

(TO BE PUBLISHED IN THE DELHI GAZETTE
Extra-ordinary Part IV)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI
DEPARTMENT OF ENVIRONMENT
'C' WING, 6TH FLOOR, DELHI SECRETARIAT,
NEW DELHI-110002

NOTIFICATION

No. F. 8(86)/EA/Env/2008/20486

New Delhi, 20-09-2011

The following draft of Notification which the Government of National Capital Territory of Delhi proposes to issue in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with Government of India, Ministry of Home Affairs, Notification No. S.O. 667 (E) dated the 10th September, 1992 read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, is hereby published for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of sixty days from the date of publication of this Notification in the official Gazette.

The objections or suggestions which may be received from any person with respect to the said draft Notification before the expiry of the period so specified shall be considered by the Government of National Capital Territory of Delhi. Objections or suggestion to this draft Notification may be addressed to the Secretary, Department of Environment, Government of National Capital Territory of Delhi, 6th Level, 'C' –Wing, Delhi Secretariat, I.P Estate, New Delhi-110002.

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Whereas, the plastic carry bags pose a grave threat to environment, if not properly managed. It can result in reparable as well as irreparable environmental and Public health hazard.

Keeping with the objective of minimizing the use of such plastic carry bags, Government of National Capital Territory of Delhi have been undertaking various awareness campaigns through print media, advertisement, electronic media, hoardings, exhibitions, bus-Q shelters, FM radio etc. Besides, the Department had been carrying out 'Say No to Plastic Bags' campaign through ECO Clubs for the school children and through Bhagidari programs for the citizens of Delhi. Even then, the menace created by the plastic bags continues to be unabated.

Further, in compliance with the Hon'ble High Court's Order, the Government of National Capital Territory of Delhi had issued a Notification forbidding sale, storage and use of all kinds of plastic bags in certain notified places vide Notification dated 7.1.2009.

And whereas, the Government of National Capital Territory of Delhi is of the opinion that, the use of plastic bags is causing grave injury and is detrimental to the environment by blockage of gutters, sewers and drains, resulting in serious environmental problems and affect the health of human beings as well as animals.

Now, the Cabinet of Delhi on 4th April, 2011 has considered and approved a Cabinet Note for imposing blanket ban on manufacture, sales, storage and usage of plastic bags in the National Capital Territory of Delhi under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) vide Cabinet Decision No1763 dated 4th April, 2011. This draft Notification, once finalized, will supersede Government of Delhi's Notification No.F.08 (86)/EA/ENV/08/9473 dated 7.01.2009.

Draft Notification

In exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with Government of India, Ministry of Home Affairs' Notification No. SO 667 (E) dated 10th September, 1992, the Lieutenant Governor of National Capital Territory of Delhi hereby directs the following:

1. *No person including a shopkeeper, vendor, wholesaler or retailer, trader, hawker or rehriwala etc. shall sell, store and use plastic carry bags for supply of any goods,*

2. *No person shall manufacture, store, import, sell or transport any kinds of plastic carry bags (including that of Poly Propelene, Non-woven fabric type carry bags) in the whole of National Capital Territory of Delhi except for export purposes, against an order for export, received by the owner or occupier of the concerned manufacturing unit.*

3. *The plastic carry bags for use, as specified under the Bio-Medical Waste (Management and Handling) Rules, 1998 as amended to date shall not be covered under this Notification.*

Use of plastic cover/ pouch to pack magazines, Invitation Cards, Greeting Cards is also prohibited by way of this Notification.

Note: The containers used for packing food material, milk and raising plants in the nurseries are not plastic carry bags.

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Explanation: For the purpose of this Notification the plastic carry bags shall have the same meaning as defined in Plastics Waste (Management and Handling) Rules, 2011 as amended to date issued by Government of India, Ministry of Environment and Forests, which is reproduced as below:

“Carry Bags mean bags made from any plastic material, used for the purpose of carrying or dispensing commodities but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use.”

The following officers shall implement this Notification in their respective jurisdiction, namely:-

1. Member Secretary, Delhi Pollution Control Committee (DPCC) and Officers at the level of Assistant Environmental Engineer and above.
2. Director (Environment), Government of National Capital Territory of Delhi, and officers at the level of scientist and above.
3. Sub-Divisional Magistrates in their respective jurisdiction.
4. Assistant Sanitary Inspectors and above, Health Inspectors and above, General Licensing Inspectors and above of the respective local bodies namely, New Delhi Municipal Council (NDMC), Municipal Corporation of Delhi (MCD) and Delhi Cantonment Board (DCB) and Public Health Inspectors of MCD.
5. Food and Supply Officers of the respective area.
6. Director, Health Services or the Medical officers nominated by him.
7. Labour Inspectors of the Labour Department, Government of National Capital Territory of Delhi in their respective jurisdiction.

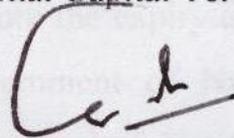
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8. Food Inspectors of the Prevention of Food Adulteration Department (PFA) of the Government of National Capital Territory of Delhi in their respective jurisdiction.

The Government of National Capital Territory of Delhi shall be implementing the proposed Notification through Member Secretary, Delhi Pollution Control Committee (DPCC) who will ensure over all monitoring and implementation of the Notification. The Chairman & Member Secretary of DPCC and the Sub-Divisional Magistrates of the respective jurisdiction are authorized to lodge the complaints under section 19 of the Environment (Protection) Act, 1986 against the violators - as empowered vide Notification no. S:O. 349 (E) date 16.4.1987, as amended till date.

From the date of final publication of this Notification, the Notification no. F.08(86)/EA/Env/08/9473 dt/- 7.01.2009 will be superseded except in suppression of the things done or omitted to be done before such suppression, to the extent that complaint cases sided under previous Notification and pending.

By order and in the name of Lt. Governor of
National Capital Territory of Delhi,



(Keshav Chandra)

Secretary (Environment, Forests and Wildlife)