

No. F. 8(86)/EA/Env/2008

New Delhi, 23 OCT, 2012

NOTIFICATION

Whereas, article 48-A of the Constitution of India, inter-alia envisages that the State shall endeavour to protect the environment;

And whereas, the Government of Delhi after considering the adverse effects of plastic carry bags on the environment and local ecology, felt that plastic carry bags are littered about irresponsibly and have detrimental effect on the environment;

And whereas, it is observed that the plastic carry bags also cause blockage of gutters, sewerage system and drains thereby resulting in serious environmental and public health related problems.

And whereas, a draft notification, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with Government of India, Ministry of Home Affairs, Notification No. S.O. 667 (E) dated the 10th September, 1992 read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published in the Gazette vide F8(86)/EA/Env/2008/20485 Dated 20th September, 2011, by the Government of National Capital Territory of Delhi, inviting objections and suggestions from general public with respect to the said notification within sixty days from the date of the publication of the said notification;

And whereas, the objections and suggestions received from the public with respect to the said draft notification have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with Government of India, Ministry of Home Affairs, Notification No. S.O. 667 (E) dated the 10th September, 1992 read with sub-rule (3) of rule 5 of the Environment

WV

(Protection) Rules, 1986, and in supersession of this Government's notification No.F(8)(86)/EA/ENV/2008/9473 dated 7th January,2009, except the acts and things done or omitted to be done before such supersession, the Government, hereby issues the following directions namely :-

Directions:-

1. No person including a shopkeeper, vendor, wholesaler or retailer, trader, hawker or rehriwala (i.e., which shall include all kinds of hand pushed/pulled carts which are used to sell various commodities), shall sell or store or use any kind of plastic carry bags for storing or dispensing of any eatable or non-eatable goods or materials.
2. No person shall manufacture, import, store, sell or transport any kinds of plastic carry bags (including that of Poly Propylene, Non-woven fabric type carry bags) in the whole of National Capital Territory of Delhi.
3. No person shall use any kind of plastic cover or plastic sheet or plastic film or plastic tube to pack or cover any book including magazine, and invitation card or greeting card.

Exception:

The direction issued under this notification, shall not affect the use of plastic carry bags as specified under the Bio-Medical Waste (Management and Handling) Rules, 1998.

Explanation:

For the purpose of this Notification " plastic carry bags" shall have the same meaning as defined in the Plastic Waste (Management and Handling) Rules, 2011 issued by Government of India, Ministry of Environment and Forests, which is reproduced as below:-

"Carry bags" mean bags made from any plastic material, used for the purpose of carrying or dispensing commodities but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use.

W

Authorized Officers:

The following officers are hereby authorized to implement this Notification in their respective jurisdiction, namely:-

1. Member Secretary, Delhi Pollution Control Committee (DPCC) and Officers at the level of Assistant Environmental Engineer and above.
2. Director (Environment), Government of National Capital Territory of Delhi, and officers at the level of scientist and above.
3. Sub-Divisional Magistrates of Government of National Capital Territory of Delhi in their respective jurisdiction.
4. Assistant Sanitary Inspectors and above, Health Inspectors and above, General Licensing Inspectors and above of the respective local bodies namely, New Delhi Municipal Council (NDMC), Municipal Corporations of Delhi (MCDs) and Delhi Cantonment Board (DCB) and Public Health Inspectors of MCDs.
5. Food and Supply Officers, of the respective area of Government of National Capital Territory of Delhi.
6. Director, Health Services or the Medical officers of Government of National Capital Territory of Delhi nominated by him.
7. Labour Inspectors and above of the Labour Department, Government of National Capital Territory of Delhi in their respective jurisdiction.
8. Food Inspectors and above of the Prevention of Food Adulteration Department (PFA) of the Government of National Capital Territory of Delhi in their respective jurisdiction.

Monitoring:

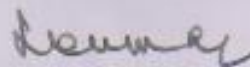
The Member Secretary, (Delhi Pollution Control Committee) shall ensure over all monitoring and implementation of these directions. The Chairman and Member Secretary (DPCC) and the Sub-Divisional Magistrates of the respective area/ jurisdiction are authorized to file complaint under section 19 of the Environment (Protection) Act, 1986, as already empowered vide Notification no. S.O. 349 (E) dated 16th April, 1987 as amended up to date.

4

Enforcement:

This notification shall come into force with effect from thirty days from the date of publication in the official Gazette and the notification of this Government No. F.08(86)/EA/Env./08/9473 dated 07.01.2009 shall be superseded from the date of enforcement of this notification, except in supersession of the things done or omitted to be done before such supersession, to the extent that complaint cases filed/sided under the previous notification and pending.

By order and in the name of Lt. Governor of
National Capital Territory of Delhi,



(Sanjiv Kumar)

Secretary (Environment, Forests and Wildlife)