for storing, collecting, sale or purchase of collected garbage for the purpose of recycling or composting or transport to bigger collection and recycling centers :
- Provided that all such transportation should be done in closed wagons or containers.
- (4) All registered godowns and local bodies will provide modern cleaning equipments, shoes, gloves, aprons and other safety measures to their registered labour involved in cleaning and collection of garbage.

Chapter-VI

Miscellaneous

- Directions by the State Government** 16. The State Government may from time to time, issue any such directions for the efficient administration of this Act and it shall be binding on the authorities to which such directions are issued to comply with the same.
- Power to** 17. (1) Where it is expedient to do so, the State Government may, by notification in the Official Gazette, add to or omit from the Schedule any

amend Schedule		<p>item of non-biodegradable waste and thereafter the Schedule shall be deemed to be amended accordingly.</p> <p>(2) Every notification under sub-section (1) shall be laid, as soon as may be, after it is issued, before the State Legislative Assembly.</p>
Power to delegate	18.	<p>The State Government may, by order published in the Official Gazette, direct that any power exercisable by it under this Act (not including the power to make rules under section 20) may also be exercised, in such cases as may be specified in the order, by such officer or authority, as may be specified therein.</p>
Protection of action taken in good faith	19.	<p>No suit, prosecution or the legal proceedings shall lie against the State Government or the local authority or the competent authority or any other officer or other employees of the State Government or of the local authority or the competent authority or any other person authorized by the State Government for any thing which is in good faith done or intended to be done under this Act or the rules made thereunder.</p>
Power to make rules	20.	<p>(1) The State Government may make rules for the purposes of carrying out of all or any of the provisions of this Act.</p> <p>(2) Every rule made by the State Government under this Act shall be laid as soon as may be, after it is made, before the State Legislative Assembly while it is in session, for a total period of fourteen days which may comprise in one session or in two successive sessions.</p>
Research	21.	<p>The State Government may conduct or get conducted any research activity that is ancillary to solid waste management.</p>
Repeal and savings	22.	<p>(1) The Uttar Pradesh Plastic and Other Non-biodegradable (Regulation of Use and Disposal) Act, 2000 (Uttar Pradesh Act No. 29 of 2000) (to the context of the State of Uttarakhand) is hereby repealed.</p> <p>(2) Notwithstanding such repeal anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.</p>

SCHEDULE

[See clause (g) of section 2]

NON-BIODEGRADABLE GARBAGE

(Irrespective of any size and thickness)

1. Polyethylene
 2. Nylon
 3. P.V.C.
 4. Poly-propylene
 5. Poly-styrene
 6. PET- Poly-Ethylene terephthalate
 7. HDPE-High density Polyethylene
 8. LDPE-Low density Polyethylene and
 9. Other resins and multi materials like ABS (Acrylonitrile butadiene styrene), PPO (Polyphenylene oxide), PC (Polycarbonate), PBT (Polybutylene terephthalate) etc.
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