

HARYANA GOVERNMENT
ENVIRONMENT DEPARTMENT

Notification

The 3rd February, 2010

No.16/52/2010-Env.- Whereas the Ministry of Environment and Forests, Government of India, in exercise of the powers conferred by clause (viii) of sub-section (2) of section 3 read with section 25 of the Environment (Protection) Act, 1986 (29 of 1986), notified the Plastics Manufacture, Sale and Usage Rules, 1999, and amended it vide notification No. S.O 698 (E), dated the 17th June, 2003;

And whereas, the Haryana Government after considering the adverse effects of plastic carry bags on the environment and local ecology, felt that plastic carry bags of lower thickness do not have potential for further use and are littered about irresponsibly and have detrimental effect on the environment;

Now, therefore, in exercise of the powers delegated under section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 4 of the Environment (Protection) Rules, 1986, notification S.O.152 (E) dated 10th February, 1988 and in supersession of Haryana Government, Environment Department, notification No. 16/52/2007 -Env. III, dated the 15th January, 2008 and No. 16/52/2007-Env. dated the 9/12th January, 2009, the Governor of Haryana hereby issues following directions, namely:-

- 1. Restriction on manufacture, sale, distribution and use of virgin and recycled plastic carry bags and recycled plastic containers.**
 - (a) No person shall manufacture, stock, distribute, sell or use carry bags made of virgin or recycled plastic of thickness less than 40 microns and size less than 12" x 18" in the State. Further, in the following areas having special historical, religious and ecological significance, use of all types of plastic articles such as carry bags (irrespective of thickness and size), plates, cups, tumblers, spoons, forks and straw shall be totally banned:-**
 - (i) Municipal limits of Thanesar/Kurukshetra and Pehowa towns, precincts of Mansa Devi Temple, Panchkula and Sheetla Mata Temple, Gurgaon and Public Parks.**
 - (ii) Wild Life Sanctuaries and National Parks of Haryana; and**
 - (iii) Gram Panchayat, Morni.**
 - (b) No person shall use carry bags or containers made of recycled plastics for storing, carrying, dispensing or packing of foodstuffs.**

- (c) **Conditions of manufacture of carry bags and containers made of plastics**
 - Subject to the provisions of clause (a) above, any person may manufacture carry bags or containers made of plastics if the following conditions are satisfied, namely : -
- (i) Carry bags and containers made of virgin plastic shall be in natural shade or white.
- (ii) Carry bags and containers made of recycled plastic and used for purposes other than storing and packing foodstuffs, shall be manufactured using pigments and colourants as per IS: 9833 : 1981 entitled "List of pigments and colourants" for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water.
- (d) **Recycling** - Recycling of plastics shall be undertaken strictly in accordance with the Bureau of Indian Standards specification; IS 14534 : 1998 entitled "The Guidelines for Recycling of Plastics".
- (e) **Marking/Codification** - Manufacturers of recycled plastic carry bags, having printing facilities, shall code/mark carry bags and containers as per IS 14534: 1998 entitled "The Guidelines for Recycling of Plastics" and the end product made out of recycled plastics shall be marked as "Recycled".
- All manufacturers shall print on each market packet of carry bags as to whether these carry bags are made of "recycled material" and shall bear clear printing regarding thickness of 40 microns.
- (f) **Littering of plastic articles** such as carry bags, plates, cups, tumblers, spoons, forks and straw at public places such as parks, playgrounds, recreational places, tourist centers, religious places etc., shall not be permitted.

2. Prescribed Authority

- (a) The Haryana State Pollution Control Board shall be the Prescribed Authority for enforcement of the provisions of these directions relating to manufacture and recycling of plastics namely 1 (a), (c),(d),(e) and (f) above.
- (b) The Municipal Commissioner/Chief Executive Officer of concerned Municipal Corporation/Municipality, shall be the Prescribed Authority for enforcement of the provisions of these directions for the use, collection, segregation, transportation and disposal of plastic carry bags and containers with particular reference to (1) (a), (b) and (f) above.
- (c) The Divisional Forest Officer shall be prescribed authority for enforcement of the provisions of these directions in National Parks, Wild Life Sanctuaries etc. in the State of Haryana.
- (d) Further following officers are also made prescribed authority for enforcement of the provisions of these directions in their respective jurisdiction:-

**District Magistrate,
 Additional District Magistrate,
 District Development and Panchayat Officer,
 Sub-Divisional Magistrate,
 City Magistrate,
 Executive Engineer, Public Health Engineering Department,
 District Food and Supplies Controller,
 District Town Planner, Town and Country Planning Department,
 Estate Officer, Haryana Urban Development Authority,
 Block Development and Panchayat Officer,
 Tehsildar and Naib Tehsildar, Revenue Department,
 Scientist-B, Haryana State Pollution Control Board,
 Assistant Environmental Engineer, Haryana State Pollution Control Board,
 Executive Officer/Secretary, Municipal Council/Committee.**

3. Self Regulation

- (a) Without prejudice to the provisions contained in paras 1 and 2 above, the Plastic Industry Associations, through their member units, shall undertake self-regulatory measures.**
- (b) Religious worship places, health care centres, hotels/restaurants, educational institutions and other concerned agencies shall ensure strict implementation of the ban on the use of carry bags made of recycled plastics for storing, carrying, dispensing or packing of foodstuffs.**
- (c) The Municipal Corporations and other concerned agencies shall ensure necessary measures to create wide publicity of the impacts of using plastic carry bags of thickness less than 40 microns and size less than 12" x 18" and littering of public places which adversely affect the environment and health of human beings, and also the penalty provisions of these rules, through cinema exhibit slides, electronic/print media etc.**

4. Levy of Penalties

The following penalties shall be levied by the prescribed authority

- (a) The manufacturing units, found to be violating these directions, relating to manufacture, recycling, thickness, size and marking, shall be fined with such fine which shall not be less than Rs. 25,000 and which may extend upto Rs. 50,000 for first offence and the license/consent of the unit shall be cancelled for the subsequent offence in addition to confiscating the machinery/material used for the manufacture.**
- (b) The retailers, vendors and other establishments found to be violating these directions, relating to the use of plastic carry bags of banned category, shall be fined with such fine which shall not be less than Rs. 2,500 and which may extended upto Rs. 5,000 for the first offence and the trade license of the violator shall be cancelled for the subsequent offence, under relevant municipal laws and Shops and Establishments Act by the municipal authority.**
- (c) The individuals found to be littering public places with plastic bags shall be fined with such fine which shall not be less than Rs. 250 and which may extend upto Rs. 500 per offence.**

The other provisions of the Recycled Plastic Manufacture and Usage Rules, 1999 (As amended in 2003) and as amended from time to time by the Government of India shall remain in force

**G. Prasanna Kumar,
Financial Commissioner and Principal Secretary to
Government, Haryana, Environment Department**