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**Date: 10.02.2020**

Dear All Stakeholders,

Comments are hereby invited from public and concerned stakeholders on the draft of the proposed ***THE CHHATTISGARH PLASTIC AND OTHER NON BIODEGRADABLE MATERIAL (REGULATION OF USE AND DISPOSAL) BILL, 2020.***

Please send your comments and suggestions via email to [hocecb@gmail.com](mailto:hocecb@gmail.com) latest by 28.02.2020

**Member Secretary  
Chhattisgarh Environment Conservation Board  
Atal Nagar, Raipur**

**CHHATTISGARH BILL**  
**(No. ... of 2020)**

**THE CHHATTISGARH PLASTIC AND OTHER NON BIODEGRADABLE MATERIAL**  
**(REGULATION OF USE AND DISPOSAL) BILL, 2020.**

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**CHHATTISGARH BILL**  
**(No. of 2020)**

**THE CHHATTISGARH PLASTIC AND OTHER NON BIODEGRADABLE MATERIAL (REGULATION OF USE AND DISPOSAL) BILL, 2020.**

WHEREAS Article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment;

AND WHEREAS Article 51A of the Constitution of India, imposes duty on every citizen of India to protect and improve the natural environment;

AND WHEREAS clause (3) of Article 246 of the Constitution of India, empowers the State Government to make laws with respect to matters related to Public health and Sanitation;

AND WHEREAS it is felt that the existing legislation is not adequate in controlling and preventing pollution caused due to presence of non-biodegradable material in the State of Chhattisgarh;

AND WHEREAS it is considered necessary to control and prevent throwing or disposing of non-biodegradable material/ garbage in public drains, roads and public place in the State of Chhattisgarh and regulate matters -connected therewith or incidental thereto;

NOW THEREFORE, it is expedient to take immediate action with respect to framing of laws for the above purpose;

Be it enacted by the Chhattisgarh Legislature in the Seventy first Year of the Republic of India, as follows:-

**CHAPTER-I**  
**PRELIMINARY**

- |           |   |  |
|-----------|---|--|
| <b>1.</b> | (1) This Act may be called the Chhattisgarh Plastic and Other Non Biodegradable Material (Regulation of Use and Disposal) Act, 2020.<br>(2) It shall extend to the whole State of Chhattisgarh.<br>(3) It shall come into force with effect from the date of its publication in the Official Gazette. | <b>Short title, extent and commencement.</b> |
| <b>2.</b> | (1) In this Act, unless the context otherwise requires,-<br><br>(a) " <b>Bio-Degradable Material</b> " means any  | <b>Definitions.</b>                          |

organic material that can be degraded by micro-organisms into simpler stable compounds;

- (b) "**Competent Authority**" means any authority, officer or person appointed by the State Government, by notification, for enforcement of any of the provisions of this Act ;
- (c) "**Domestic Hazardous Waste**" means any material generated at the household level that would adversely affect the public at large or likely spread the infection of any disease and includes discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge etc.;
- (d) "**Environment**" means same as provided in the Environment (Protection) Act, 1986 (No. 29 of 1986);
- (e) "**Establishment**" means a shop, commercial establishment, residential hotel, malls, restaurant, eating house, offices and premises of private organization, wedding and social venues, theatre or other place of public amusement or entertainment and includes such other establishment of like nature and any other establishment that the government may prescribe;
- (f) "**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;
- (g) "**Local Authority**" or "**Local Body**" means and includes the Municipal Corporation, Nagar Nigam, a Municipal Council, Nagar Palika, Nagar palika parishad, Municipal Board, Nagar Panchayat, Cantonment Board, Zila

Parishad/ Zila Panchayat, Gram Panchayat, Census Towns, notified area and industrial townships with whatever name they are called in the State;

- (h) "**Manufacturer**" means and includes a person or unit or agency engaged in the production of non-biodegradable material or items made of non-biodegradable material including packaging/re-packaging or labeling/re-labeling of goods/food items using non-biodegradable material;
- (i) "**Market**" includes any place where persons assemble for sale/purchase or barter 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 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 person frequenting the market by the owner of the place or by any other persons;
- (j) "**Non-Biodegradable Garbage**" means the waste or garbage of non-biodegradable material;
- (k) "**Non-Biodegradable Material**" means any material which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions into simpler compounds which includes goods made or manufactured from Polyethylene, Nylon or other plastic substances such as Poly-vinyl-chloride (P.V.C.), Poly-Propylene and Polystyrene, terephthalate, polyurethane, polycarbonate etc. and other non-biodegradable materials as specified in the Schedule appended to this Act;
- (l) "**occupier**" means and includes,-
  - (i) any person who is in any actual physical possession or constructive

- possession of any land or building;
- (ii) 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 building in respect of which such rent is paid or is payable;
- (iii) an owner in occupation of or otherwise using his land or building;
- (iv) a rent free tenant of any land or building; and
- (v) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(m) "**Owner**" includes:-

- (i) any person who owns any land or building;
- (ii) 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 of other person 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;
- (iii) a person who owns any commercial, official or industrial space including restaurants, hotels, malls, complexes, factories, offices and premises of private organizations, wedding and social venues, etc; and
- (iv) Indian railways and mines;

(n) "**Place**" means any land, building or industrial space or part of a building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building;

(o) "**Prescribed**" means prescribed by rules made-under this Act;

(p) "**Public Place**" means: (i) any place which is open to use for enjoyment of the public and

includes a road, street, market, house-gully or way, whether a thoroughfare or not; (ii) landing place to which public are granted access or have a right to resort or over which they have a right to pass; and (iii) any barren open space (private or government land);

- (q) "**Segregation**" means sorting and separate storage of various components of solid waste namely biodegradable wastes including agricultural and dairy waste, non-biodegradable wastes including recyclable waste, non-recyclable combustible waste, sanitary waste and non-recyclable inert waste, domestic hazardous wastes and construction and demolition waste;
- (r) "**Shop**" means any premises where goods are sold, either by retail or wholesale or both or where services are rendered to customers, and includes an office, a store room, godown, warehouse or work place whether in the same premises or otherwise used in connection with such trade or business including any e-commerce company rendering services in the State;
- (s) "**Standards**" mean standards specified by the Government, through rules and notification, under this Act or the standards prescribed under the Environment (Protection) Act, 1986 (No. 29 of 1986) or rules and notifications issued thereunder;
- (t) "**State Government**" means the Government of Chhattisgarh;
- (u) "**Street Vendor**" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built-up structure or by moving from place to place and includes



hawker, peddler, squatter and all other synonymous terms which may be local or region specific;

(v) **“Transportation”** means conveyance of solid waste including Non-Biodegradable material, either treated, partly treated or untreated from one place to another, in an environmentally sound manner through specially designed and covered transport system so as to prevent foul odour, littering and unsightly conditions;

(w) **“Vehicle”** shall have the same meaning as defined under the Motor Vehicles Act, 1988;

(x) **“Wetlands”** means an area of marsh, fen, peat land or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, recreation and irrigation purposes.

(2) Words and expressions used herein but not defined shall have the same meaning as respectively assigned to them under the Environment (Protection) Act, 1986 (No. 29 of 1986) and Rules and notifications issued thereunder.

## CHAPTER-II

### Restriction or prohibition on use of non- biodegradable material

3. (1) The State Government may, by notification in the Official Gazette, restrict, prohibit, regulate or manage the use, manufacture, sale, purchase, storage, distribution of non-biodegradable material within the State. **Restriction or prohibition on certain things manufactured from non-biodegradable material.**

- (2) The State Government may, by general or special order, impose conditions on manufacturers, distributors and other persons who produce or handle Non-Biodegradable Material, with respect to the type, size, weight, thickness, labelling and composition of packaging with respect to its manufacture, use and disposal including standards or norms for material degradability and re-cyclability.
4. (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 public drainage work, canals, ponds, streams, river or Wetland, any Non-Biodegradable Material or Any Biodegradable Material by placing in a Non-Biodegradable bag or container
- Prohibition on open littering of biodegradable and non-biodegradable material.**
- (2) No person shall, knowingly or otherwise dispose-off, save as prescribed, any Bio-degradable or Non-Biodegradable Garbage or Domestic Hazardous Waste in any Public Place, unless-
- (a) the material is placed in a litter bins in segregated form namely non-biodegradable, biodegradable and domestic hazardous waste ; or
- (b) the material is deposited in a location designated by a Local Authority having jurisdiction on an area for the disposal of such material.
5. No person shall burn any Non-Biodegradable Garbage.
- Restriction on burning of non-biodegradable garbage.**

**CHAPTER-III  
Management of non-biodegradable garbage/material**

6. It shall be the duty of the Local Authority, or any officer nominated by it, to,-
- Provision for placement of litter bins.**
- (a) place or provide in proper and convenient situation public receptacles, or places for temporary deposit or collection of non-biodegradable garbage;
- (b) provide separate litter bins in public places for temporary and segregated deposit of non-biodegradable, biodegradable and domestic hazardous waste other than those kept and maintained for deposit of bio-degradable garbage;
- (c) provide for the removal of contents of litter bins, deposit and

accumulation at all places provided under clause (a) of this section;

- (d) arrange for recycling and environmentally safe scientific disposal of the Non-Biodegradable Material/Garbage collected under this Act;
- (e) all such receptacles shall have the facility to be closed from all sides.

7. It shall be the duty of the Owners and Occupiers of all lands and buildings:-
- Duty of owners and occupiers to collect and deposit non-biodegradable garbage.**
- (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 or places provided for temporary deposit or collection of the Non-Biodegradable Garbage by the Local Authority in the area ;
  - (b) to provide separate receptacles or litter bins (other than those kept and maintained for deposit of bio-degradable garbage) of the type and in the manner prescribed by any Competent Authority for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles or litter bins in good condition and repair.
8. The Local Authority or the Competent Authority may, after giving notice in writing to the Owner or Occupier of any land, building or Vehicle, which has become a place of unauthorized stacking or deposit of non-biodegradable or biodegradable material, which is likely to cause a nuisance or is likely to injure the drainage and sewage system or is likely to be hazardous to life and health, remove or cause to be removed the garbage or material so stacked or collected, or take such steps as it may think necessary, and dispose of the said garbage or material at the cost of such person in the manner as provided under the rules made under this Act.
- Power and responsibility of Local Authority or Competent Authority.**
9. (1) Subject to the provisions of this section, any person empowered by the State Government, by notification in the Official Gazette, shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place for the purpose of, -
- (i) performing any of the functions entrusted to him by the State Government; or
  - (ii) determining whether, and if so, in what manner, any such functions are to be performed, or whether any provisions of
- Power of entry and inspection.**

this Act or the rules made thereunder, or any notice, order or direction served, made or, given under this Act, is being, or has been, complied with; or

(iii) examining any record, register, document or any other material object, or for conducting a search of any building or vehicle in which he has reason to believe that an offence under this Act or the rules made thereunder has been, or is being, or is about to be committed, and for seizing such record, register, document or other material object if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person handling any non-biodegradable material, shall be bound to render all assistance to the person empowered under sub-section (1) for carrying out the functions under that sub-section, and if he fails to do so without any reasonable cause or excuse, he shall be liable to be punished as per the provisions of this Act.

(3) The provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under Section 94(1) of the said code.

(4) Any non-biodegradable material or non-biodegradable garbage seized under the provisions of this section, shall be disposed of as may be prescribed.

**CHAPTER-IV**  
**Penalties and Punishments**

10. (1) Whosoever contravenes Section 3,4,5,6,7, 8 and 9(3) of this Act or any rules, notification or order made under this Act shall be punished in the following manner:

**Penalties.**

Contravention	Penalty	Sentence in default of penalty	Bailable/ Non-bailable and cognizable/ Non-cognizable
First Offence	(a) in case of individuals and Street Vendors a fine of Five hundred rupees (INR 500);  (b) in case of Shops	maximum 3 months simple imprisonment	Bailable and Non-cognizable.

	<p>and Establishments a fine of upto twenty-five thousand rupees (INR 25,000) ; and</p> <p>(c) in case of Manufacturers a fine of upto one lakh rupees (INR 1,00,000).</p>		
Second Offence	<p>(a) in case of individuals and Street Vendors a fine of one thousand (INR 1000) or simple imprisonment upto three months;</p> <p>(b) in case of Shops and Establishments a fine of upto Fifty thousand (INR 50,000) or simple imprisonment upto three months; and</p> <p>(c) in case of Manufacturers a fine of upto Two lakhs (INR 2,00,000) or simple imprisonment upto six months.</p>		Bailable and Non-cognizable.
Further Subsequent Offence	<p>Whoever having been convicted by a Court for subsequent offence (after second offence) punishable under this Act shall be punished with double the fine levied at the time of earlier (previous) conviction and rigorous imprisonment upto 3 years which shall not be less than 3 months.</p>		Non-bailable and Cognizable.

(2) Whoever, in any manner aids, abets or becomes accessory to the commission of an offence under this Act shall, be punished as provided under sub-section (1) of this Section.

11. (1) If the person contravening any of the provision of this Act is a company, every person, who at the time of the commission of such 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 liable to be punished as per the provisions of this Act: **Offences by companies.**

Provided that nothing contained in this Act shall render any such person liable for punishment, if he proves that such act was committed without his knowledge or that he exercised all due diligence to prevent the commission of such act.

(2) Subject to provisions of Section 11(1) of this Act, where a company contravenes any provision of this Act it shall be presumed that such contravention has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of, the director(s), manager(s), secretaries or other officer(s) of the company and such director(s), manager(s), secretaries or other officer(s) shall also be liable to be punished.

(3) Where a company is an accused, provisions of Section 305 of Code of Criminal Procedure, 1973 (2 of 1974) shall be applicable.

**Explanation** - For the purposes of this Section –

(a) “company” means any ‘body corporate’ and includes a firm or other association of individuals, organizations etc.; and

(b) “director”, in relation to a firm, means a partner in the firm.

12. Notwithstanding anything contained to the contrary in the Code of Criminal Procedure, 1973 (No.2 of 1974), all offences under the Act shall be tried in a summary way by a court not below the rank of Judicial Magistrate First Class and the provision of Section 262 to Section 265 (both inclusive) of the said Code shall as far as maybe, apply to such trials. If any person is aggrieved by any order of the Court under this Section, then the provisions relating to appeal as per Criminal Procedure Code, 1973 (No.2 of 1974) shall apply. **Offences to be tried summarily.**

13. (1) Any officer of the State Government or of the Local Authority, authorized by the State Government or, as the case maybe, by the local authority, in this behalf, may accept from any person who has committed the first and second offence under this Act, a sum of money by way of compounding of the offence as specified in the Table below:- **Compounding of Offences.**

<b>Contravention/Sections</b>	<b>Sum of money to be accepted for compounding of an offence</b>
(1)	(2)
<b>First Offence (Section 10)</b>	<p>(a) a sum of Five hundred (INR 500) in case of individuals and Street Vendors;</p> <p>(b) a sum of twenty-five thousand (INR 25,000) in case of Shops and Establishment; and</p> <p>(c) a sum of one lakh (INR 1,00,000) in case of Manufacturers.</p>
<b>Second Offence (Section 10)</b>	<p>(a) a sum of one thousand (INR 1000) in case of individuals and Street Vendors;</p> <p>(b) a sum of Fifty thousand (INR 50,000) in case of Shops and Establishment; and</p> <p>(c) a sum of Two lakhs (INR 2,00,000) in case of Manufacturers.</p>
<b>Every Subsequent Offences</b>	Non-compoundable

- (2) On payment of such compounding amount, any person if in custody in connection with such offence shall be set at liberty forthwith and no proceeding shall be instituted or continued against such person in any criminal court.
- (3) Where any offence has been compounded under sub-section (1) above, the offender shall be deemed to be acquitted under Section 300 of Criminal Procedure Code, 1973 (2 of 1974).

#### **CHAPTER-V Miscellaneous**

14. (1) The State Government may, by an order published in the Official Gazette, constitute an authority or authorities, by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions of the State Government under this Act, as may be mentioned in the order.
- (2) The State Government may, in exercise of its powers and for performance of its functions under this Act, issue directions, in writing, to any officer or authority and such officer or authority shall be bound to comply with such directions.
- (3) Without prejudice to the provisions of sub-section (1), the State Government may appoint, by general or special order published in the Official Gazette, officers with such designation as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

**Power of State Government to constitute authority, appoint officers and to issue directions.**

- |     |  |  |
|-----|--|--|
| 15. | <p>(1) Where it is expedient to do so, the State Government may, by notification in the Official Gazette, add to or omit from the Schedule any such entry and thereafter the Schedule shall be deemed to be amended accordingly.</p> <p>(2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before the State Legislative Assembly.</p> | <b>Power to amend.</b>                           |
| 16. | The State Government may, by order published in the Official Gazette, direct that any power exercisable by it under this Act (except 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.   | <b>Power to delegate.</b>                        |
| 17. | No suit, prosecution or other legal proceeding shall lie against any Local Authority or any officer or other employee of the State Government or the local authority or any other person authorized by the state government for anything which is done in good faith, or intended to be done in good faith under this Act or the rule or directions issued thereunder.                       | <b>Protection of action taken in good faith.</b> |
| 18. | 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.   | <b>Savings.</b>                                  |
| 19. | The State Government may make rules for the purposes of carrying out of all or any of the provision of this Act.   | <b>Power to make rules.</b>                      |



**SCHEDULE**  
**(See Section 2 (k))**

Non-Biodegradable Material / Garbage  
(Irrespective of any size and thickness)

- I. Acetyl.
- II. Acrylic.
- III. Cellulose Acetate.
- IV. Cellulose Acetate Butyrate,
- V. Electronic Waste.
- VI. High Impact Polystyrene (HIPS).
- VII. Nylon.
- VIII. Plastic strips used for packaging.
- IX. Polycarbonate.
- X. Polyethylene.
- XI. Polyethylene terephthalate (PET).
- XII. Polypropylene.
- XIII. Polystyrene (Thermocol).
- XIV. Poly-Vinyl--Chloride (PVC).
- XV. High Density Polyethylene (HDPE)
- XVI. Low Density Polyethylene (LDPE)
- XVII. Acrylonitrile Butadiene Styrene (ABS)
- XVIII. Polyphenylene Oxide (PPO)
- XIX. Polybutylene Terephthalate (PBT)
- XX. Polyurethane
- XXI. Vinyl
- XXII. Polystyrene Resins
- XXIII. Glass

## **STATEMENT OF OBJECT AND REASONS**

WHEREAS, Article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment;

AND WHEREAS, Article 51A of the Constitution of India, imposes duty on every citizen of India to protect and improve the natural environment;

AND WHEREAS, clause (3) of Article 246 of the Constitution of India, empowers the State Government to make laws with respect to matters related to Public health and Sanitation;

AND WHEREAS, it is felt that the existing legislation is not adequate in controlling and preventing pollution caused due to presence of non-biodegradable material in the State of Chhattisgarh;

AND WHEREAS, it is considered necessary to control and prevent throwing or disposing of non-biodegradable material/ garbage in public drains, roads and public place in the State of Chhattisgarh and regulate matters -connected therewith or incidental thereto;

AND THEREFORE, it is expedient to take immediate action with respect to framing of laws for the above purpose;

Now Therefore, in view of the above object, the State Government has decided to make a law to regulate the biodegradable and non-biodegradable garbage and materials in the State.

Hence this Bill.

**Raipur:**

**Dated:**

**MEMBER-IN-CHARGE.**