

**Government of Himachal Pradesh
Department of Environment, Science & Technology**

No. STE-F(4)-2/2008

Dated : Shimla-2,

7th July, 2009

NOTIFICATION

The Government of Himachal Pradesh has enacted the **Himachal Pradesh Biodegradable Garbage (Control) Act, 1995** (Act No. 15 of 1995) in order to prevent throwing or depositing non-biodegradable garbage in public drains, roads and places open to public view "and to regulate the use of non-biodegradable material" in the State of Himachal Pradesh;

Whereas, the polythene/plastic carry-bags and plastic articles having one time use such as disposable plastic cups, glasses and plates are being used widely by the shopkeepers, vendors, rehriwalas/ chhabawala and others/general public within the territory of Himachal Pradesh;

And, whereas, the polythene/plastic carry-bags and ancillary products mentioned above are non-biodegradable, choke drains and sewerage and pollute soil, water and air. Indiscriminate littering is compounding the problems besides causing health hazards and constituting an eyesore and impacting on the natural beauty of the hills/public places etc. In addition, polythene bags are also being used to deliver food stuffs and may cause the toxic effect.

And, whereas, the State Government vide notification No. STE-A (3)-4/2003 dated 04-06-2004 had imposed a requirement that the stockists, traders, retailers and vendors, within the entire State of Himachal Pradesh, shall not use carry-bags made of non-biodegradable material listed in the Schedule to the Himachal Pradesh Non-Biodegradable (Control) Act, 1995, having thickness less than 70 microns and size than 12"X18", to prevent the multifarious problems resulting from non-bio-degradable wastes.

And whereas, it has come to the notice of the Government that the partial ban imposed vide aforesaid notification has not been effective and has not achieved the expected results.

Now, therefore, the Governor, Himachal Pradesh, in supersession of notifications No. STE-A(3)-4/2003 dated 4.6.2004 issued under section 7(h) of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 and in exercise of the powers conferred under Sub-Section (1) of Section 3-A of the Non-Biodegradable Garbage (Control)

2

Act, 1995, hereby directs that no person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehriwala etc. shall use plastic carry-bags (irrespective of their sizes and thickness) and plastic items having one time use such as disposable plastic cups, glasses and plates, which are made up of non-biodegradable material as listed in the Schedule to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995.

Any person causing breach of the aforesaid prohibition shall be liable for the penalties as per the provisions contained in the Act *ibid*.

In supersession of notification No. STE-A(3)-4/2003 dated 04-06-2004, issued under section 11(1) of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, the Governor, Himachal Pradesh, further in exercise of powers conferred by section 7(A) and Section 11(1) of the said Act, is pleased to authorize the following officers for entry and inspection under Section 7(A) and to compound any offence under the Act or contravention of the ban aforesaid:

1. All the District Magistrates, Addl. Dy. Commissioners, Addl. District Magistrates and Sub-Divisional Magistrates in Himachal Pradesh.
2. All the Superintendents of Police, Additional Superintendents of Police and Sub-Divisional Police Officers/ Deputy Superintendents of Police.
3. The Commissioner and the Assistant Commissioner, Municipal Corporation, Shimla.
4. All the Chief Medical Officers in H.P.
5. All the Deputy/ Assistant Excise & Taxation Commissioners and Excise and Taxation Officers in H.P.
6. All the Territorial Divisional Forest Officers, Range Officers and Deputy Range Officers in H.P.
7. All the Tehsildars and Naib Tehsildars in H.P.
8. All the Environmental Engineers and Assistant Environmental Engineers of H.P. State Pollution Control Board.
9. All the District and Assistant Tourism Development Officers in H.P. posted in the Districts.
10. All the District Food & Supplies Controllers in H.P.
11. All the Executive Officers of Municipal Councils and Secretaries of Nagar Panchayats in Himachal Pradesh.

3

The Governor, Himachal Pradesh is further pleased to order that aforesaid authorized officers while compounding the offences committed under the Act ibid, shall specify the sum for compounding as per the following criteria:-

Sr. No.	Quantity of prohibited variety of polythene/ carry-bags and plastic items.	Amount in Rupees.
1.	Upto 100 gms	500/-
2.	101-500 gms	1500/-
3.	501gms- 1 kg	3000/-
4.	Above 1 kg to 5 kg	10,000/-
5.	Above 5 kg to 10 kg	20,000/-
6.	More than 10 kg	25,000/-
(B)	Littering of plastic waste by any institution/ commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complex's, industrial establishments, banquet halls etc.) within premises and on roads, streets, hill slopes, drains, forests areas, public parks, all public places etc.	5000/-
(C)	Littering of plastic waste by individuals in the premises of any private or commercial establishments like educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complex's, industrial establishments, banquet halls etc.and on roads, streets, hill slopes, drain, forests area, public parks, all public places etc.	1000/-

It is hereby ordered that aforesaid restriction shall come into force with effect from 15.08.2009, in the entire State of Himachal Pradesh, in the public interest.

By Order,

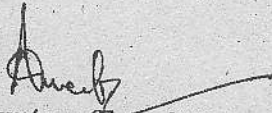
**Sarojni Ganju Thakur
Pr. Secretary (Env. & ST) to the
Government of Himachal Pradesh**

Endsts. No. : As above.

Dated: Shimla-2, 7/7/2009

Copy forwarded for information and necessary action to:

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Pr. Secretary to the Chief Minister, H.P. Shimla-2.
3. The Private Secretaries to the Cabinet /State Ministers Government of H.P.
4. The Private Secretary to the Chief Secretary to the Govt. of H.P.
5. All the Administrative Secretaries to the Government of Himachal Pradesh.
6. All Heads of Departments in H.P.
7. All the Deputy Commissioners in HP with the request that this notification may kindly be circulated to all Sub-Divisional Officers [C], Tehsildars and Niab Tehsildars under their respective jurisdiction under intimation to this Department.
8. Director General of Police, HP with the request that this notification may kindly be circulated to all Superintendents of Police, Additional Superintendents of Police and Sub-Divisional Police Officers/Deputy Superintendents of Police under intimation to this Department.
9. Commissioner, Excise and Taxation, H.P. with the request that this notification may kindly be circulated to all Dy. Assistant Excise and Taxation Officers under intimation to this Departments.
10. The Director, Urban Development with the request that this notification may kindly be provided to all Secretaries/Executive Officers of Municipal Councils/Nagar Panchayats in the State.
11. The Director, Food and Supplies with the request that this notification may kindly be provided to all Controllers, Food and Supplies, H.P. under intimation to this Department.
12. The Pr. Chief Conservator of Forests, with the request that this notification may kindly be circulated to all Range Officers and Dy. Range Officers under intimation to this Department.
13. Director, (Health), H.P. with the request that this notification may kindly be circulated to all Chief Medical Officers under intimation to this Department.
14. Director (Tourism), H.P. with the request that this notification may kindly be circulated to all District and Assistant Tourism Development Officers under intimation to this Department.
15. Director (Env. S&T), H.P. Narayan Villa near Wood Villa palace, Shimla-2.
16. All Chairman /Vice-Chairmen of Board /Corporations in H.P.
17. Member Secretary, H.P. State Council for Science, Technology and Environment, Block No. 34, SDA Complex, Kasumpti, Shimla-9.
18. Member Secretary, State Environment Protection and Pollution Control Board, Paryavaran Bhawan, Phase -III, New Shimla-9.
19. The Controller Printing and Stationery, Himachal Pradesh Government Press, Shimla-5 for publication in the Rajpatra.
- 20.. Guard File


Joint Secretary (Env. & ST) to the
Government of Himachal Pradesh