

**The Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000 (Delhi Act No. 6 of 2001)
(As passed by the Legislative Assembly of the National Capital Territory of Delhi on 29th November, 2000).**

An Act to prevent contamination of foodstuff carried in recycled plastic bags, reduce the use of plastic bags, throwing or depositing non-biodegradable garbage in public drains, roads river, river bed and places open to public view in the National Capital Territory of Delhi and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fiftieth Year of the Republic of India as follows:-

Chapter-I	Preliminary
Chapter-II	Prohibition of Manufacture, Sale and usage of Recycled Plastic Bags for food
Chapter-IIA	Prohibition Of Manufacture, Sale And Usage Of Plastic Bags Other Than Degradable Plastic Bags In The National Capital Territory Of Delhi.
Chapter-III	Management of Non-Biodegradable Garbage and Bio-Degradable Garbage
Chapter-IV	Authorization and Appeal
Chapter-V	Penalties
Chapter-VI	Miscellaneous
Schedule	Non-Biodegradable Garbage

Chapter-I : Preliminary

1. Short title, extent and commencement

- (1) This Act may be called the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000.
- (2) It extends to the whole of the National Capital Territory of Delhi
- (3) It shall come into force on such date in respect of such sections and chapters and in respect of such persons, groups, institutions, associations and business establishments as the case may be as the Government may by notification in the official Gazette, appoint and different dates may be appointed for different areas.

2. Definitions - In this Act, unless the context otherwise requires:-

- a. "authorization" means permission granted by the Delhi Pollution Control Committee for the manufacturing of non-biodegradable recycled plastic bags;
- b. "bio-degradable garbage" means garbage that can be degraded by micro-

organisms.

- bb. "degradable garbage" means a plastic bag designed to undergo a significant change in its chemical structure under specific environmental conditions, resulting in a loss of some properties that may be measured by standard methods appropriate to the plastic and the application in a period of time that determines its classification, as prescribed.
- bbb. "Delhi Pollution Control Committee" means the committee constituted by the Central Pollution Control Board for the National Capital Territory of Delhi under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and section 6 of the Air (Prevention and control of Pollution) Act, 1981 (14 of 1981).
- c. "foodstuff" means ready to eat food and food products, fast food, processed and cooked food in liquid, powder, solid or semi-solid form,"
- d. "Government" means the Lieutenant Governor of the National Capital Territory of Delhi, referred to in article 239AA of the Constitution;
- e. "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution;
- f. "local authority" includes the Municipal corporation of Delhi, the New Delhi Municipal Council, the Delhi Cantonment Board, the Delhi Development Authority or any successor body to any of them and any other statutory authority performing municipal functions;
- g. "market" includes any place where persons assemble 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 not common regulation for the concourse of the buyers and the sellers and whether or not any control is exercised over the business of, or the person frequenting, the market by the owner of the place or by any other person;
- h. "non-biodegradable garbage" means garbage that cannot be degraded by micro-organisms and are more specifically included in the [Schedule](#) of this Act.
- i. "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 who is in occupation of or otherwise using his land or building;
 - iii) a rent free tenant of any land or building;
 - iv) an owner or tenant of any jhuggi/temporary structure or land or building in any unauthorized colony;
 - v) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- j. "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 titled to receive it if the land or building or part thereof were let to a tenant;

- k. "pigments" means inorganic and organic chemical substances used in manufacturing of recycled, coloured plastic bags;
- l. "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;
- m. "place open to public view" includes any place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;
- n. "prescribed" means prescribed by rules made under this Act;
- o. "public Analyst" means the person appointed or recognized to be the Government Analyst, in relation to any environment laboratory established or recognized in the National Capital Territory of Delhi, under the provisions of the Environment (Protection) Act, 1986 ; and
- p. "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 : Prohibition of Manufacture, Sale and Usage of Recycled Plastic Bags for Food

3. Prohibition of manufacture, sale and usage of recycled plastic bags for food-

- (1) No person shall himself or by any person on his behalf manufacture for sale, sell and use any recycled plastic bags or containers for storing, carrying or packing of foodstuff within the National Capital Territory of Delhi."
- (a) No license, for the manufacture, sale of recycled plastic bags referred in Sub-Section I1) granted or received under any law before the date of commencement of this Act, shall entitle the holder thereof or any other person on this behalf to commence or carry on such business.

Chapter-II A : PROHIBITION OF MANUFACTURE, SALE AND USAGE OF PLASTIC BAGS OTHER THAN DEGRADABLE PLASTIC BAGS IN THE NATIONAL CAPITAL TERRITORY OF DELHI.

3A. Prohibition of manufacture, sale and usage -

No person shall manufacture for sale, sell and use any plastic bag other than degradable plastic bag in the National Capital Territory of Delhi."

Chapter-III : Management of Non-Biodegradable Garbage and Bio-Degradable Garbage

4. Prohibition of throwing garbage, and 'samagri' (religious material) in river bed, river, public places, drains, sewer, etc.

- (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 and in river and river beds, any garbage which is likely to-
 - i) impair proper functioning of the drainage, sewage system and river;
 - ii) interfere with the free flow or affect the treatment and disposal of the drain, sewage contents and river;
 - iii) be dangerous or cause a nuisance or be prejudicial to public health;
 - iv) be ingested by stray animals leading to serious health hazards.'
- (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 garbage in any public place, river or river bed or in place open to public view, unless -
 - a) the garbage is placed in a garbage receptacle; or
 - b) the garbage is deposited in a location designated by local authority having jurisdiction on an area for the disposal of the garbage.

5. Provision for placement of receptacles and places for deposit of garbage and samagri (religious material). -It the local authority, or any officer authorized by it, shall -

- a. provide separate receptacles/ dhallos /dustbins for non-biodegradable garbage and bio-degradable garbage for their temporary deposit, collection, and transportation up to their final disposal;
- b. provide designated enclosures for placing of samagri (religious material) in river Yamuna;
- c. ensure timely and regular removal of the contents of receptacles at all places provided by it; and
- d. make adequate provision of the receptacles / dhallos / dustbins whether authorized or not, to ensure that they do not become a source of nuisance and are not easily approachable by stray animals."

6. Duties of occupier of land and building -It shall be the duty of the owners and occupiers of all lands and building:-

- 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, deposits or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;
- b. ii. to provide separate receptacles or dustbins, other than those kept and maintained for deposit of bio-degradable garbage of the type and in the manner prescribed by the local authority for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles/dustbins in good condition and repair.

7. Power of local authority for removing 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 unauthorized stacking or deposit of non-biodegradable garbage and likely to occasion a nuisance, remove or cause to be removed the said garbage so stacked or collected or thrown into the river and if, in its opinion, such stacking or collection or throwing of non-biodegradable waste is likely to harm the river, river bed, drainage and sewage system or is likely to be dangerous to life and health of human beings, it shall forthwith take such steps as may be necessary at the cost of such person or persons."

Chapter-IV : Authorization and Appeal

8. Authorization :

(1) Any person manufacturing degradable plastic bags shall, by applying in the form and paying the fees as may be prescribed, seek authorization from the Delhi Pollution Control Committee which may grant authorization provided that following conditions are satisfied by him or reject the application as the case may be :-

- a. That the recycled bags would be colored and pigmented and dyes used in manufacturing of the plastic bags shall be in accordance with the pigments & dyes listed in IS 9833: 1981. Reprocessing or recycling is undertaken in accordance with IS 14534: 1998 titled "Guidelines for recycling of plastic" and shall be marked
 - (i) degradable recycled plastic bags,
 - (ii) Unsafe for carrying food
 - (iii) Name and address of the manufacturer
 - b. That the minimum thickness of recycled bags & virgin bags shall not be less than 20 microns or any minimum thickness as specified by the Government;
 - c. Carry bags or containers manufactured out of virgin plastic shall be of white colour.
- (2) the degradable plastic bags shall meet the international/national quality standards and to be certified by a Government/Government approved laboratory in the manner prescribed under the rules.

9. Appeal :

- (1) Any person, aggrieved by an order or direction of the Delhi Pollution Control Committee under section 8, may appeal within thirty days from the date of such order or direction to the appellate authority notified as such by the Government for the purpose which may vary, set aside or confirm the said order or direction.
- (2) T(2) The decision of the appellate under sub-section (1) shall be final and shall not be questioned in any court of law.

Chapter-V : Penalties

10. Penalties :

- (1) Whoever -
 - (a) contravenes any provision of chapter II and Chapter IV of this Act or fails to comply with any order or direction lawfully given to him under this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to twenty five thousand rupees or with both.
 - (b) Contravenes any provision of chapter III of this Act shall be punishable with imprisonment for a term, which may extend to one month or with fine, which may extend to five thousand rupees or with both.
- (2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punishable with double the penalty provided for the first offence.
- (3) Whoever in any manner aids or abets to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

11. Offences by companies :

- (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; Provided that nothing contained in this sub-section 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.

f. Notwithstanding anything contained in sub-section (1) 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.

Explanation - For the purpose of this section -

- (a) "Company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" means a working partner of a firm or a Managing Director or a full time Director or an Executive Director who earns salary from the company.

12. Offences by Local Bodies :

Any officer of any local body who willfully fails to implement any provision of this Act shall be deemed to be guilty of the offence under section 5 of this Act and shall be liable to be proceeded against and punished accordingly.

13. Offences to be tried summarily :

All offences under this Act shall be tried in a summary way by a Metropolitan Magistrate and the provision of Sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be apply to such

trials.

14. Compounding of offences :

(1) Any offence punishable under this Act, may, before the institution of the prosecution be compounded, on payment of such amount for credit to the Government, by such officers or authorities as the Government may be notification in the official Gazette, specify in this behalf.

a. Where any offence has been compounded under sub-section (1) no proceedings shall be taken against the offender, in respect of the offence as compounded.

Chapter-VI : Miscellaneous

15. Direction by the Government :

The local authority and the Delhi Pollution Control Committee shall carry out such directions as may be issued to them, from time to time, by the Government for the efficient administration of this Act.

16. Power to amend Schedule :

(1) Where it is expedient to do so, the Government may, in the public interest and in consultation with the Public Analyst, by notification in the official Gazette, add to, or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to be amended accordingly.

a. Every notification under sub-section (1) shall be laid, as soon as may be after it is made, before the State Legislative Assembly of the National Capital Territory of Delhi.

17. Power to delegate :

The 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 19) may also be exercised, in such cases as may be specified in the order, by such officer or authority, as may be specified therein.

18. Protection of action taken in good faith :

No suit, prosecution or other legal proceedings shall lie against the Government or the local authority or any officer or other employees of the Government or of the local authority or any other person authorized by the Government for anything which is in good faith done or intended to be done under this Act or the rules made hereunder.

19. Other laws 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.

20. Power to make rules :

(1) The Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provision of this Act.

a. In particular, and without prejudice to the generality of the foregoing powers,

such rules may provide for all or any of the following matters, namely:-

- (a) Prescribing the standard methods of measurement of degradability of plastic bags. - Section 2
 - (aa) Prescribing the procedure and safeguards to be complied with for placing or permitting to be placed any biodegradable garbage in any public place or in a place open to public view - Section 4 (2).
 - (b) (b) Prescription of the form of application for seeking authorization and the fee payable with the application for the grant of authorization - Section 8(1).
 - (bb) Prescribing the manner of certification of degradability of plastic bag by a Government/Government approved laboratory - section 8 (1) (d)
 - (c) Provide for the delegation of the powers and functions conferred by this Act on the Government to subordinate officers or authorities - Section 17.
 - (d) Provide for the delegation of the powers and functions regarding compounding of offences by the Government to subordinate officers or authorities - Section 14.
 - (e) the matters which are to be and may be prescribed under this Act.
- b. Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of the National Capital Territory of Delhi, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the house of the Legislative Assembly agrees in making any modification in the rules or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Power to remove difficulties :

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, make such Provision, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before the House of the Legislative Assembly of Delhi.

SCHEDULE

[See Section 2(h)]

Non-Biodegradable Garbage

- (1) Polyethylene (2) Nylon (3) P.V.C. (4) Polypropylene (5) Polystyrene

(ग) "तरीका" शब्द के पश्चात् तथा "जैसा भी हो" शब्दों से पूर्व "तथा शुल्क भुगतान करना" शब्दों को सन्निविष्ट किया जाएगा;

(घ) खंड (क) में उपखंड (1) के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात् :—

"(1) अवक्रमित पुनरावृत्ति प्लास्टिक थैलियाँ"

(ङ) खंड (ग) के पश्चात् निम्नलिखित को सन्निविष्ट किया जाएगा, अर्थात् :—

"(घ) अवक्रमित प्लास्टिक थैलियाँ अन्तर्राष्ट्रीय/राष्ट्रीय गुणवत्ता मापदंडों को पूरा करेगी तथा नियमों के अन्तर्गत निर्धारित तरीके से सरकार/सरकार द्वारा मान्यताप्राप्त प्रयोगशाला में प्रमाणित की जाएगी।"

11 धारा 10 का संशोधन.—मूल अधिनियम की धारा 10 की उपधारा (1) के खंड (क) में "जो तीन माह से कम नहीं होगी लेकिन जिसे एक वर्ष तक बढ़ाया जा सकता है" शब्दों के स्थान पर "जिसे तीन माह तक बढ़ाया जा सकता है।" शब्दों को प्रतिस्थापित किया जाएगा।

12 धारा 12 के स्थान पर नई धारा का प्रतिस्थापन.—मूल अधिनियम की धारा 12 के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात् :—

"12. स्थानीय निकायों द्वारा अपराध :—किसी भी स्थानीय निकाय का कोई अधिकारी जो जानबूझकर इस अधिनियम के किसी उपबंध को क्रियान्वित नहीं करता उसे इस अधिनियम की धारा 5 के अधीन उसे अपराध का दोषी माना जाएगा तथा तदनुसार उसके विरुद्ध कार्यवाही की जाएगी तथा तदनुसार सजा दी जाएगी।"

13 धारा 15 के स्थान पर नई धारा का प्रतिस्थापन.—मूल अधिनियम की धारा 15 के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात् :—

"15 सरकार द्वारा निर्देश :—स्थानीय अधिकारी तथा दिल्ली प्रदूषण नियंत्रण समिति ऐसे निर्देशों का पालन करेगी जो उसे इस अधिनियम के प्रभावी प्रशासन के लिए सरकार द्वारा समय-समय पर उन्हें जारी किया जा सकता है।"

14 धारा 20 का संशोधन.—मूल अधिनियम की धारा 20 की उपधारा (2) में :—

(i) खंड (क) को खंड (क क) के रूप में लिखा जाएगा तथा खंड (क क) से पूर्व निम्नलिखित को सन्निविष्ट किया जाएगा, अर्थात् :—

"(क) प्लास्टिक थैलियों की अवक्रमिता के माप की स्तरीय पद्धति को निर्धारित करना"—धारा 2 (ख ख)

(ii) खंड (ख) के पश्चात् निम्नलिखित को सन्निविष्ट किया जाएगा, अर्थात् :—

"(ख ख) सरकार/सरकार द्वारा अनुमोदित प्रयोगशाला द्वारा प्लास्टिक थैली की अवक्रमिता के प्रमाणन की पद्धति निर्धारित करना"—धारा 8 (1)(घ)

बी. के. बन्सल, संयुक्त सचिव

DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS

NOTIFICATION

Delhi, the 10th February, 2005

No. F. 14(6)/LA/2004/49.—The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the Hon'ble Lieutenant Governor of National Capital Territory of Delhi on the 24th January, 2005 and is hereby published for general information :—

"The Delhi Plastic Bag (Manufacture, Sales and usage) and Non-biodegradable Garbage (Control) (Amendment) Act, 2004

(DELHI ACT 2 OF 2005)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 22nd December, 2004) (24th January, 2005)

An Act to amend the Delhi Plastic Bag (Manufacture, Sales and Usage) and Non-Biodegradable Garbage (Control) Act, 2000.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-fifth Year of the Republic of India as follows —

1. **Short title and commencement.**—(1) This Act may be called the Delhi Plastic Bag (Manufacture, Sales and Usage) and Non-Biodegradable Garbage (Control) (Amendment) Act, 2004.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. **Amendment of long title and the preamble.**—In the Delhi Plastic Bag (Manufacture, Sales and Usage) and Non-Biodegradable Garbage (Control) Act, 2000 (Delhi Act 6 of 2001) (hereinafter referred to as "the principal Act"),—

- (a) in the long title, for the words, figures and brackets "the Delhi Plastic Bag (Manufacture, Sales, and Usage) and Non-Biodegradable Garbage (Control)", Act, 2000, the words, figures and brackets "the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000" shall be substituted;
- (b) in the preamble, after the word "roads" and before the word "and", the words "river, river bed" shall be inserted.

3. **Amendment of Section 1.**—In the principal Act, in Section 1,—

- (a) in sub-section (1), for the words, figures and brackets "the Delhi Plastic Bag (Manufacture, Sales and Usage) and Non-Biodegradable Garbage (Control) Act, 2000", the words, figures and brackets "the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000" shall be substituted;
- (b) in sub-section (3), after the words "such date" and before the words "as the Government", the words "in respect of such sections and chapters and in respect of such persons, groups, institutions, associations, and business establishments, as the case may be, shall be inserted.

4. **Amendment of Section 2.**—In the principal Act, in Section 2—

- (i) for clause (b), the following shall be substituted, namely:—

"(b) "Biodegradable garbage" means garbage that can be degraded by micro-organisms.

(bb) "degradable plastic bag" means a plastic bag designed to undergo a significant change in its chemical structure under specific environmental conditions, resulting in a loss of some properties that may be measured by standard methods appropriate to the plastic and the application in a period of time that determines its classification, as prescribed.

(bbb) "Delhi Pollution Control Committee" means the committee constituted by the Central Pollution Control Board for the National Capital Territory of Delhi under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and Section 6 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

- (ii) for clause (c), the following shall be substituted, namely:—

"(c) "foodstuff" means ready to eat food or food products, fast food, processed and cooked food in liquid, powder, solid or semi-solid form;"

- (iii) for clause (h), the following shall be substituted, namely:—

"(h) "Non-biodegradable garbage" means garbage that cannot be degraded by micro-organisms and are more specifically included in the Schedule of this Act;"

- (iv) for clause (k), the following shall be substituted, namely:—

"(k) pigments" means chemical substances used in manufacturing recycled, coloured, degradable plastic bags;"

5. **Amendment of Section 3.**—In the principal Act, in Section 3—

- (a) in the shoulder heading, for the words "manufacture, sale, etc.", the words "manufacture, sale and usage" shall be substituted;
- (b) for sub-section (1), the following shall be substituted, namely:—

"(1) No person shall himself or by any person on his behalf manufacture for sale, sell and use any recycled plastic bags or containers for storing, carrying or packing of foodstuff within the National Capital Territory of Delhi."

6. In the principal Act, after Chapter II, the following new Chapter IIA shall be inserted, namely:—

"CHAPTER-IIA

Prohibition of Manufacture, sale and Usage of Plastic bags other than Degradable Plastic Bags in the National Capital Territory of Delhi

3A Prohibition of manufacture, sale and usage.—No person shall manufacture for sale, sell and use any plastic bag other than degradable plastic bag in the National Capital Territory of Delhi."

7. Amendment of Section 4.—In the principal Act, in Section 4—

(a) for the shoulder heading, the following shall be substituted, namely:—

"Prohibition of throwing garbage, and 'samagri' (religious material) in river bed, river, public places, drains, sewer, etc.—"

(b) for sub-section (1), the following shall be substituted, namely:—

"(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 and in river and river beds, any garbage which is likely to

- (i) impair proper functioning of the drainage, sewage system and river;
- (ii) interfere with the free flow or affect the treatment and disposal of the drain, sewage contents and river;
- (iii) be dangerous or cause a nuisance or be prejudicial to public health;
- (iv) be ingested by stray animals leading to serious health hazards."

(c) in sub-section (2)—

(i) for words "bio-degradable or non-biodegradable garbage in any public place", the words "garbage in any public place, river or river bed" shall be substituted;

(ii) for clause (a), the following shall be substituted, namely:—

"(a) the garbage is placed in the designated garbage receptacle; or"

8. Amendment of Section 5.—In the principal Act, in Section 5—

(i) after clause (b), the following shall be inserted, namely:—

"(bb) provide designated enclosures for throwing 'samagri' (religious material) in river Yamuna;"

(ii) after clause (e), the following shall be inserted, namely:—

"(f) only degradable plastic bags shall be placed in the biodegradable garbage bins."

9. Substitution of new Section for section 7.—In the principal Act, for Section 7, the following shall be substituted namely:—

"7. Power of local authority for removing 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 unauthorized stacking or deposit of non-biodegradable garbage and likely to occasion a nuisance, remove or cause to be removed the said garbage so stacked or collected or thrown into the river and if, in its opinion, such stacking or collection or throwing of non-biodegradable waste is likely to harm the river, river bed, drainage and sewage system or is likely to be dangerous to life and health of human beings, it shall forthwith take such steps as may be necessary at the cost of such person or persons."

10. Amendment of section 8.—In the principal Act, in section 8—

(a) the opening brackets and figure "(1)" shall be omitted;

(b) for the words "non-biodegradable plastic bags for purposes other than those mentioned in section 3", the words "degradable plastic bags" shall be substituted;

(c) after the word "form" and before the words "as may be", the words "and paying the fees" shall be inserted.

(d) in clause (a), for sub-clause (i), the following shall be substituted, namely:—

“(i) degradable recycled plastic bags.”

(e) after clause (c), the following shall be inserted, namely:—

(d) the degradable plastic bags shall meet the international/national quality standards and to be certified by a Government/Government approved laboratory in the manner prescribed under the rules.”

11. Amendment of section 10.—In the principal Act, in section 10, in sub-section (1), in clause (a), for the words “which shall not be less than three months but which may extend to one year”, the words “which may extend to three months” shall be substituted.

12. Substitution of new section for section 12.—In the principal Act, for section 12, the following shall be substituted, namely:—

“12. Offences by local bodies.—Any officer of any local body who wilfully fails to implement any provision of this Act shall be deemed to be guilty of the offence under section 5 of this Act and shall be liable to be proceeded against and punished accordingly.”

13. Substitution of new section for section 15.—In the principal Act, for section 15, the following shall be substituted, namely:—

“15. Direction by the Government.—The local authority and the Delhi Pollution Control Committee shall carry out such directions as may be issued to them, from time to time, by the Government for the efficient administration of this Act.”

14. Amendment of section 20.—In the principal Act, in section 20, in sub-section (2),—

(i) clause (a) shall be re-lettered as clause (aa) and before the clause (aa) as so re-lettered, the following shall be inserted, namely:—

“(a) prescribing the standard methods of measurement of degradability of plastic bags;” —section 2 (bb).

(ii) for clause (b), the following shall be inserted, namely —

“(b) prescribing the manner of certification of degradability of plastic bag by a Government/

Government approved laboratory.”

—section 8(1) (d).

V. K. BANSAL, Jr. Secy.

12. धारा 10 का संशोधन.—मूल अधिनियम की धारा 10 की उप-धारा (1) में—

- (क) खण्ड (क) में "इस अधिनियम के अध्याय-II तथा IV" अभिव्यक्ति के स्थान पर "इस अधिनियम के अध्याय-II के अध्याय-II क के तथा अध्याय-IV" अभिव्यक्ति को प्रतिस्थापित किया जाएगा;
- (ख) खण्ड (ख) के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात् :-
 "(ख) इस अधिनियम के अध्याय-III के किन्हीं भी उपबंधों का उल्लंघन दंडनीय होगा;
 (i) पहली बार अपराध के लिए एक हजार रुपये मात्र तक का अर्थदण्ड;
 (ii) दूसरे या बार-बार किए जाने वाले अपराध के लिए पन्द्रह दिनों तक के कारावास का दण्ड या अर्थदण्ड जो पांच हजार रुपयों तक बढ़ाया जा सकता है या दोनों दण्ड एक साथ।"

13. धारा 11 का संशोधन.—मूल अधिनियम की धारा 11 की व्याख्या में,—

- (i) खण्ड (क) में शब्द "फर्म अथवा" तथा शब्द "अन्य" से पूर्व शब्द "उद्योग अथवा" सन्निविष्ट किया जाएगा।
- (ii) खण्ड (ख) में शब्द "फर्म" के पश्चात् तथा शब्द "किसी प्रबंधक" से पूर्व आए शब्द "आफ (का)" के स्थान पर शब्द "और/अथवा" प्रतिस्थापित किया जाएगा।

14. धारा 14 का संशोधन.—मूल अधिनियम की धारा 14 की उप-धारा (1) में शब्द "यह अधिनियम" के पश्चात् और शब्द "के अभियोग" से पूर्व आए शब्द "प्रारंभ करने से पहले" के स्थान पर शब्द "या तो प्रारंभ करने से पहले या बाद में" प्रतिस्थापित किए जाएंगे।"

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर,
सविता राव, संयुक्त सचिव (विधि)

DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS

NOTIFICATION

Delhi, the 21st November, 2008

F. No. 14(17)/LA-2008/Le. Law/155-164.—The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the Lieutenant Governor of Delhi on the 8th November, 2008 and is hereby published for general information :—

**"The Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) (Amendment) Act, 2008
(Delhi Act 9 of 2008)**

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 11th September, 2008)

[8th November, 2008]

An Act to amend the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) (Amendment) Act, 2008.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. **Amendment of the preamble.**—In the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) Act, 2000 (Delhi Act 6 of 2001) (hereinafter referred to as "the principal Act") in the preamble, for the words "reduce the use of plastic bags, throwing or depositing non-biodegradable garbage" occurring after the words "in recycled plastic bags", and before the words "in public drains", the words "and to reduce the usage of non-biodegradable plastic bags, throwing or depositing garbage or disposable religious material" shall be substituted.

3. **Amendment of Section 2.**—In the principal Act, in Section 2—

(i) in clause (a), for the words "non-biodegradable recycled plastic bags" occurring at the end thereof, the words "degradable and or non-degradable plastic bags using virgin or recyclable materials;" shall be substituted; and

(ii) In clause (k), for the words "recycled, colored degradable plastic bags;" the words "recycled colored degradable and or non-degradable plastic bags;" shall be substituted.

(iii) after clause (m), the following clause shall be added, namely :—

“(mm) “plastic bag” means a plastic bag which has a self carrying feature commonly known as vest type bag, or any other feature used to carry commodities such as “D” punched bag.”

4. **Amendment of Chapter II.**—In the Principal Act, in Chapter-II, in the heading, after the word “FOOD” occurring at the end, the word “STUFF” shall be added.

5. **Amendment of Section 3.**—In the Principal Act, in Section 3—

(i) for the shoulder heading, the following shoulder heading shall be substituted, namely :—

“Prohibition of manufacture, sale and usage, etc. of recycled plastic bags for food stuff.”;

(ii) in sub-section (1), for the words “or containers”, occurring after the words “any recycled plastic bags” and before the words “for storing,” the words, “both degradable and non degradable” shall be substituted;

(iii) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) No licence, for the manufacture, sale of recycled plastic bags both degradable and or non-degradable referred to in sub-section (1) granted or received under any law before the date of the commencement of the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) (Amendment) Act, 2008, shall entitle the holder thereof or any other person on his behalf to commence or carry on such business.”

6. **Insertion of new Section 3B.**—In the Principal Act, after Section 3A, the following sections shall be inserted, namely :—

3B. Applicability of Section 3A.—The provisions of Section 3A shall be applicable from such date in respect of such sections and chapters and in respect of such persons, groups, institutions, associations, and business establishment, as the case may be as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

3C. Regulation of earlier licences issued.—No licence, for the manufacture, sale of recycled plastic bags both degradable and non-degradable referred in sub-section (1) of Section 3, granted or received under any law before the date of commencement of the Delhi Degradable Plastic Bag (Manufacture, Sale and Usage) and Garbage (Control) (Amendment) Act, 2008, shall entitle the holder thereof or any other person on his behalf to commence or carry on such business to manufacture for sale, or use any recycled plastic bags for storing, carrying or packing of food stuff within Delhi.”

7. **Amendment of Section 4.**—In the Principal Act, in Section 4—

(i) in sub-section (1), after the word “garbage”, the words “or disposable religious materials” shall be inserted;

(ii) in sub-section (2)—

(a) in clause (a), for the opening words “the garbage”, the words “the garbage or disposable religious material” shall be substituted;

(b) after clause (b), the following clause shall be inserted, namely :—

“(c) the disposable religious material is deposited in specified receptacles provided by the local authority.”

8. **Substitution of new section for Section 5.**—In the Principal Act, for Section 5, the following section shall be substituted, namely :—

“5. Provision for placement of receptacles and places for deposit of garbage and disposable religious material.—The local authority, or any officer authorized by it, shall—

(a) provide separate receptacles/dhalaos/dustbins for non-biodegradable garbage and biodegradable garbage for their temporary deposit, collection, and transportation up to their final disposal;

(b) provide designated enclosures for placing of disposable religious material in river Yamuna;

(c) ensure timely and regular removal of the contents of receptacles at all places provided by it; and

(d) make adequate provision of the receptacles/dhalaos/dustbins, whether authorized or not, to ensure that they do not become a source of nuisance and are not easily approachable by stray animals.”

9. **Substitution of new section for Section 6.**—In the Principal Act, for Section 6, the following section shall be substituted, namely :—

“6. Duties of occupier of land and building.—It shall be the duty of the owners and occupiers of land and buildings, resident welfare associations, market traders’ associations (if any), jointly and severally, to collect and segregate different types of garbage from their respective land and buildings and to deposit it in specific public receptacles or dhalaos/dustbins provided for the purpose by the respective local authorities.”

10. Substitution of new section for Section 7.—In the Principal Act, for Section 7, the following section shall be substituted, namely :—

“7. Power of local authority for removing garbage or disposable religious material.—The local authority may, by notice in writing, direct the owner or occupier to remove garbage or disposable religious material stacked or collected on any land or building under his control and if such directions are not followed, the local authority shall forthwith take such steps as may be necessary for the removal of such garbage or disposable religious material at the cost of such person which shall be recovered as arrears of land revenue.”

11. Amendment of Section 8.—In the Principal Act, in Section 8—

- (i) in the opening paragraph, after the word “degradable” and before the word “shall” the words, “and or non-degradable plastic bags using virgin or recyclable material(s)” shall be inserted;
- (ii) for clauses (a), (b) and (c) the following clauses shall be substituted, namely :—
 - “(a) that the recycled bags shall be coloured and pigmented and any dye used in manufacturing of such plastic bags shall be in accordance with the Pigments and Dyes listed in IS 9833 : 1981. Reprocessing or recycling is undertaken in accordance with IS 14534 : 1998 titled “Guidelines for recycling of plastics”. Any type of bags so manufactured shall be marked as follows :
 - (i) degradable/non-degradable plastic bags, as the case may be;
 - (ii) virgin/recycled plastic bags, as the case may be;
 - (iii) unsafe for carrying food, in case of recycled plastic bags;
 - (iv) name and address of the manufacturer;
 - (b) no person shall manufacture, stock, distribute or sell plastic bags made of virgin or recycled, degradable or non-degradable plastic bags which are less than 8×12 inches (20×30 cms) in size and with thickness less than 40 microns;
 - (c) plastic bags manufactured out of virgin plastic shall be of natural or white colour.”

12. Amendment of Section 10.—In the Principal Act, in Section 10, in sub-section (1)—

- (a) in clause (a), for the expression, “Chapter II and Chapter IV of this Act”, the expression “Chapter II, Chapter IIA and Chapter IV of this Act” shall be substituted;
- (b) for clause (b), the following clause shall be substituted, namely :—

“(b) contravenes any provision of Chapter III of this Act shall be punishable—

 - (i) for the first offence, with a fine which may extend to one thousand rupees;
 - (ii) for any second or subsequent offence, with imprisonment for a term which may extend to fifteen days or with fine which may extend to five thousand rupees, or with both.”

13. Amendment of Section 11.—In the principal Act, in Section 11, in the Explanation—

- (i) in clause (a), after the words “firms or” and before the word “other”, the words “industry or” shall be inserted;
- (ii) in clause (b), for the word “of” occurring after the word “firm” and before the words “a managing”, the word “or” shall be substituted.

14. Amendment of Section 14.—In the Principal Act, in Section 14, in sub-section (1), for the words “before the institution”, occurring after the words “this Act may,” and before the words “of the prosecution”, the words “either before after the institution” shall be substituted.”

By Order and in the Name of the Lt. Governor
of the National Capital Territory of Delhi,

SAVITARAO, Jt. Secy. (Law)