

GOVERNMENT OF BIHAR
Environment & Forest Department

DRAFT NOTIFICATION

Whereas, plastic carry bags cause short term and long term environmental damage and health hazard;

And Whereas, Article-48A of the Constitution of India, inter alia, envisages that the State shall endeavour to protect and improve the environment;

And Whereas, it is observed that plastic carry bags are non-biodegradable, produce toxic gases on burning, cause choking of sewers and drains, reduce soil fertility and pose threat to life of cattle eating plastic waste along with their feed;

And Whereas, the Government of Bihar after considering the adverse effects of plastic carry bags on the environment and local ecology felt that plastic carry bags have detrimental affect on the environment and human health;

Now Therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), delegated to this state vide MoEF, GoI notification no. S.O.152 (E), dated-10.02.1988 under section 23 of the said act, the Government of Bihar issues this notification to impose a complete ban on the manufacture, import, store, transport, sale and use of plastic carry bags (irrespective of their sizes and thickness) in the jurisdiction of all the Municipal Corporations, Municipal Councils and Nagar *Panchayats* in the State of Bihar after 30 days from the date of publication of this notification in the Official Gazette. In this context, the Government of Bihar hereby issues the following directions namely:-

Directions:

1. No person shall manufacture, import, store, distribute, sell, transport or use any kinds of plastic carry bags (irrespective of their sizes and thickness) in the jurisdiction of all the Municipal Corporations, Municipal Councils and Nagar *Panchayats* in the State of Bihar.
2. No person including a shopkeeper, vendor, wholesaler, retailer, trader, hawker, *feriwala* or *sabjiwala* shall sell or store or distribute or use any kind of plastic carry bags for storing or dispensing of any eatable or non-eatable goods or materials in the

jurisdiction of all the Municipal Corporation, Municipal Councils and Nagar Panchayats in the State of Bihar.

Exceptions:

The use of plastic carry bags (>50 microns) only for collection/ storage of Bio-Medical Waste for its disposal as specified under the Bio-Medical Waste Management, Rules, 2016 is exempted. State Government reserves the right to provide for any exception under this notification based on its assessment. The plastic containers used for packaging food materials, milk and milk products and raising plants in the nurseries shall not be deemed as carry bags.

Explanation:

For the purpose of this Notification "Plastic carry bags" shall have the same meaning as defined in the Plastic Waste Management Rules, 2016, issued by Ministry of Environment, Forest and Climate Change, Government of India which is reproduced as below:-

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

Authorized Officers:

The following officers are hereby authorized to implement this notification in their respective jurisdiction namely:-

- a. The Principal Secretary, Environment and Forest Department, Government of Bihar;
- b. The Principal Secretary, Urban Development and Housing Department, Government of Bihar;
- c. The Chairman or the Member Secretary, Bihar State Pollution Control Board;
- d. The District Magistrate and Superintendents of Police in respect of their jurisdiction;
- e. The Sub-Divisional Magistrate/Sub-Divisional Police Officers in respect of their jurisdiction;
- f. The Municipal Commissioners in respect of Municipal Corporations;
- g. The Executive Officers in respect of Municipal Councils and/or Nagar Panchayats;
- h. The Regional Officers/ AEEs/ Scientists of Bihar State Pollution control Board;
- i. All General Managers, District Industries Centre in respect of their jurisdiction;

Monitoring:

The Chairman, Bihar State Pollution Control Board and The Principal Secretary, Urban Development and Housing Department, Government of Bihar shall ensure monitoring and implementation of these directions. The authorized officers under section 19 of the Environment (Protection) Act, 1986 shall be authorised to file complaint in the jurisdictional court of law in case of violation of these directions.

Enforcement:

This notification shall come into force after 30 days from the date of publication in Official Gazette.

By order of the Governor of Bihar

Principal Secretary
Environment & Forest Department
Government of Bihar

बिहार सरकार
पर्यावरण एवं वन विभाग

अधिसूचना का प्रारूप

चूँकि प्लास्टिक कैंरी बैग अल्पकालिक और दीर्घकालिक पर्यावरणीय नुकसान और स्वास्थ्य परिसंकट के कारक हैं;

और चूँकि भारत के संविधान का अनुच्छेद 48-क, अन्य बातों के साथ-साथ परिकल्पित करता है कि राज्य पर्यावरण के संरक्षण और सुधार के लिए प्रयास करेगा;

और चूँकि यह देखा गया है कि प्लास्टिक कैंरी बैग जैव-विघट्य नहीं हैं, जलने से विषाक्त गैसों का उत्सर्जन करते हैं, मलनालियों एवं नालियों को अवरुद्ध करते हैं, मिट्टी की उर्वरा शक्ति क्षीण करते हैं तथा खाद्य पदार्थों के साथ प्लास्टिक अपशिष्ट खाने वाले जानवरों के जीवन को खतरा उत्पन्न करते हैं;

और चूँकि बिहार सरकार ने प्लास्टिक कैंरी बैग से पर्यावरण एवं स्थानीय पारिस्थितिकी पर पड़ने वाले कुप्रभाव के कारण प्लास्टिक कैंरी बैग को पर्यावरण एवं मानव स्वास्थ्य के लिए हानिकारक महसूस किया है;

इसलिए अब, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 की 29) की धारा-23 के अन्तर्गत प्रदत्त शक्तियों के आलोक में अधिसूचना संख्या-एस0ओ0-152(ई0), दिनांक 10.02.1988 द्वारा उक्त अधिनियम की धारा-5 के अन्तर्गत प्रदत्त प्रत्यायोजित शक्तियों का प्रयोग करते हुए बिहार सरकार इस अधिसूचना के माध्यम से राज्य के सभी नगर निगम, नगर परिषद् एवं नगर पंचायत की परिसीमा के अन्दर प्लास्टिक कैंरी बैग (किसी भी आकार एवं मुटाई के) का विनिर्माण, आयात, भंडारण, परिवहन, विक्रय एवं उपयोग को राजपत्र में प्रकाशन की तिथि से 30 दिनों के पश्चात् पूर्णरूपेण प्रतिबंधित करती है। इस संदर्भ में बिहार सरकार निम्नलिखित निर्देश जारी करती है:-

1. कोई व्यक्ति, राज्य के नगर निगम, नगर परिषद् एवं नगर पंचायत की परिसीमा के अन्दर प्लास्टिक कैंरी बैग (किसी भी आकार एवं मुटाई के) का विनिर्माण, आयात, भंडारण, वितरण, विक्रय, परिवहन एवं उपयोग नहीं करेगा।
2. बिहार राज्य के सभी नगर निगमों, नगर पालिकाओं एवं नगर पंचायतों के अधिकारिता में कोई व्यक्ति जिसमें दुकानदार, विक्रेता, थोक विक्रेता, फुटकर विक्रेता, व्यापारी, फेरी

