

(To be published in the leading newspapers of Jharkhand & Website of Govt. of Jharkhand)

Government of Jharkhand
Department of Forest, Environment and Climate Change

NOTICE

No.-3/Parya Pradu-52/2007- 2075

Ranchi / Date:- 18-05-2017

Whereas, the plastic carry bags are posing a grave threat to environment. If not attended to immediately, it can cause irreparable damage to environmental and public health;

And whereas, with the objective of minimizing the use of plastic carry bags, Government of Jharkhand have been undertaking various awareness campaigns through print media, electronic media, etc. Even then, the menace created by the use of plastic bags continues unabated.

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

And whereas, the Government of Jharkhand is of the considered view that the use of plastic bags is causing grave injury and irreparable damage to the environment due to blockage of gutters, sewers and drains, adversely impacting ground water recharge and emissions from advertent and inadvertent burning is resulting in serious environmental problems thereby affecting the health of human beings and its consumption by bovines while grazing is causing serious damage to health and longevity of cattle. Under these circumstances, it has become necessary to impose blanket ban on manufacture, import, storage, transport, sale and usage of plastic carry bags in the whole State of Jharkhand.

The following draft of Notification which the Government of Jharkhand proposes to issue in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 (29 of 1986), as delegated under Section 23 of the said Act by the Central Government vide Notification No. S.O. 352 (E) New Delhi, dated 18.04.2001, read with Rule 4 of the Environment (Protection) Rules, 1986, is hereby published for information of all persons, units, institutions, etc. 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 fifteen days from the date of publication of this Notification in the leading newspapers of Jharkhand & Website of Govt. of Jharkhand (www.jharkhand.gov.in / www.jharkhand.forest.gov.in / www.jspcb.org / www.prdjharkhand.in). Objections or suggestions to this draft Notification, if any, are invited within the period so specified, from all those who are likely to be affected thereby. Such objections or suggestions shall be addressed to the **Principal Secretary/ Secretary, Department of Forest, Environment & Climate Change, Government of Jharkhand, Nepal House, Doranda, Ranchi-834002**. The objections or suggestions received till the expiry of the period so specified shall be considered by the Government of Jharkhand.

This draft Notification, once finalized, will supersede Government of Jharkhand Notification No. 3/Parya.Pradu.-52/2007-3691 Van Parya. Dated 11.09.2013.

By order of the Governor of Jharkhand,

(Sunil Kumar)
Deputy Secretary,

Forest, Environment & Climate Change Department,
Government of Jharkhand.

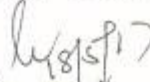
स्पष्टीकरण : इस अधिसूचना के प्रयोजन के लिए शब्द "प्लास्टिक" और "कैरी बैग" का वही अर्थ होगा जैसा कि प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के अंतर्गत परिभाषित है। खाद्य सामग्री, दूध एवं दूध-उत्पाद की पैकेजिंग तथा नर्सरी के उन्नत पौधों के लिए प्रयुक्त आधान (कन्टेनर्स), कैरी बैग नहीं माने जायेंगे।

2. प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के नियम-12(1) में विनिर्दिष्ट कृत्यों, जो इस अधिसूचना के लिये प्रासंगिक होंगे, के संबंध में प्रवर्तन का दायित्व झारखण्ड राज्य प्रदूषण नियंत्रण बोर्ड का होगा तथा उक्त नियम के नियम-12(2) एवं 12(3) में विनिर्दिष्ट कृत्यों, जो इस अधिसूचना के लिये प्रासंगिक होंगे, के संबंध में प्रवर्तन का दायित्व क्रमशः स्थानीय नगरीय निकाय एवं ग्राम पंचायत का होगा।

3. भारत सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन जारी अधिसूचना क०-एस.ओ. 394 (ई) दिनांक-16.04.1987 में यथा उल्लिखित अधिकारी, इस अधिसूचना में शामिल विषयों के संबंध में इस अधिसूचना में निहित निर्देश के उल्लंघन संबंधी शिकायत सक्षम न्यायालय में दर्ज करने हेतु प्राधिकृत होंगे।

इस अधिसूचना के अंतिम प्रकाशन की तिथि से पूर्व प्रकाशित अधिसूचना सं०-3/पर्या०प्रदू०-52/2007-3691 व०प०, दिनांक-11.09.2013 निष्प्रभावी होगा, परंतु इसके निष्प्रभावी होने का प्रभाव उक्त अधिसूचना के अधीन दायर एवं विचाराधीन न्यायिक शिकायत वादों पर नहीं पड़ेगा।


झारखण्ड राज्यपाल के आदेश से,


(सुनील कुमार)
सरकार के उप सचिव

सं०-3/पर्या०प्रदू०-52/2007- 2074 राँची/दिनांक-18/05/17

भारत के संविधान के अनुच्छेद-348 के खण्ड (3) के आलोक में इस विभाग की अधिसूचना सं०-2074 दिनांक- 18.5.17 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद् द्वारा प्रकाशित किया जाता है।

झारखण्ड राज्यपाल के आदेश से,


(सुनील कुमार)
सरकार के उप सचिव

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Government of Jharkhand
Department of Forest, Environment and Climate Change

DRAFT NOTIFICATION

No.3/Parya Pradu-52/2007- 2074 Ranchi / Date- 18.5.17

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

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

And whereas, the Government of Jharkhand is of the opinion that, the use of plastic carry bags is causing grave injury and irreparable to the environment and the health of human beings as well as animals;

And whereas, it is observed that the plastic carry bags are also causing blockage of gutters, sewers and drains resulting in serious environmental problems;

And whereas, with a view to prevent the occurrence of such problems, the State Government has decided to declare the entire area of the State of Jharkhand as the '**Plastic Carry Bags Free Area**';

Now therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (No. 29 of 1986) as delegated under Section 23 of the said Act by the Central Government vide Notification No. S.O. 352 (E) New Delhi, dated 18.04.2001, the State Government, hereby, issues the following direction, namely,

DIRECTION

1. No industry shall manufacture plastic carry bags and no person including a shopkeeper, vendor, wholesaler or retailer, trader, hawker or rehriwala etc., shall use plastic carry bags for supply of goods and no person shall manufacture, store, import, sell or transport plastic carry bags in the State of Jharkhand with effect from the date of final publication of this Notification.

Provided that plastic carry bags manufactured exclusively for export purposes against any export order shall be exempted in terms of Rule 2(2) of the Plastic Waste Management Rules, 2016 from the application of this notification.

Explanation:- For the purpose of this Notification the words 'plastic' and 'carry bags' shall have the same meaning as defined under the Plastic Waste Management Rules, 2016. The containers used for packaging food material, milk and milk products and raising plants in the nurseries shall not be deemed as carry bags.

2. Jharkhand State Pollution Control Board shall be responsible for enforcement in respect of the functions, relevant to this notification and specified in clause (1) of Rule 12 of the Plastic Waste Management Rules, 2016 whereas the Urban Local Bodies and Gram Panchayats shall be responsible for enforcement under their jurisdictions in respect of the functions, relevant to this notification and specified in clause (2) and (3) respectively of Rule 12 of the said Rules.

3. Officers as mentioned in Government of India's Notification No. S.O. 394 (E) dated 16.04.1987 issued under Section 19 of the Environment (Protection) Act, 1986 shall be authorized to file complaint in the jurisdictional court of law against violation of directions contained in this notification.

From the date of final publication of this Notification, the Notification No. 3/Parya.Pradu-62/2007-3691 Van Parya., dated 11.09.2013 shall be superseded except in supersession of things done or omitted to be done before such supersession, to the extent that complaint cases filed under previous Notification are pending.

By order of the Governor of Jharkhand,

(Sunil Kumar)

Deputy Secretary,

Forest, Environment & Climate Change Department,
Government of Jharkhand.