

The Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Rules, 2002

DELHI

India

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Rule

THE-DELHI-PLASTIC-BAG-MANUFACTURE-SALE-AND-USAGE-AND-N of 2002

- Published on 10 May 2002
- Commenced on 10 May 2002
- [This is the version of this document from 10 May 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

The Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Rules, 2002Published vide Notification No. Delhi Gazette Part 5, dated 10.5.2002Notification No. F. DOE/2001/Rules/347 dated 10th May, 2002. - Whereas a draft of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Rules, 2001 was published vide notification of the Government of NCT of Delhi, Department of Environment, No. F. DOE/2001/Rules/451 dated the 2nd November, 2001, inviting objections and suggestions from all the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;And whereas copies of the said Gazette were made available to the public on the 3rd November, 2001;And whereas, the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Government of NCT of Delhi.Now, therefore, in exercise of the powers conferred by Section 20 of the Delhi Plastic Bag (Manufacture, Sales and Usage) and Non-Biodegradable, Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001), the Lt. Governor of the National Capital Territory of Delhi hereby makes the following rules for the implementation of the said Act, namely-

Chapter I

Preliminary

1. Short title and commencement.

(1) These rules may be called the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Rules, 2002. (2) They shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different areas.

2. Definitions.

- In these rules, unless the context otherwise requires, - (a) "Act" means the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001); (b) "authorized-officer" means any officer mentioned in column 2 for the purposes mentioned in column 3 of the Second Schedule; (c) "fee" means the fee payable by the applicant along with the application form for seeking authorization as prescribed in the First Schedule; (d) "Form" means a form appended to these rules; (e) "Schedule" means a Schedule appended to these rules; (f) "year" means the financial year commencing on the first day of April of each year; (g) Words and expressions not defined in these rules but defined in the Act shall have the same meaning assigned to them in the Act.

3. Procedure and safeguards to be complied with in respect of placing of biodegradable and non-biodegradable garbage in public place, etc.

- The following procedure and safeguards shall be followed for the placement of bio-degradable and non-biodegradable garbage in the receptacles/dhalos or in any public place or in any place open to public view - (i) The different types of garbage shall be placed by an individual, and occupier of land and building in separate receptacles provided by the local authority, namely, bio-degradable and non-biodegradable. (ii) The garbage shall be placed in such manner as may be specified from time to time by the Government or the local authority; as the case may be. (iii) No person shall place garbage in any place outside the designated dhalos/receptacles placed for the purpose.

4. Procedure for seeking/granting authorization.

(1) An application for seeking the authorization under Section 8 of the Act shall be made in Form 'A' along with the fee as prescribed in the First Schedule, to the Member-Secretary of the Delhi Pollution Control Committee. (2) The Delhi Pollution Control Committee or an authorized officer shall have the power to enter the premises of the applicant and make appropriate enquiry as may be considered necessary after giving notice in Form 'B' for inspection, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application made under sub-rule (1) or for obtaining such further particulars or information as such authorized officer may consider necessary or collect the sample of bags, for verifying the thickness and marking thereof, and the applicant shall render all assistance/facilities to the officer, that the officer may legitimately require for this purpose. (3) The authorized officer may, before or after carrying out an inspection under sub-rule (2), seek orally or in writing for such additional information or clarification as he may

consider necessary for the purpose of processing the application and may, for that purpose, call or summon the applicant or his authorized agent to the office of the Delhi Pollution Control Committee.(4)The authorized officer who enters the premises of the applicant shall further verify that the applicant satisfies all the conditions for manufacture of recycled plastic bags as per Guidelines setout in IS : 9833,1981 that the reprocessing of recycled plastic bags is undertaken in accordance with IS : 14534,1998 and shall also ensure that each packet of 100 plastic bags is properly marked as follows:(a)Recycled bags;(b)Unsafe for carrying food; and(c)Name and address of the manufacturer.(5)The authorized officer shall also verify that the minimum thickness of recycled and virgin bags is uniformly 20 microns and the colour of virgin plastic shall be white.(6)The authorized officer shall take one packet of virgin or recycled plastic bags and divide it into two equal parts and properly seal them separately. A seizure memo containing the date of sample, name of the person/manufacturer/applicant from whom the sample has been collected and the name of the authorized officer taking the sample shall be prepared which shall be duly signed by both the authorized officer as well as by the representative of the person/manufacturer/applicant from whom the sample is being taken. If the representative of the person/manufacturer/applicant refuses to sign, then, the authorized officer shall make specific remarks in the seizure memo itself. Each such sealed part shall be labelled by the authorized officer and indication whether it is a recycled or virgin plastic bag. The authorized officer shall duly sign the labels. A copy of the seizure memo shall be given to the representative of the person/manufacturer/applicant and the authorized officer for office record may retain original.(7)The authorized officer shall send one oil the sealed parts of the sampled packet containing the sample to the Scientist in-charge of the Delhi Pollution Control Committee Laboratory (hereinafter called as the 'Laboratory') for verifying the thickness and giving the report. The Scientist in charge shall furnish his report to the authorized officer of the result of the verification of the sample sent to him within fifteen days from the date of the receipt of the sample.(8)The authorized officer shall preserve the other sealed part of the sample for, at least, six months in case the second part of the sample is required for verification or any other purpose.(9)On receipt of the report from the Scientist in charge of the laboratory under sub-rule (7) to the effect that the sample does not conform to the prescribed thickness, the authorized officer shall forward a copy of such report to the person/manufacturer/applicant concerned informing that if it is so desired an application may be made to the Member Secretary of Delhi Pollution Control Committee in person by the person/manufacturer/ applicant within ten days of the receipt of the copy of the report to get the second part of the sample kept by the authorized officer tested by the Laboratory of the Central Pollution Control Board.(10)If the person/manufacturer/applicant concerned challenges the results of the Laboratory, then the other part of the sample which is preserved and retained with the authorized officer shall be forwarded to the Scientist in charge of the Laboratory of the Central Pollution Control Board within a period of seven days from the receipt in such request from the person/manufacturer/applicant and the Scientist in-charge of the Central Pollution Control Board Laboratory shall forward the result of the test within thirty days from the date of the receipt of the sample. The report of the Central Pollution Control Board Laboratory shall supersede the report given by the Scientist in-charge of the Laboratory and the report of the Central Pollution Control Board Laboratory shall be final and conclusive.(11)The-authorized officer after due verification of the application and or the field inspection and after satisfying himself in all respects, shall process the application for recommending the case for authorization or otherwise.(12)The Delhi Pollution Control Committee after taking into consideration the

recommendation of the authorized officer, verification report and that the applicant satisfies conditions as set out in Section 8 of the Act, may grant the authorization.(13)The Delhi Pollution Control Committee may suspend or cancel the authorization issued under Section 8 of the Act if the applicant is found violating any of the prescribed conditions mentioned in that section, provided that an opportunity of hearing has been given to the applicant.(14)The authorized officer shall also be competent to inspect any manufacturing unit of plastic bags in order to verify the compliance of any of the provisions of Chapter II and Chapter IV. The authorized officer shall issue notice in Form 'C' to such manufacturing unit if found violating any of the provisions of Chapter II and Chapter IV for compounding of such offences.The authorized officer shall also inform the violations in respect of Chapter II and Chapter IV of the Act to the respective compounding officers of the area under whose jurisdiction the violation is committed, in writing, so as to ensure the compounding of such offences.(15)The authorized officer respect of the management of bio-degradable and non-biodegradable garbage shall ensure that the garbage is placed in the manner prescribed in Chapter III of the Act and also to ensure that the garbage is not thrown in public places or drains. It shall also be the duty of the authorized officer, for the purpose Of management - of biodegradable and non-biodegradable garbage, that all the provisions of Chapter III of the Act are complied with. The authorized officer shall issue notice in Form 'C' to any such person and owner of the land and building found violating any of the provisions of Chapter III for compounding of such offences.The authorized officer shall also inform the violations in respect of Chapter III of the Act to the respective compounding officers of the area under whose jurisdiction the violation is committed, in writing, so as to ensure the compounding of such offences.(16)Any person who is aggrieved by the order made by the Delhi Pollution Control Committee under sub-rules (12), (13), may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the appellate authority constituted for the purpose under the Act. The form and the manner in which the appeal may be preferred shall be in Form 'D'. A court fee of one hundred rupees shall accompany every appeal by way of non-judicial stamp:Provided that the appellate authority may, after recording the reasons in writing, condone the delay if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(17)The notice for giving the hearing by the appellant authority shall be in Form 'E'.(18)The appellate authority shall, by giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible. The decision of the appellate authority shall be in writing and final.

5. Procedure for launching the prosecution.

(1)Any offence punishable under this Act may be compounded before the institution of prosecution. In case the amount of composition specified for compounding the offence is not deposited within a period of fifteen days from the date of issue of such demand with the respective compounding authority, then, the authorized officer shall make complaint before the Metropolitan Magistrate for trial of such offences committed by any person or local body.(2)No Court shall take cognizance of any offence except on the complaint made by an officer specified under sub-rule (1) above.(3)No separate notice or communication shall be issued to the offender before filing complaint in the court of Metropolitan Magistrate. Communication seeking willingness of the offender to get the offence compounded shall be treated as the opportunity before instituting the complaint before the Metropolitan Magistrate.The First Schedule[See Rules 2(c) and 4(1)]Fee to be paid by the applicant

seeking authorization under Section 8 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001)

Industrial Units having Paid up Capital/Capital Fees

1	Not exceeding Rs. 5,00,000	250.00
2	Between Rs. 5 lakh and Rs. 20 lakh	500.00
3	Between Rs. 20 lakh and Rs. 1 crore	1000.00
4	Exceeding Rs. 1 crore	2000.00

The Second Schedule[See Rule 2(b)]

SI. No.		Designation	Functions
1	Additional District Magistrate of each District.	For all purposes under the Act.	
2	Sub-Divisional Magistrate of respective sub-division of each Distt.	For all purposes under the Act.	
3	AEE Incharge of the area of Delhi Pollution Control Committee.	For the purposes of Chapter II and Chapter IV of the Act.	
4	Junior Engineers (Civil) of respective PWD.	For the purposes of Chapter III in their respective zones.	
5	Junior Engineer (Civil) of the respective zones of DDA.	For the purposes of Chapter III of the Act in their respective zones.	
6	Sanitary Superintendent of Delhi Cantonment Board in respect of areas falling under Delhi Cantonment Board.	For the purposes of Chapter III of the Act in their respective zones.	
7	Chief Sanitary Inspector Incharge of the respective NDMC area.	For the purposes of Chapter III of the Act in	

- 8 Chief Sanitary Inspector Incharge of the respective MCD area.
- their respective zones.
For the purposes of Chapter III of the Act in their respective zones.

Form 'A' (See sub-rules (1) of Rule 4) Application for seeking authorization for manufacture of Virgin and Re-cycled Plastic Bags for the purposes other than those mentioned in Section 3 of the Delhi Plastic Bags (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001) Dated: Form To The Member-Secretary, Delhi Pollution Control Committee,

4th. Floor, ISBT Building,

Kashmere Gate, Delhi-110006. Sir, I/We hereby apply for authorization under Section 8 of the Delhi Plastic Bags (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001) for manufacturing Virgin/Re-cycled Plastic Bags for purposes other than mentioned in Section 3 of the said Act.

1. Full Name of the applicant

2. Nationality of the applicant

3. Status of the applicant-

(a) Individual. (b) Proprietary concern. (c) Partnership firm (whether registered or unregistered). (d) Joint family concern. (e) Private Limited Company. (f) Public Limited Company. (g) Government Company- (1) State Government, (2) Central Government, (3) Union Territory. (h) Foreign Company (if a foreign company, the details of registration, incorporation, etc.). (i) Any other Association or Body:

4. Name, Address and Telephone Nos. of Applicant.

(the full list of individual partners, persons, Chairman (full-time or part time) Managing Directors, Managing partners Directors (full time or part time) other kinds of office bearers are to be furnished with their period of tenure in the respective office, with telephone Nos. and address).

5. Address of the Industry (complete postal address with pin code) with the proof of conformity of the industrial area 'and the activity with respect of MPD-2001.

6. Details of commissioning, etc.-

(a) Approximate date of proposed commissioning of work. (b) Expected date of production.

7. Total number of employees, expected to be employed.

8. Details of licence, if any, obtained under the provisions of the Industrial Development Regulation Act, 1951/Air (Prevention and Control of Pollution) Act, 1981/Water (Prevention and Control of Pollution) Act, 1974.

9. Name of the person authorized to sign this form (the original authorization except in case of individual proprietary concern is to be enclosed).

10. (a) Attach the list of the raw materials and the chemical used per month.

(b) Licenced Annual Capacity of the factory/industry.

11. I/We declare that the information furnished above is correct to the best of my/our knowledge.

12. I/We hereby submit that in case of any change in the manufacturing process, a fresh application for authorization shall be made and until such authorization is granted, no change shall be made.

13. I/We undertake to furnish any other information within one month of its being, called by the Delhi Pollution Control Committee.

I/We enclose herewith case receipt No./Bank Draft No , Dated for Rs (Rupees.....) only in favour of the Delhi Pollution Control Committee, New Delhi as fees payable under Section 8 of the Act. Yours faithfully, Name and Signature of the applicant
Note : * Strike out whichever is not relevant.
Form 'B' Delhi Pollution Control Committee [See sub-rule (2) of Rule 4]
Notice of Inspection Shri..... Dated.....
The notice that for the purpose of enquiry under Section 8 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000, the following officers of the Delhi Pollution Control Committee, namely-(i) Shri.....(ii) Shri.....(iii) Shri..... and the persons authorized by the said Committee to assist them shall inspect-your industrial plant or any other parts thereof or pertaining thereof under your management /control on date (a)..... between hours when all facilities requested by them for such inspection should be made available to them on the site. Take notice that refusal or denial to above stated demand made under the functions of the Delhi Pollution Control Committee shall amount to obstruction and punishable under Section 10 of the Act. By order of the Delhi Pollution Control Committee. Member Secretary
Copy to

1.

.....

2.

.....

3.

.....Form 'C'[Sec sub-rules (14) and (15) of Rule 4]To.....Subject: Notice issued under the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2001Whereas you were found engaged in.....(Specify the activity)And whereas during the inspection conducted on.....at.....you have been found engaged in (specific nature of the violation).And whereas an offence under section.....of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2001 has been committed.Now, therefore, you are hereby given a notice to get your offence compounded as per the provisions of Section 13 of the Act, within fifteen days from the receipt of the notice with the compounding officer as mentioned below by paying an amount of Rs for the first/subsequent offence failing which prosecution will be launched as per Section 10 of the Act.DateSignature of the officialName and address of the compounding officer.Form 'D'[See sub-rule (16) of Rule 4]Form of Memorandum of Appeal*(Here mention the name and designation of the authority)BeforeAppellate Authority constituted under Section 9 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001)Memorandum of appeal of Shri.....(Appellant)Vsthe Delhi Pollution Control Committee..... (Respondent)The appeal of Shri.....Resident of District.....against the order datedpassed by the Delhi Pollution Control Committee under Section 8 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 as showeth follows:-(1)Under Section 8 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000, the appellant has been refused/granted authorization/subject to the conditions mentioned in the authorization order in respect of the.....company /corporation/municipality/notified area committee, etc., noted below:-(a)Name of the plant/company/corporation/municipality/notified area committee, etc.:(b)Place;(c)Name of the Street; and(d)District.A copy of the rejection order in question is attached hereto:(2)The facts of the case are as under:(Here mention the facts of the case briefly)(3)The grounds on which the appellant relies for the purpose of this appeal are as below-(Here mention the grounds on which appeal is made)

1.

2.

3.

Signature of the Applicant.....Occupation.....AddressDate.....VerificationI.....(appellant's name) in the above Memorandum of appeal/or/duly authorized agent do/does hereby declare that what it stated therein is true to the best of my knowledge and belief and nothing has been concealed thereunder. Signature.....Name.....(in block letters)Occupation.....Address.....Date:Form 'E'(See sub-rule (17) of Rule 4)Form Of Notice*(Here mention the name and designation of the Authority)Before*.....Appellate Authority as constituted under Section 9 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001).In the matter of appeal No..... 200.. filed under Section 9 of the Delhi Plastic Bag (Manufacture, Sale and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001) by Shri..... (Here mention of the name and address of the appellant).Whereas Shri (here mention the name and address of the appellant) has filed before this Authority, a Memorandum of appeal against the order dated..... passed by the Delhi Pollution Control Committee under Section 8 of the Act;And whereas this Authority is required to give to the parties an opportunity of being heard:Now, therefore, please take notice that this Authority has fixed as date of hearing of the aforesaid appeal. The hearing shall take place at..... AM/PM on that date in.....New Delhi. You are hereby called upon to appear before this Authority at the appointed time and date and place, either in person or through a duly authorized agent, and explain your case. Please taken notice that failure on your part to appear on the day of hearing either in person or through authorized agent, without showing sufficient cause to the satisfaction of this Authority will make your appeal liable to be dismissed or decided ex-parte.Given under the hand and seal of the Appellate Authority at.....This.....day.....Seal of appellate authoritySignatureName.....Designation.....By order and in the name of theLt. Governor of the National Capital Territory of Delhi.