

# **U.P. Plastic and Other Non-Biodegradable Garbage Regulation Act, 2000**

UTTAR PRADESH

India

## **U.P. Plastic and Other Non-Biodegradable Garbage Regulation Act, 2000**

### **Act 29 of 2000**

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U.P. Plastic and Other Non-Biodegradable Garbage Regulation Act, 2000(U.P. Act No. 29 of 2000)Statement of Objects and Reasons. - The Uttar Pradesh Plastic and Other Non-Biodegradable Garbage (Regulation of Use and Disposal) Act, 2000 (U.P. Act 29 of 2000) has been enacted to provide for regulation of use and disposal of plastic and other non-biodegradable garbage.The polythene/plastic carry bags and thermocol/plastic articles having one time use such as disposable thermocol/plastic cups, glasses and plates are being used widely by the shop keepers, vendors, rehriwalas and others within the State of Uttar Pradesh. Since the said articles are non-biodegradable, they choke drains and sewerage. It also causes health hazards for human being and stray animals like cows and other milch animals due to indiscriminate littering of said articles.In order to deal with the aforesaid problem it has been decided to amend the said Act mainly to provide for,-(a) substituting the word "Regulation" for the words "Regulation of use and disposal" appearing in Section 1 including heading and long title of the said Act;(b) empowering the officers authorised by the State Government to enter and inspect in any place;(c) empowering the State Government to impose by notification, restriction or prohibition on the use, manufacture, sale, distribution, storage, transport, import or export of such plastic or other non-biodegradable material;(d) making penal provisions more stringent;(e) empowering the officers of State Government also for compounding of offences under the Act;(f) empowering the State Government to confer, by notification, such powers and duties of a local authority on a body or an authority constituted by the State Government;(g) bringing the "Thermocol" under the ambit of the said Act.This Bill is introduced to replace the aforesaid Ordinance.An Act to provide for, regulation of use and disposal of plastic and other non-biodegradable garbage and for matters connected therewith or incidental thereto.It is Hereby enacted in the Fifty-first Year of the Republic of India as follows:-

## 1. Short title and commencement.

(1) This Act may be called the Uttar Pradesh Plastic and Other Non-Biodegradable Garbage [Regulation] [Substituted '(Regulation of Use and Disposal)' by U.P. Act No. 35 of 2018, dated 7.9.2018.] Act, 2000. (2) It shall be deemed to have come into force on July 11, 2000.

## 2. Definition.

- In this Act, - (a) "bio-degradable garbage" means the garbage or waste material capable of being decomposed or destroyed by bacteria or other living beings; (b) "food" means any article used as food or drink for human consumption and includes drug, water, milk, milk product, meat, fish, fruit, vegetable, any article which ordinarily enters into, or is used in the composition, or preparation of, human food and any flavouring matter Or condiments; (c) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access, to a latrine urinal, cesspool or other receptacle for (Sic) or other polluted matter, to persons employed in the cleansing thereof or in the removal of such matter therefrom; (d) "local authority" means a Municipal Corporation, a Municipal Council, a Nagar Panchayat, a Zila Panchayat, 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 sale or purchase of meat, fish, fruits, vegetable, food or any other edible or non-edible articles or goods for human use or consumption; (f) "non-bio-degradable garbage" means the garbage or waste material which is not bio-degradable garbage and includes plastic; (g) "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 or 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; (iv) any person who is liable to pay to the owner damages for the use or occupation of any land or building; or (v) a licensee in occupation of any land or building; (h) "owner" means - (i) when used with reference to any premises, the person who receives the rent of the said premises or, who would be entitled to receive the rent thereof if the premises were let and includes, - (a) an agent or trustee who receives such rent on account of, the owner; (b) an agent or trustee who receives the rent of, or is entrusted with or is concerned with any premises devoted to religious or charitable purposes; (c) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises; and (d) a mortgagee in possession. (ii) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat; (i) "place" means any land or building or part of a building and includes the gardens, ground and out-houses, if any, pertaining to a building or part of building; (j) "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; (k) "Plastic" means a synthetic polymeric substance and includes any material specified in the Schedule; (l) "Public Analyst" means the person appointed or recognised to be the Government Analyst in relation to any environmental laboratory established or recognised in the State, under the provisions of the Environment (Protection) Act, 1986; (m) "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 any other place to which public are

granted access or have a right to resort or over which they have a right to pass.

### **3. Prohibition throw non-biodegradable garbage in public drains and sewage system.**

(1) No person, himself or through another person or by any means, shall knowingly or otherwise throw or cause to be thrown in any public place, drain, gully, pit, ventilation shaft, pipe and fittings connected with the private or public drainage works, any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container likely to; (i) injure the drainage and sewage system; (ii) interfere with the free flow or affect the treatment and disposal of drain and sewage contents; and (iii) be dangerous or cause a nuisance or be prejudicial to public health. (2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safe guards as may be prescribed, any biodegradable or non-biodegradable garbage in any public place or in a place open to public view, unless- (a) the garbage is placed in a garbage receptacle, provided for the same; or (b) the garbage is deposited in a location designated by a local authority having jurisdiction or an area for the disposal of the garbage.

### **4. 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, in this behalf to, - (a) place or provide at proper and convenient situation public receptacles, depots or places for temporary deposit or collection of non-biodegradable garbage; (b) provide separate dustbins 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, depots and of the accumulation at all places provided or appointed by it under clause (a) of this section; and (d) arrange for recycling of the non-biodegradable garbage collected.

### **5. Duty of owners and occupiers to collect and deposit non-biodegradable garbage etc.**

- It shall be the duty of the owners and occupiers of all lands and buildings, - (a) to collect or cause to be collected from their respective land and building the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles, depots or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the time; (b) to provide separate receptacles or dustbins, other than those kept and maintained for deposit of biodegradable Garbage, of the type and in the manner prescribed by the local authority or for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles and dustbins in good condition and repair.

## **6. Power of local authorities for removal at non-biodegradable garbage.**

- The local authority may, by notice in writing, require 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 unauthorised stacking or deposit of non-biodegradable garbage and is likely to occasion a nuisance, remove or cause to be removed the said garbage so stocked or collected, and if, in its option, such stacking or collection of non-biodegradable waste is likely to obstruct the drainage and sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

### **6A. [ Power of entry and inspection. [Inserted by U.P. Act No. 35 of 2018, dated 7.9.2018.]**

(1) Subject to the provisions of this section, any person empowered by notification by the State Government, in this behalf, shall have the right to enter, at all reasonable times with such assistance as he considers necessary, any place,-(a) for the purpose of performing any of the functions entrusted to him by the State Government; or (b) for the purpose of determining whether and if so in what manner, any such function is to be performed or whether any provision of this Act or the rules made thereunder or any notice, order or direction served, made or, given under this Act is being or has been complied with; or (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 plastic 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, he shall be liable to be punished under this Act. (3) If any person willfully delays or obstructs any person empowered under subsection (1), in the performance of his functions, he shall be liable to be punished under this Act. (4) 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. (5) Any non-biodegradable garbage, plastic or non-biodegradable material seized under this section shall be disposed of in the manner as the State Government may, by notification, specify.]

### **7. [ [Substituted by U.P. Act No. 35 of 2018, dated 7.9.2018.]**

The State Government may, by notification, impose restriction or prohibition on the use, manufacture, sale, distribution, storage, transport, import or export of such plastic or other non-biodegradable material or its like as it thinks fit within the State of Uttar Pradesh.

## 8.

(1)Whoever uses in contravention or abets the use in contravention of Section 7, shall be punished, in the event of first conviction with imprisonment for a term, which may extend to one month or with fine which shall not be less than one thousand rupees and which may extend to ten thousand rupees and in the event of second or subsequent conviction, with imprisonment for a term which may extend to six months or with fine which shall not be less than five thousand rupees and which may extend to twenty five thousand rupees.(2)Whoever manufactures, sales, distributes, stores, transports, imports or exports or abets the manufacture, sale, distribution, storage, transport, import or export in contravention of Section 7, shall be punished in the event of first conviction with imprisonment for a term which may extend to six months or with fine which shall not be less than ten thousand rupees and which may extend to fifty thousand rupees and in the event of second or subsequent conviction with imprisonment for a term which may extend to one year or with fine which shall not be less than twenty thousand rupees and which may extend to one lakh rupees.(3)Whoever contravenes or abets the contravention of Section 3 or Section 3-A shall be punished in the event of first conviction with fine which shall not be less than one thousand rupees and which may extend to twenty five thousand rupees and in the event of second or subsequent conviction with imprisonment for a term which may extend to one month or with fine which shall not be less than five thousand rupees and which may extend to fifty thousand rupees.]

## 9. Offences by companies.

(1)If the person committing an offence under this Act is a company, the company as well as every person, in charge of, or responsible to the company for the conduct of its, business at the time of the commission on the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1) where any 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 that the commission of the offence is attributable to any neglect 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.Explanation :- For the purposes of this section,-(a)"company" means any body corporate and includes a firm or other association of individual; and(b)"directer" in relation to a firm means a partner in the firm.

## 10. Cognizence of offence.

- No court shall take cognizance of an offence under this Act except on complaint in writing made by such officer of the local authority are as may be specified by the State Government by notification.

## **11. Procedure.**

(1)All offences under this, Act shall be cognizable and bailable.(2)All offences punishable under this Act shall be tried summarily by a Judicial Magistrate of the first class or a Metropolitan Magistrate and the provisions of section 262 to 265 both inclusive of the Code of Criminal Procedure, 1973 shall mutatis mutandis apply to such trial.

## **12. Composition of offence.**

(1)An offence punishable under this Act may be compounded either before or after the institution of the prosecution [by such officers of the State Government or the local authority] [Substituted 'by such officer of the local authority' by U.P. Act No. 35 of 2018, dated 7.9.2018.] as may be notified by the State Government from time to time, on realisation of such amount of composition fee [as may be specified by notification by the State Government] [Substituted 'as he thinks fit' by U.P. Act No. 35 of 2018, dated 7.9.2018.] not exceeding the maximum amount of fine fixed for the offence and where the offence is so compounded.(a)before the institution of the prosecution, the offender shall not be liable to prosecution, for such offence and shall, if in custody be set at liberty;(b)after the institution of the prosecution the composition shall amount to acquittal of the offender.

## **13. Power of the State Government to give direction.**

- The State Government may give to a local authority such direction not inconsistent with this Act, as it considers necessary of expedient for carrying out the purposes of this Act and the local authority shall comply with such direction.

### **13A. [ [Inserted by U.P. Act No. 35 of 2018, dated 7.9.2018.]**

For carrying out the purposes of this Act, in any area, the State Government may, by notification, confer such powers and duties of a local authority as provided in this Act, on a body or an authority constituted by the State Government and such body or authority shall be deemed to be a local authority under this Act for such area.]

## **14. Power to amend the Schedule.**

- The State Government may give to a local authority such direction not inconsistent with this Act, as it considers necessary of expedient for carrying out the purposes of this Act and the local authority shall comply with such direction;

## **15. Power of delegate.**

- The State Government may by general or special order, direct that any power exercisable by it under this Act except the, power to make rules, may also be exercised by such officer in such cases and subject to such conditions, if any, as may be specified therein.

## **16. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the State Government, the local authority or any other person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

## **17. Other law not affected.**

- The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

## **18. Power to remove difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient; for removing the difficulty. (2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act. (3) Every order made under sub-section (1) shall be laid, as soon as may be, before both the houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

## **19. Power to make rules.**

- The State Government may by notification, make rules for carrying out the purposes of this Act.

## **20. Repeal and Saving.**

(1) The Uttar Pradesh Plastic and other Non-biodegradable Garbage (Regulation of use and Disposal) Ordinance, 2000 is hereby repealed. (2) Notwithstanding such repeal any thing done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.

## **Schedule**

[(See section 2(k)) [Plastic and Other Non-Biodegradable Material] [Substituted 'Plastic' by U.P. Act No. 35 of 2018, dated 7.9.2018.]

### **1. Polythene**

**2. Nylon**

**3. P.V.C.**

**4. Poly-propylene**

**5. Poly styrene**

**6. [ Thermocol] [Inserted by U.P. Act No. 35 of 2018, dated 7.9.2018.]**