



Speed Post

F.No. B-17011/7/PCP (PWM)/2016

5897-6008

Dated: 21.07.2016

To,

**Executive Officers of Nagar Parishad/Nagar Palika Parishad/Municipality of the towns  
located on the banks of river Ganga,  
(As per list)**

**Sub: Direction under Section '5' of the Environment (Protection) Act, 1986 regarding closure  
of un-authorized plastic carry-bags manufacturing industries & plastic waste  
management as per the provisions of PWM Rules, 2016 in 112 cities/towns situated on  
the banks of river Ganga.**

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under Rule 3(iv) of the Environment (Protection) Act, 1986 and the rules framed thereunder; and

WHEREAS, the Ministry of Environment, Forest & Climate Change has notified Plastic Waste Management Rules, 2016, which inter-alia prescribe specifications with regard to manufacturing of plastic carry bags, sheets or like and stipulate procedures for Plastic Waste Management;

WHEREAS, CPCB issued directions u/s '5' of the Environment (P) Act, 1986 to Secretaries, Urban Development Department, State Governments and Union Territories and Chairmen, SPCBs/PCCs on 19.12.2014, and a subsequent follow-up on 3<sup>rd</sup> March, 2015 related to prohibit manufacturing & use of plastic carry-bags (handle or non-handle), having thickness <40 $\mu$ . However, no satisfactory response has been received from Urban Development Departments & Municipal Authorities. As per new PWM Rules, 2016, minimum thickness of plastic carry bags/films has been increased from 40 $\mu$  to 50 $\mu$ ;

WHEREAS, as per Rule 12(2) of the Plastic Waste Management Rules, 2016, the Prescribed Authority for enforcement of the provisions of the Rules relating to use, collection, segregation, transportation & disposal is the Secretary-in-charge of Urban Development of the State or the Union Territory;

WHEREAS, in accordance with the Rule 4 (c & d) of the Plastic Waste Management Rules, 2016, the manufacturing, stocking, distributing & selling of plastic carry-bags shall not be <50 $\mu$  in thickness. Besides, as per Rule (4), the sachets using plastic material (including VMCH resins-a terpolymer of Vinyl Acetate, Vinyl Chloride & Maleic Acid) shall not be used for storing, packing or selling gutkha, tobacco and pan masala;

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WHEREAS, as per Rule 4 (h) of the Plastic Waste Management Rules, 2016, the carry bags made from Compostable Plastic or Material conforming IS/ISO 17088 can be manufactured, stocked & sold. The provision of thickness of 50 $\mu$  limit shall not be applicable to carry bags made from compostable plastic or material. The manufacturers or sellers of compostable carry bags shall obtain a certificate from Central Pollution Control Board (CPCB) before marketing or selling;

WHEREAS, as Rule 4 (e) of the Plastic Waste Management Rules, 2016, the manufacturers shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC);

WHEREAS, as per Rule 6 (1) (2a to g) of Plastic Waste Management Rules, 2016, every Local Body shall be responsible for development and setting-up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers;

WHEREAS, as per Rule 13(1) of Plastic Waste Management Rules, 2016, no person shall manufacture carry bags or recycle plastic carry bags or multi-layered packaging unless the person has obtained a registration from concerned SPCB/PCC;

WHEREAS, as per information provided in the Annual Reports for the year 2013-14 & 2014-15 on implementation of Plastic Waste (Management & Handling) (Amendment) Rules, 2011, and also through public complaints, it has been observed/reported that there are un-registered industries involved in the manufacturing/recycling of sub-standard (<40 $\mu$ ) plastic carry bags and other products & these products are sold to stockists/sellers;

**WHEREAS, it has been observed that sub-standard plastic carry bags (<40 $\mu$ ) are used, stocked & sold widely by distributors, shopkeepers, vendors, hawkers, thus violating provisions of the Plastic Waste (Management & Handling) Rules, 2011 and as per Rule 4 (c & d) of PWM Rules, 2016, the use and sale of carry bags <50 $\mu$  is still continued;**

WHEREAS, it has been observed that plastic carry bags, thermocol plates, cups, tumblers etc. made out of polystyrene are littered and not collected either by the urban/rural/local bodies or any authorised agencies and heaped-up and burnt openly releasing toxic emissions in the environment, causing air pollution;

WHEREAS, a study carried out by CPCB in 60 cities (2011), has revealed that 4059 tons per day of plastic waste is getting dumped at various landfill sites. The generation of plastics waste ranges from 3.1% to 12.4% of the total Municipal Solid Waste (MSW) generated in these cities;



WHEREAS, plastic carry bags, other plastic films or sheets or like, which are <50 $\mu$  in thickness should not be manufactured, distributed, stocked, sold and used in accordance with the Plastic Waste Management Rules, 2016. However, such type of plastics waste are quite often littered throughout the cities, towns, villages, public places, tourist places, religious places and along the railway tracks resulting in public and animal health hazards;

WHEREAS, as per Rule '15' of PWM Rules, 2016, the shopkeepers and street vendors willing to provide plastic carry bags for dispensing any commodity shall register with local body after paying waste management fee of minimum rupees forty eight thousand @ four thousand per month. Only registered shopkeepers and vendors shall be eligible to provide plastic carry bags for dispensing the commodities;

WHEREAS, as per Rule 9(3) of PWM Rules, 2016, manufacture and use of non-recyclable multilayered plastic if any should be phased out in two years time;

WHEREAS, Hon'ble NGT in its judgement dated **8<sup>th</sup> August 2013** (In OA No. 53 of 2013) under Para 33, mentioned that "Many countries have largely replaced the use of plastics bags by either switching over to re-usable bags and/or 'biodegradable' and/or '**compostable**' bags. In our country, share of plastic waste in total municipal waste has risen from around half percent in 1966 to over 9% in 2005. It is reported that almost half of this waste comprises of used plastic bags & packaging material. The environmental consequences of such plastic waste in solid waste are well known as it takes hundreds of years to degrade and fill up landfill sites. Plastic litter can also lead to clogged drains, insanitation, flooding and sewage problems. In addition, plastic bags can harm animals through ingestion and the improper incineration of plastic bags pollutes the air and releases toxic substances. These concerns have caused Governments across the World, including the authorities in India, to introduce legislation to limit the use of plastic bags (SANDEE working paper No. 65-11). They have used a variety of regulatory instruments for this purpose which include the mandatory pricing of plastic bags, explicit levies on each bag, taxes at the manufacturing level, discounts on the use of 'own bags', awareness campaigns, commands and control approaches and, in some cases, a total ban on the use of plastic bags";

WHEREAS, Hon'ble Supreme Court of India in the matter of Ankur Gutkha Vs Union of India & Ors.(SLP-C No. 16308/2007) observed that even though Central Government enacted MSW Rules, 2000 and PWM Rules, 2011, the "Concerned Authorities have miserably failed to take various steps for disposal of plastics waste and also observed that the provision for the constitution of State Level Advisory Bodies and submission of Annual Report on implementation of the Rules by each State Pollution Control Board or Pollution Control Committees to the Central Pollution Control Board with

an obligation of the latter to prepare a consolidated annual report have not been implemented only in their breach" ;

WHEREAS, 118 cities/towns along the Ganga river, 46 million plus and 28 State capital cities, are facing several environmental concerns such as accumulation of used thin plastic bags/films on the banks of river and choking of storm water drains etc. due to indiscriminate use of sub-standard (<50µ thickness) plastic carry bags and wide-spread littering of the used plastic carry bags and packaging material on the landscape;

WHEREAS, the Ministry of Environment, Forest & Climate Change, Government of India, vide Notifications dated 27.02.1996 and 10.07.2002 has delegated powers vested under Section '5' of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry, Municipal Corporation, Municipal Council, Cantonment Board and to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules, 1986 and rules related to hazardous chemicals, industrial solid waste, municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986;

WHEREAS, in view of the above observations and gaps in implementation of the Plastic Waste (Management and Handling) (Amendment) Rules, 2011, the following provisions of PWM Rules, 2016 are required to be complied, as required under the Rules;

1. As per rule '17' of PWM Rules, 2016, the Annual Report on Implementation of Plastic Waste Management Rules, 2016 shall be submitted to concern SPCBs/PCCs by **30<sup>th</sup> June**, every year.
2. As per Rule '5' and '6' of the PWM Rules, 2016, the Plastic Waste Management (PWM) shall be under:-

**Rule (5): Plastic Waste Management:**

- a) Plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time.
- b) Local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress Guideline or energy recovery or waste to oil etc. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with.



- c) Thermo set plastic waste shall be processed and disposed of as per the guidelines issued from time to time by the Central Pollution Control Board.
- d) The inert from recycling or processing facilities of plastic waste shall be disposed of in compliance with the Solid Waste Management Rules, 2000 or as amended from time to time.

**Rule (6): Responsibility of Local Body:**

1. Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
2. The local body shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-
  - (a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;
  - (b) Ensuring that no damage is caused to the environment during this process;
  - (c) Ensuring channelization of recyclable plastic waste fraction to recyclers;
  - (d) Ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board;
  - (e) Creating awareness among all stakeholders about their responsibilities;
  - (f) Engaging civil societies or groups working with waste pickers; and
  - (g) Ensuring that open burning of plastic waste does not take place.

WHEREAS, in towns located on the bank of river Ganga are confronted with the problems of littering of plastic waste resulting in ugly look, chocking of ghats and getting embedded in bottom of river beds disturbing flora & fauna of the vicinity;

WHEREAS, the PWM Rules, 2016 can be referred for detailed reference, available on: [envfor.nic.in/content/gsr-320-e-18-03-2016-plastic-waste-management-rules-2016](http://envfor.nic.in/content/gsr-320-e-18-03-2016-plastic-waste-management-rules-2016);

AND NOW, THEREFORE, in view of the above observations and in exercise of powers delegated to the **Chairman, Central Pollution Control Board (CPCB)** under Section '5' of the Environment (Protection) Act, 1986, the following directions are issued to **Executive Officer of Nagar Parishad/Nagar Palika Parishad/Municipality of (Name of the town)** on River Ganga for compliance:

- i) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall ensure that all the unregistered industries, including those manufacturing carry-bags/plastics films having less than **50 micron** thickness shall be closed down within **45 days** from the date of issue of this direction, in coordination with local administration/police including disconnection of electricity, as applicable. The report of action taken shall be submitted to CPCB in next **30 days** (after 45 days).
- ii) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall ensure that plastic sachets/pouches shall not be used for storing, packing, or selling gutkha, tobacco and pan masala (excluding those made from compostable material as per IS/ISO:17088:2012) and shall constitute vigilance squads and ensure prohibition on stocking, distribution, selling and use of any carry bag (handle or non-handle) having thickness less than **50 micron** and sachets/pouches using plastic material (**including VMCH resins-a terpolymer of Vinyl Acetate, Vinyl Chloride & Maleic Acid**).
- iii) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall ensure that those found stocking/selling of such carry bags (<50 $\mu$  thickness) or using sachets/pouches containing plastics material shall be penalized by confiscation of stocked or sold material, as the case may be within **60 days**. An advertisement to this effect shall be regularly published and punitive action taken report (ATR) shall be placed on website and at other appropriate places for public information.
- iv) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall formulate time bound Action Plan for the entire town for ensuring collection of littered plastic waste and to prohibit further littering. Emphasis should be given to prohibit littering of plastic products at banks of river Ganga, worship places and other places. The collected plastic waste shall be properly stored and disposed of adopting appropriate technologies such as utilisation in road construction, conversion into liquid fuel, plasma pyrolysis and co-processing in cement kilns etc.



- v) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall ensure that plastic waste (PW) generated in the areas of his jurisdiction is quantified & characterized and data shall be forwarded to CPCB along with the Action Plan within **60 days**.
- vi) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall ensure to create awareness among all stakeholders about their responsibilities for proper plastic waste management.
- vii) The **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality shall prepare and submit the Annual Report on Implementation of Plastics Waste Management Rules, 2016 to concerned SPCB/PCC by **30<sup>th</sup> June** each year in the **Form-V** of PWM Rules, 2016.


**Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality of **(Name of the town)** shall acknowledge the receipt of these directions within **two weeks** (after receipt of the direction) and submit detailed action plan for compliance of the said directions in a time bound manner. Such action plan including points from **(i) to (vii)** mentioned above for implementation shall be brought in public domain. An **Executive Officer** of Nagar Parishad/Nagar Palika Parishad/Municipality, if fails to comply with the above directions, the suitable action will be initiated under **Section '15' of the Environment (Protection) Act, 1986**, may include inter-alia filing of complaint in the appropriate Court of Law.

  
 25/1/16  
**(S.P. Singh Parihar)**  
 Chairman



**For information & necessary action to:-**

1. The Member Secretary (Concerned SPCB/PCC).
2. Joint Secretary (HSMD), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jal Block, Aliganj, Jorbagh Road, New Delhi – 110 003.
3. Joint Secretary (Urban Development), Ministry of Urban Development, Nirman Bhawan New Delhi 110001
4. PS to Hon'ble Minister for Environment, Forest & Climate Change Indira Paryavaran Bhawan, 2<sup>nd</sup> Floor, Prithvi Block, Aliganj, Jorbagh Road, New Delhi – 110 003.
5. PPS to Secretary, Environment, Forest & Climate Change, Indira Paryavaran Bhawan, 2<sup>nd</sup> Floor, Prithvi Block, Aliganj, Jorbagh Road, New Delhi – 110 003.
6. Concerned District Magistrate –for arranging police assistance, if required.

  
(A.B. AKOLKAR)  
Member Secretary

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्गत  
दिनांक  
  
26/07/2016