

**Delhi Degradable Plastic Bag (Manufacture, Sale And Usage) And Garbage (Control) (Amendment) Act, 2008**

**9 of 2008**

**[11 September 2008]**

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**Delhi Degradable Plastic Bag (Manufacture, Sale And Usage) And Garbage (Control) (Amendment) Act, 2008**

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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.

3 C . 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."

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."

## **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 x 12 inches (20 x 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 II A 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 or after the institution" shall be substituted."