



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, THURSDAY, JUNE 23, 2016
(ASADHA 2, 1938 SAKA)

LEGISLATIVE SUPPLEMENT

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PART I
GOVERNMENT OF PUNJAB
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB
NOTIFICATION
The 23rd June, 2016

No. 25-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 2nd day of May, 2016, is hereby published for general information:-

**THE PUNJAB PLASTIC CARRY BAGS (MANUFACTURE,
USAGE AND DISPOSAL) CONTROL (AMENDMENT) ACT, 2016.**

(Punjab Act No. 21 of 2016)

AN

ACT

further to amend the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control Act, 2005.

BE it enacted by the Legislature of the State of Punjab in the Sixty-Seventh Year of the Republic of India, as follows :-

1. (1) This Act may be called the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control (Amendment) Act, 2016. Short title and commencement.

(2) It shall be deemed to have come into force on and with effect from the 1st day of February, 2016.

2. In the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control Act, 2005, the provision of section 7 shall be numbered as sub-section (1) and after sub-section (1) so re-numbered, the following sub-section shall be added, namely:- Amendment of section 7 of Punjab Act 17 of 2005.

"(2) Notwithstanding anything contained in sections 3, 4, 5 and sub-section (1) of section 7, the State Government, may by notification in the Official Gazette, completely prohibit to manufacture, stock, distribute, recycle, sale or use of plastic carry bags and containers made of virgin or recycled plastic and plastic items having one time use such as disposable plastic cups, tumblers, spoons, forks and straws."

3. (1) The Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control (Amendment) Ordinance, 2016 (Punjab Ordinance No. 1 Repeal and Saving.

of 2016), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

VIVEK PURI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

1040/06-2016/Pb. Govt. Press, S.A.S. Nagar

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS

THE PUNJAB PLASTIC CARRY BAGS (MANUFACTURE, USAGE AND DISPOSAL)

CONTROL ACT, 2005

(PUNJAB ACT NO. 17 OF 2005)



2006

Printed at Govt. Press, U.T., Chd.

Rs 18.00

**THE PUNJAB PLASTIC CARRY BAGS (MANUFACTURE,
USAGE AND DISPOSAL) CONTROL ACT, 2005**

(PUNJAB ACT NO. 17 OF 2005)

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THE PUNJAB PLASTIC CARRY BAGS (MANUFACTURE, USAGE AND DISPOSAL) CONTROL ACT, 2005

(PUNJAB ACT NO. 17 OF 2005)

[Received the assent of the Governor of Punjab on the 11th November, 2005, and was first published for general information in the *Punjab Government Gazette (Extraordinary)*, Legislative Supplement, dated the 16th December, 2005.]

An Act to provide for the control on the manufacture of plastic carry bags and other plastic products from the recycled plastic and pigmented carry bags, their use ; and for the prohibition of disposal of non-bio-degradable plastic waste in public places, drains and sewers, for restoring and maintaining clean environment and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control Act, 2005. Short title and commencement.

(2) It shall come into force at once, except the provisions of sections 14 and 17, which shall come into force after the expiration of a period of one hundred and eighty days from the date of its commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) “bio-degradable garbage” means the garbage or waste material capable of being degraded by the action of micro-organism ;
- (b) “building” means any shop, house, out-house, hut, shed or stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever ; and includes a wall and a well ;
- (c) “carry bag” means the plastic carry bag whether it has a self-carrying handle or a “D” punched handle or not ;
- (d) “food” means any article used as food or drink for human consumption and includes,—
 - (i) any article which ordinarily enters into or is used in the composition or preparation of human food ;

For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated the 7th October, 2005, page 2052.

- (ii) any flavouring matter or condiment ; and
- (iii) any other article which the Government, may, having regard to its use, nature, substance or quality, declare by notification in the Official Gazette as food for the purpose of this Act ;
- (e) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by the persons employed in the cleaning thereof or in the removal of such matter therefrom ;
- (f) "local authority" means a Municipal Corporation, a Municipal Council, a Nagar Panchayat, a Zila Parishad, a Panchayat Samiti or a Gram Panchayat constituted or continued as such, as the case may be, under any law for the time being in force in the State of Punjab ;
- (g) "market" means a place where goods are sold and purchased for human use and includes any other place where persons assemble for sale of fruits, vegetables, food, meat, fish 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 no 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 persons frequenting the market by the owner of the place or by any other person ;
- (h) "non-bio-degradable garbage" means the waste garbage or material, which is not bio-degradable by an action of micro-organism, and includes thermoplastics and thermo-set plastics, such as P.V.C., polyethylene, terephthalate, polypropylene, polyurethane, polycarbonate, polystyrene as specified in the Schedule appended to 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, as the case may be, 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 tenant occupying any land or building without rent ; and
- (iv) 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 person or who should so receive the rent or be entitled to receive it, if the land or building or part thereof were let to a tenant ;
- (k) "pigments" means organic or inorganic chemical substances whether natural or synthetic, used for colouring the carry 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 a person appointed as such under section 8 ;
- (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 ;
- (q) "recycle" means the process by which plastic waste is collected, segregated and processed for the purpose of manufacturing carry bags or any other plastic item for use ;
- (r) "section" means a section of this Act ; and
- (s) "State Government" means the Government of the State of Punjab.

Prohibition to manufacture carry bags from virgin plastic.

3. No person shall manufacture or cause to be manufactured any carry bags from virgin plastic of thickness of not less than 30 micron and of a size, not less than 8" x 12" and of a colour, other than the specified colour.

Prohibition to manufacture carry bags from recycled plastic.

4. (1) No person shall manufacture or cause to be manufactured for sale or use any recycled non-biodegradable plastic carry bags or containers with or without containing inorganic or organic pigments, plasticizers, lubricants and stabilizers, which are liable to cause poisoning of food during storing, carrying or packing of any item of food.

(2) No licence, for the manufacture, or sale of recycled carry bags referred to in sub-section (1), granted or received under any law before the commencement of this Act, shall entitle the holder thereof or any person on his behalf to commence or carry on such business.

Permission to manufacture carry bags from recycled plastic.

5. Notwithstanding anything contained in section 4, the State Government may, permit to manufacture carry bags from recycled plastic in such colour, size, thickness and purpose, as may be specified by it.

Manufacturer to print on carry bags his name, address, registration number and other particulars.

6. Every manufacturer shall print on each carry bag his name, address, registration number, size, thickness and the nature of plastic from which it is made and its codification as per IS : 14534 : 1998.

Prohibition to use carry bags or containers manufactured from recycled plastic.

7. No person shall use or cause to be used any recycled non-biodegradable plastic carry bag or container with or without containing organic pigments, plasticizers, lubricants and stabilizers, which are liable to cause poisoning of food for the purpose of storing, carrying or packing any item of food.

Public Analyst.

8. (1) The State Government may, by notification in the Official Gazette, appoint or recognize a person or persons, as it thinks appropriate, having such qualifications, as may be prescribed, to be a Public Analyst for the purpose of analyzing and testing any plastic carry bag under this Act.

(2) The report of a Public Analyst shall be treated as a document of evidence in any proceeding under this Act.

Functions of local authority.

9. The local authority may perform all or any of the following functions, namely :—

(a) to carry out and sponsor investigation and research relating to the problem of plastic waste ;

- (b) to plan and organize the training to persons engaged in manufacture, use and disposal of plastics ;
- (c) to organize through the mass media a comprehensive programme regarding prevention of environment degradation due to plastics ;
- (d) to collect, compile and publish technical and statistical data relating to manufacture, use and disposal of plastic waste ;
- (e) to prepare manuals, guides relating to manufacture, use and disposal of plastics and disseminate information relating thereto ;
- (f) to make aware the general public about the harm of usage of plastics ; and
- (g) to perform such other functions, as may be prescribed.

10. (1) No person, shall throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings connected with the private or public drainage works or at any public place or in any place open to public view any non-bio-degradable garbage or plastic or any bio-degradable garbage in a non-bio-degradable bag, which may—

Prohibition to throw non-bio-degradable garbage in public drains, sewer or public place.

- (a) injure the proper functioning of the drainage and sewerage system ;
- (b) interfere with the free flow or affect the treatment and disposal of drain and sewer contents ;
- (c) be dangerous or cause nuisance or be prejudicial to public health ;
or
- (d) likely to be ingested by stray animals leading to serious health hazards.

(2) No person shall place or permit to be placed, except in accordance with such procedure and after complying with such safeguards, as may be prescribed, any bio-degradable or non-bio-degradable garbage in any public place or in a 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 the local authority having jurisdiction in the area for the disposal of the garbage.

(3) If any person throws any bio-degradable or non-bio-degradable garbage at any public place or in any place open to public view, any person aggrieved of any such nuisance, may complain to the local authority.

Provision for
placement of
receptacles.

11. It shall be the duty of the local authority or any officer authorized by it, to—

- (a) place or provide at proper and convenient location public receptacles, depots or places for temporary deposit or collection of non-bio-degradable garbage ;
- (b) provide separate dustbins for temporary deposit of different kinds of non-bio-degradable garbage ;
- (c) provide for the removal of contents of receptacles, depots and of the accumulation at all places provided under clause (a) ; and
- (d) arrange for disposal of plastic waste in an environmentally sound manner.

Power of local
authority for
removal of garbage.

12. It shall be the duty of the owners and occupiers of all lands and buildings to collect or cause to be collected from their respective land and buildings the non-bio-degradable garbage and to deposit, or cause to be deposited, in public receptacles, deposits or places provided for temporary deposit or collection of the non-bio-degradable garbage by the local authority in the area.

Duty of owners and
occupiers to collect
and deposit
garbage.

13. 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-bio-degradable garbage and is likely to occasion nuisance, to remove or cause to be removed the said garbage so stacked or collected, and if, in its opinion, such stacking or collection of non-bio-degradable waste is likely to injure the drainage and sewerage system or is likely to be dangerous to public health and environment, it may pass an order to take such steps immediately at the cost of such persons, as it may deem appropriate.

Penalties.

14. (1) Whoever—

- (a) contravenes the provisions of sections 3, 4 or 5 or fails to comply with any order or direction given under this Act, shall be punishable with imprisonment for a term, which shall not be less than three months and which may extend to one year or with fine of not less than twenty-five thousand rupees or with both ; or