

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 273 OF 2025**

IN THE MATTER OF:

The Citizens Foundation

....APPLICANT

VERSUS

Central Pollution Control Board & Ors.

...RESPONDENTS

**INDEX**

**NDOH: 17.12.2025**

S.NO.	PARTICULARS	PAGE NO.
1.	Reply Affidavit on behalf of Respondent No.6.	1-5
2.	<b>ANNEXURE – A</b> Copy of the Board Resolution, dated 01.12.2025.	6-7
3.	<b>ANNEXURE – B</b> Copy of Judgment, dated 29.08.2007 passed by the Hon'ble Rajasthan High Court in CWP No.1966/2003.	8-12
4.	<b>ANNEXURE – C</b> Copy of the Order, dated 07.09.2007 passed by the Hon'ble Supreme Court.	13
5.	<b>ANNEXURE – D</b> Copy of Notification No. S.O.2400 (E), dated 17.09.2009 issued by MOEF, GOI.	14-30
6.	<b>ANNEXURE – E</b> Copy of the Order, dated 07.12.2010 passed by the Hon'ble Supreme Court.	31-32
7.	<b>ANNEXURE – F</b> Copy of Notification No.S.O.215 (E), dated 01.02.2011.	33-40

8.	<b>ANNEXURE – G</b> Copy of Notification No. S.O. 249 (E), dated 04.02.2011.	41-69
9.	<b>ANNEXURE – H</b> Copy of Notification No. S.O. 252(E), dated 07.02.2011.	70
10.	<b>ANNEXURE – I</b> Copy of Order, dated 20.07.2011 passed by the Hon'ble Supreme Court.	71-74
11.	<b>ANNEXURE – J</b> Copy of Order, dated 03.04.2013 passed by the Hon'ble Supreme Court.	75-79
12.	<b>ANNEXURE – K</b> Copy of the Order, dated 05.04.2024 passed by the Hon'ble Supreme Court.	80
13.	<b>ANNEXURE – L</b> Copy of the Order, dated 04.10.2023 passed by the Hon'ble Supreme Court.	81-112
14.	Proof of service	113

**THROUGH**



**(NALIN TALWAR) (YESHI RINCHHEN)**  
**COUNSELS FOR RESPONDENT NO.6**  
 2, Palam Marg, Vasant Vihar,  
 New Delhi – 110 057.  
 Mob No. : +91 9582396247 |  
[yeshi.rinchhen@gmail.com](mailto:yeshi.rinchhen@gmail.com)

Place : New Delhi  
 Date : 15.12.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 273 OF 2025**

IN THE MATTER OF:

The Citizens Foundation

....APPLICANT

VERSUS

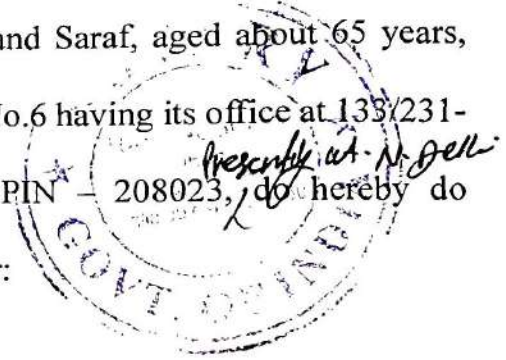
Central Pollution Control Board & Ors.

...RESPONDENTS

**SHORT REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.6,**

**TRIMURTI FRAGRANCES PRIVATE LIMITED:**

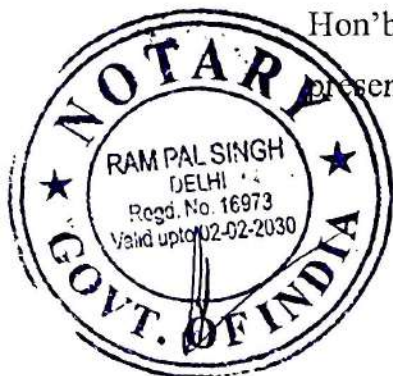
I, Rajendra Kumar Saraf, son of Lal Chand Saraf, aged about 65 years, authorized representative of Respondent No.6 having its office at 133/231-A, T.P. Nagar, Kanpur, Uttar Pradesh, PIN – 208023, do hereby do solemnly affirm and state on oath as under:



1. I am the authorized representative of answering Respondent No.6 vide Board Resolution, dated 01.12.2025. I am well conversant with the facts of the present case and hence am competent and authorized to sign the present Reply Affidavit. Copy of the Board Resolution, dated 01.12.2025 is marked and annexed hereto as ANNEXURE – A.
2. At the outset it is pertinent to point out that the captioned Application is not maintainable as the subject matter – i.e., Plastic Waste Management Rules, 2011 and plastic waste management issue are pending before the Hon'ble Supreme Court of India. The answering Respondent is filing the present Short Reply raising the maintainability aspect of the captioned OA

For Trimurti Fragrances Private Limited

  
Director



before this Hon'ble Tribunal. The answering Respondent reserves the right to file a detailed reply on merit, if required.

3. This Hon'ble Tribunal will have to consider the following facts to determine the question of maintainability.

(a) The Hon'ble Rajasthan High Court in CWP No.1966/2023 passed Judgment, dated 29.08.2007 *inter-alia* restraining the manufacturers of pan masala, tobacco and gutkha from using plastic materials in the sachet. Several SLP(s) with leading matter SLP No.16308/2007, titled "Ankur Gutkha vs Indian Asthma Care Society", were filed before the Hon'ble Supreme Court assailing the aforementioned Judgment. On 07.09.2007 notice was issued and operation of Judgment was stayed. Copy of Judgment, dated 29.08.2007 passed by the Hon'ble Rajasthan High Court in CWP No.1966/2023 is marked and annexed hereto as **ANNEXURE – B**.

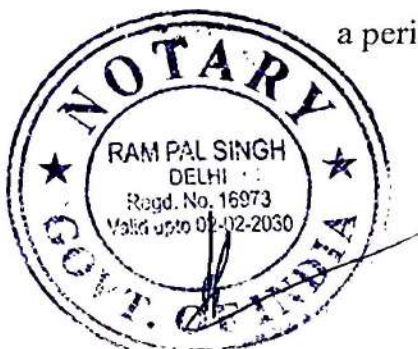
Copy of the Order, dated 07.09.2007 passed by the Hon'ble Supreme Court is marked and annexed hereto as **ANNEXURE – C**.

(b) During the pendency of the proceedings before the Hon'ble Supreme Court, the Draft Plastics (Manufacture, Usage and Waste Management) Rules, 2009 was published by the MOEF, GOI vide Notification No.S.O.2400 (E), dated 17.09.2009 and comments/suggestions were invited from all the Stakeholders.

Copy of Notification No.S.O.2400 (E), dated 17.09.2009 issued by MOEF, GOI is marked and annexed hereto as **ANNEXURE – D**.

(c) On 07.12.2010, the Stay Order was vacated and the Hon'ble Supreme Court *inter-alia* directed the Plastics (Manufacture, Usage and Waste Management) Rules, 2009 to be finalized, notified and enforced within a period of 8 weeks. Further, the Hon'ble Supreme Court restrained the

For Trimurti Fragrances Private Limited



  
Director

manufacturers of pan masala, tobacco and gutkha from using plastic material in the sachets from 01.03.2011.

Copy of the Order, dated 07.12.2010 passed by the Hon'ble Supreme Court is marked and annexed hereto as **ANNEXURE – E**.

(d) Pursuant to the directions of the Hon'ble Supreme Court, on 01.02.2011 the Plastics (Manufacture, Usage and Waste Management) Rules, 2011 was notified. The Rules were in line with the Draft Rules and did not include a ban on the use of plastic in sachets of pan masala, tobacco and gutkha. In this manner the plastic waste management Rules were enforced under the aegis of the Hon'ble Supreme Court.

Copy of Notification No.S.O.215 (E), dated 01.02.2011 is marked and annexed hereto as **ANNEXURE – F**.

(e) However, on 04.02.2011 – within 4 days, another Plastics (Manufacture, Usage and Waste Management) Rules, 2011 was notified vide S.O. 249 (E), which for the first time included ban of use of plastic in sachets of pan masala, tobacco and gutkha. The earlier Rules, 2011 was withdrawn vide S.O. 252(E), dated 07.02.2011. In this manner the Plastics (Manufacture, Usage and Waste Management) Rules, 2011 came into force.

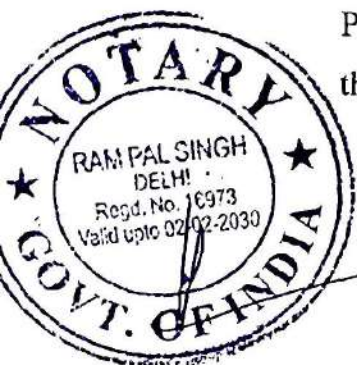
Copy of Notification No. S.O. 249 (E), dated 04.02.2011 is marked and annexed hereto as **ANNEXURE – G**. Copy of Notification No. S.O. 252(E), dated 07.02.2011 is marked and annexed hereto as **ANNEXURE – H**.

(f) It is pertinent to point out that the 2011 Rules and specifically provisions relating to ban of use of plastic in sachets of pan masala, tobacco and gutkha are under challenge in the batch matters before the Hon'ble Supreme Court. These batch matters are still pending. The CPCB and Pollution Control Boards of all States and UTs were also impleaded in the batch matters by the Hon'ble Supreme Court.

For Trimurti Fragrances Private Limited



**Director**



Copy of Order, dated 20.07.2011 passed by the Hon'ble Supreme Court is marked and annexed hereto as ANNEXURE – I.

Copy of Order, dated 03.04.2013 is marked and annexed hereto as ANNEXURE – J.

(g) During the pendency of these batch matters, on 18.03.2016, the Plastics (Manufacture, Usage and Waste Management) Rules, 2016 were notified and came into force. The 2016 Rules have also been challenged before the Hon'ble Supreme Court.

Copy of the Order, dated 05.04.2024 passed by the Hon'ble Supreme Court is marked and annexed hereto as ANNEXURE – K.

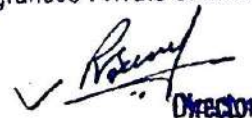
(h) 04.10.2023, the Hon'ble Supreme Court recorded the issues pending before it in the batch matters, which included the challenge to 2016 Rules and waste management issues.

Copy of the Order, dated 04.10.2023 passed by the Hon'ble Supreme Court is marked and annexed hereto as ANNEXURE – L.

4. Since the enactment of Plastic Waste Management Rules, 2011 and the subsequent 2016 Rules find their root in the batch matters pending before the Hon'ble Supreme Court. and the Hon'ble Supreme Court is already seized of the matter. Therefore, the captioned OA before this Hon'ble Tribunal is not maintainable.
5. In case of any violation as is being alleged by the Applicant in the present case, the proper forum to raise such issues would be the Hon'ble Supreme Court.
6. The captioned OA is not maintainable as it is not supported by any material or scientific evidence – i.e., test report to show that the answering Respondent has violated any provision of the 2016 Rules.



For Trimurti Fragrances Private Limited

  
Director

- 7. The captioned OA appears motivated and filed by person(s) having vested interest as it has made party only manufacturers of tobacco and pan masala, when the ban on plastic as envisaged by the Order of the National Green Tribunal in OA No.247/2017 is applicable on all products using plastics.
- 8. In view of the aforementioned the answering Respondent prays that the captioned OA is dismissed.

For Trimurti Fragrances Private Limited

*[Signature]*  
**[Stamp]**

DEPONENT

VERIFICATION

11 5 DEC 2025

Verified on this 11 day of DEC, 2025, that the contents of Paragraph(s) 1 to 8 of the Short Reply affidavit are true and correct to the best of my knowledge and belief. The contents of Paragraph(s) 2 to 8 of the Short Reply affidavit are true and correct on the basis of legal advice received. Last Paragraph is my humble prayer before this Hon'ble Court.

For Trimurti Fragrances Private Limited

*[Signature]*  
**[Stamp]**

DEPONENT

I identified the Deponent who has Signed in my Presence.

CERTIFIED THAT THE DEPONENT

Shri/Smt./Km. Resident Mr. Prasad Sarraf  
 S/o, W/o, D/o Lal Chand Sarraf  
 R/o Abhimukh Batsra  
 Identified By Sh./Smt. M.B. A.D.  
 has solemnly affirmed before me at Delhi on 11.12.2025 at St. No. 116 that the contents of the affidavit which have been read & explained to him are true and Correct to his knowledge

Notary Public, Delhi (INDIA)



11 5 DEC 2025

11 5 DEC 2025

**TRIMURTI FRAGRANCES PVT. LTD.**

Regd. Office: 27-3C, Anandpuri, Munshipurwa, Kanpur 208023 (U.P.)

Branch Office : 12, Patparganj Industrial Area, New Delhi - 110092

CIN- U16006UP1994PTC017048

**CERTIFIED EXTRACT OF MINUTES OF MEETING OF THE BOARD OF EXECUTIVES (BOE) OF TRIMURTI FRAGRANCES PRIVATE LIMITED HELD ON DECEMBER 01, 2025 AT THE BRANCH OFFICE OF THE COMPANY AT PLOT NO. 12, PATPARGANJ INDUSTRIAL AREA, NEW DELHI - 110092 AT WHICH PROPER QUORUM WAS PRESENT.**

**TO CONSIDER AND GRANT AUTHORIZATION IN FAVOUR OF MR. RAJENDRA KUMAR SARAF, MEMBER OF THE BOE TO REPRESENT THE COMPANY BEFORE VARIOUS AUTHORITIES AND COURT(S) / TRIBUNALS**

The Board notes that it is advisable to grant authorization in favour of a member of the BOE to represent the Company before National Green Tribunal and / or any Court, Tribunal, Committee, Commission, Regulatory Authority, or any other Judicial or Quasi-Judicial Authority in connection with any legal proceeding by or against the Company.

The Board considered the matter and passed the following resolution:

**“RESOLVED THAT** in suppression of any earlier resolution passed by the BOE in the said matters, Mr. Rajendra Kumar Saraf (DIN - 09424736), Member of the BOE of the Company, is hereby authorised to do the following act(s) and deed(s) on behalf of the Company:

1. To sign / file all enrolment application(s), return(s), e-form(s), papers, applications, plaints, petitions, vakalatnamas, affidavits, appeals and all other documents as maybe required to be filed with any judicial or quasi-judicial authority, Tribunals, Authorities or Forums including any appellate tribunal or before any other Government Authority(ies) and/or local authorities in connection with any legal proceeding by or against the Company and to represent the Company in or in relation to all matters incidental thereto as may be considered necessary and expedient.
2. To institute, defend, prosecute, conduct, compound, refer to arbitration and abandon and to compromise legal or other proceedings, claims and disputes by or against the Company or in which the Company may be concerned or interested.
3. To engage advocates/ legal counsels/ other professionals/ retainers as may be required from time to time and to sign necessary documents on behalf of the Company

For Trimurti Fragrances Private Limited



**Director**

and to do all such acts, deeds and things as may be expedient to carry out the purposes herein above mentioned.

4. To adduce evidence, give statement and /or undertaking in legal or other proceedings, claims and disputes by or against the Company or in which the Company may be concerned or interested.

5. To appoint/ remove/ change counsels at any point of time as per their suitability for serving the cause of the Company to their best resourcefulness and competence and to authorize/ empower them to be doing all such acts as have been within their delegated powers.

6. To inspect the judicial file and apply and receive certified copy thereof.

**RESOLVED FURTHER THAT** all acts, deeds, things, matters, etc. as afore stated shall be deemed to be valid and enforceable only if they are consistent with the instant resolution as may be relevant in this case and that the BOE shall not be responsible for any illegal and invalid acts and any acts beyond the scope of the afore stated powers done by the said officials and such invalid, illegal acts, and acts done beyond the scope of powers granted in this Resolution shall not bind the Company against any third parties or before any authorities in any manner and that the Board shall not be answerable in that behalf.

**RESOLVED FURTHER THAT** any Member of the BOE of the Company is hereby authorized to provide certified copies of the above resolution."

**For M/s Trimurti Fragrances Private Limited**

**For Trimurti Fragrances Private Limited**



RAJENDRA KUMAR SHARMA

DIRECTOR

DIN : 09424736



IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH

JUDGMENT

1. Indian Asthama Care Society & Another Vs. State of Rajasthan & Others  
(D.B. Civil Writ Petition No.1966/2003)

2. Mam Raj Singh Choudhary Vs. State of Rajasthan  
(D.B. Civil Letter Petition No.3708/2003 PIL)

3. Suhas Singh Bhadoria Vs. State of Rajasthan  
(D.B. Civil Letter Petition No.7590/2002 PIL)

D. B. Civil writ Petitions under Article 226 of the  
Constitution of India.

Date of Judgment:

August 29, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA  
HON'BLE MR. JUSTICE GUMAN SINGH

Mr. G.S.Bapna] for the petitioners.  
Mr. N.R.Saran]

Mr. G.S.Gill, Addl. Advocate General for the State.

Mr. Pancham Surana, for respondent.  
Ms. Suman Sharma] for Times of India.  
Mr. B.N.Sandhu ]

BY THE COURT: (PER HON'BLE Shiv Kumar Sharma,J.)

Finding sachets of Gutkha, Tobacco and Pan Masala lying scattered at public places, the petitioners have approached this Court with the request to invoke 'The Pollutor pays Principle' and impose fine on the manufacturers of Gutkha, Tobacco and Pan Masala.

2. The "pollutor pays principle" implies that the absolute liability



to harm the environment extends upon the pollutor not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. The principle provides that where the environment has been damaged/ degraded on account of pollution, the pollutor would be liable to compensate the individual sufferers and to pay the cost of restoring the damaged ecology.



It is urged on behalf of the petitioners that sachets are made of stic which is one of the major toxic pollutants, therefore the respondents .3to15 and other manufacturers of Gutkha, Tobacco and Pan Masala should be restrained from selling their products in sachets. The contention of respondents No.3to15 however is that no pollution is being caused by the sachets.

4. Having given our anxious consideration to the rival submissions we are of the view that before issuing any direction as sought by the petitioners, the question whether the sachets poison and pollute the natural resources and the environment needs to be examined by experts.

5. Undoubtedly plastic plays the villain right from the stage of its production. The major chemicals that go into the making of plastic are highly toxic and pose serious threat to living beings of all species on earth. Some of the Constituents of plastic such as benzene and vinyle chloride are known to cause cancer, while many others are gases and liquid hydrocarbons that vitiate earth and air. Plastic resins themselves are flammable and have contributed considerably to several accidents worldwide. Like in the case of all other chemical substances `disposal' of plastic is a myth. Once plastic is



produced, the harm is done once and for all. Plastic defies any kind of attempt at disposal – be it through recycling, burning or landfilling. Since plastic does not undergo bacterial decomposition, landfilling using plastic would mean preserving the poison forever when burned, plastic releases a host of poisonous chemicals into the air, including dioxin, the most toxic substance known to science. Recycling of plastic is associated with skin and respiratory problems, resulting from exposure to and inhalation of toxic fumes, especially hydrocarbons and residues released during the process. What is worse, the recycled plastic degrades in quality and necessitates the production of more new plastic to make the original product. Plastic waste clog the drains and thus hit especially urban sewage systems. The plastic waste being dumped into rivers, streams and seas contaminate the water, soil, marine life and also the very air we breathe. Choked drains provide excellent breeding grounds for disease causing mosquitoes besides causing flooding during the monsoons. Any attempt to get rid of plastic through landfills is also dangerous. Apart from toxic seepage from the landfill resulting in the contamination of precious water sources, the waste mass impedes the flow of ground water as well and obstructs the movement of roots – thereby badly affecting the soil's biological balance and organic process. Landfills are also prone to leaks. The wastes – especially cadmium and lead in the wastes – invariably mix with rain water, then seep through the ground and drain into nearby streams and lakes and other water bodies. Thus the water get poisoned.

#### 6. QUICK FACTS ON PLASTIC POLLUTION:

- A plastic milk jug takes 1 million years to decompose.
- A plastic cup can take 5-80 years to decompose.





- Plastic bags and other plastic garbage thrown into the ocean kill as many 1 million sea creatures every year.
- By discarding plastic thoughtlessly, especially fishing gear and packaging people are accidentally causing the deaths of millions of mammals, birds, reptiles and fish every year.

7. The problem of plastic pollution is serious. Public nuisance, because of plastic pollution to the detriment of the people, is a challenge to social justice component of the rule of law.

It is well settled that all human beings have the fundamental right to unpolluted environment, pollution free water and air. The State is obliged to preserve and protect the environment. It is mandatory for the State and its agencies to conceive, anticipate, prevent and attack the causes of environmental degradations.

9. Keeping in view the aforesaid considerations, we direct as follows:-

- (i) The Chief Secretary, State of Rajasthan, within two months from today, shall get the sachets of Gutkha, Tobacco and Pan Masala (sold and consumed in Rajasthan) examined by Forensic Science Laboratory and to enquire as to whether sachets contain plastic material.
- (ii) If the FSL report discloses that the sachets contain plastic material, the respondents No.3to15 and other manufacturers shall pay pollution fine to the Chief Secretary as follows:-

<u>Turn over of unit for the period</u> <u>from 1-4-2006 to 31-3-2007</u>	<u>Amount of fine</u>
Upto Rs.1,00,000/-	Rs. 30,000/-
Between Rs.1,00,000/- and 3,00,000/-	Rs. 60,000/-
Between Rs.3,00,000/- and 10,00,000/-	Rs. 1,50,000/-
Between Rs.10,00,000/- and 50,00,000/-	Rs. 7,00,000/-



Between Rs.50,00,000/- and Rs.1 Crore      Rs.12,00,000/-  
and more

(iii) The respondents No.3to15 and other manufacturers of Gutkha, Tobacco and Pan Masala are restrained from using plastic material in the sachets of Gutkha, Tobacco and Pan Masala.

(iv) The respondents No.3to15 and other manufacturers shall comply in letter and spirit the provisions contained in the Cigarettes and Other Tobacco Products (Prohibition Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 which came into force w.e.f. February 11, 2007.

(v) There shall be no order as to costs.

(vi) The writ petitions stand disposed of as indicated above.

(vii) A copy of this order shall be transmitted to the Chief Secretary, for compliance.

(Guman Singh),J.

(Shiv Kumar Sharma)J.

arn/

FITEM NOS.MM-16-18

COURT NO.2

SECTION XV

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16308/2007

(From the judgement and order dated 29/08/2007 in CWP No.1966/2003  
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

ANKUR GUTKHA

Petitioner(s)

VERSUS

INDIAN ASTHAMA CARE SOCIETY & ORS.

Respondent(s)

(With prayer for interim relief)

With S.L.P. (C) No.16314 of 2007  
(With prayer for interim relief)

S.L.P. (C) No.16317 of 2007  
(With prayer for interim relief)

Date: 07/09/2007      These Petitions were mentioned today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Ankur Chawla, Adv.

Ms. Naina Saraf, Adv.

Mr. Ashish Jha, Adv.

Mr. Jayant Mohan, Adv.

Mr. Siddhartha Chowdhury, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Taken on Board.

Issue notice.

Until further orders, operation of the impugned  
order shall remain stayed.

[ T.I. Rajput ]      [ Om Prakash ]

A.R.-cum-P.S.      Court Master

# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1497]

नई दिल्ली, शुक्रवार, सितम्बर 18, 2009/भद्र 27, 1931

No. 1497]

NEW DELHI, FRIDAY, SEPTEMBER 18, 2009/BHADRA 27, 1931

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 17 सितम्बर, 2009

का.आ. 2400(अ).—कतिपय नियमों का निम्नलिखित प्रारूप जिसे केन्द्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 की उप-धारा (2) के खंड (ग) और खंड (घ) और धारा 8 तथा धारा 25 की उप-धारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पुनःचक्रित प्लास्टिक विनिर्माण और उपयोग नियम, 1999 को उन बातों के सिवाय जो ऐसे अधिकरण से पहले की गई है या करने से लोप किया गया है, को अधिकृत करते हुए, जारी करने का प्रस्ताव, उन सभी व्यक्तियों की जानकारी के लिए जिनके उससे प्रभावित होने की संभावना है, प्रकाशित करती है और यह सूचना दी जाती है कि उक्त प्रारूप अधिसूचना पर उस तारीख से जिसको भारत के उस राजपत्र की प्रतियाँ, जिसमें यह सूचना प्रकाशित की जाती है, जनता को उपलब्ध करा दी जाती है, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा;

प्रारूप अधिसूचना में अतिरिक्त प्रस्तावों पर आक्षेप या सुझाव, यदि कोई हो, विनिर्दिष्ट अवधि के भीतर सचिव, पर्यावरण और वन मंत्रालय, सी.जी.ओ. कम्प्लेक्स, लोधी रोड, नई दिल्ली-110003 या इलेक्ट्रॉनिक रूप में एसईसीवाई-एससीईएफ@एनआईसी.इन ई-मेल पते पर भेजे जा सकेंगे;

ऐसे किन्हीं आक्षेपों और सुझावों पर जो इस प्रकार विनिर्दिष्ट अवधि के समाप्त होने से पूर्व उक्त प्रारूप नियमों की जाबत किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप नियम

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम प्लास्टिक (विनिर्माण, उपयोग और अपशिष्ट प्रबंध) नियम, 2009 है।

(2) ये राजपत्र में अंतिम प्रकाशन की तारीख को प्रवृत्त होंगे।

2. लागू होना.—(क) नियम 5 के उपबंध संबद्ध विनिर्माण इकाई को स्वामी या अधिकृतता द्वारा प्राप्त निर्यात आदेशों के विरुद्ध अनन्य रूप से निर्यात के प्रयोजन के लिए कैंरी बैग के निर्माण के लिए लागू नहीं होंगे;

(ख) विनिर्माता यह सुनिश्चित करेगा कि विनिर्दिष्ट मोटाई, आकार और नियम 5 में निर्दिष्ट क्वालिटी से भिन्न कोई प्लास्टिक बैग बाजार में नहीं होंगे।

3. परिभाषाएँ.—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) “अधिनियम” से पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) अभिप्रेत है ;
- (ख) “जैव विघटनीय प्लास्टिक” से कम्पोस्ट योज्य प्लास्टिक अभिप्रेत है ;
- (ग) “कैरी बैग” से ऐसे प्लास्टिक बैग अभिप्रेत हैं जो वस्तुओं को ले जाने के लिए स्वतः वहन करने की विशिष्टता रखते हैं ;
- (घ) “वस्तु” के अंतर्गत ऐसा सामान जैसे सब्जियां, फल, भेषजीय, खाद्य पदार्थ आदि किन्तु वह इसी तक सीमित नहीं है ;
- (ङ) “कम्पोस्ट योज्य प्लास्टिक” से ऐसी प्लास्टिक अभिप्रेत है जो जैविकीय प्रक्रिया द्वारा विघटनीय होने के दौरान कार्बन डाइऑक्साइड, जल, अकार्बनिक यौगिक को कम्पोस्ट करती है और अन्य ज्ञात कम्पोस्ट योज्य सामग्री के साथ जिस तक जैव भार की समरूप दर है और जो दृश्य, विशेषणीय या विषाक्त अवशिष्ट नहीं छोड़ता है ;
- (च) “सहमति” से जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 60) और वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन संबद्ध राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति द्वारा स्थापित करने की सहमति और उसे चलाने की सहमति अभिप्रेत है ;
- (छ) “आधान” से ऐसे लचीले और कठोर आधान अभिप्रेत है जो अप्रयुक्त प्लास्टिक या पुनःचक्रित प्लास्टिक या जैव विघटनीय प्लास्टिक से वस्तुओं को भंडारण, वहन करने या वितरण करने के लिए ढक्कन सहित या ढक्कन सहित निर्मित किए जाते हैं ;
- (ज) “विघटन” से किसी सामग्री का बहुत छोटे भागों में भौतिक रूप में भंजन अभिप्रेत है ;
- (झ) “खाद्य पदार्थ” द्रव्य, चूर्ण, टोस या अर्ध टोस रूप में खाने के लिए तैयार खाद्य पदार्थ, फास्ट फूड या प्रसंस्कृत या पकाए हुए खाद्य अभिप्रेत है ;
- (ञ) “विनिर्माता” से ऐसा कोई व्यक्ति अभिप्रेत है जो गैर विघटनीय योज्य या विघटनीय योज्य प्लास्टिक के कैरी बैग, आधान, बहुस्तरीय या धात्विक पैकिंग या पाउच आदि के विनिर्माण में अंतर्वलित है ;
- (ट) “पश्च उपभोक्ता प्लास्टिक अपशिष्ट” से ऐसा कोई प्लास्टिक उत्पाद अभिप्रेत है जैसे कैरी बैग या आधान या पाउच या बहु स्तरीय पैकेजिंग जिसे उपयोग के पश्चात् या जिसके जीवन की समाप्ति के पश्चात् उसे फेंक दिया गया है ;
- (ठ) “रजिस्ट्रीकरण” से, यथास्थिति, संबद्ध राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति से अप्रयुक्त या पुनःचक्रित या जैव विघटनीय प्लास्टिक से बनाए गए कैरी बैग या आधान विनिर्माण इकाई का रजिस्ट्रीकरण अभिप्रेत है ;
- (ड) “उपभोक्ता” से ऐसा कोई व्यक्ति अभिप्रेत है जो कैरी बैग या आधान या पाउच या बहुस्तरीय पैकिंग का उपयोग वस्तुओं के वहन करने, भंडारण करने या वितरण करने के लिए करता है ;
- (ढ) “विक्रेता” से ऐसा व्यक्ति अभिप्रेत है जो प्लास्टिक के कैरी बैग या आधान में वस्तुओं का विक्रय करता है ;

(ण) “अपशिष्ट प्रबंध” से प्लास्टिक अपशिष्ट के वैज्ञानिक अपचयन या पुनःउपयोग या पुनःचक्रण या निपटान अभिप्रेत है।

4. विहित प्राधिकरण.- विहित प्राधिकरण से -

(क) राज्य प्रदूषण नियंत्रण बोर्ड और संघ राज्य क्षेत्र के संबंध में प्रदूषण नियंत्रण समितियां विनिर्माण और पुनःचक्रण से संबंधित इन नियमों के उपबंधों को प्रवर्तन करने के लिए ;

(ख) पशु उपभोक्ता प्लास्टिक के उपयोग, संग्रहण, पृथक्करण, परिवहन और निपटान से संबंधित इन नियमों के उपबंधों को प्रवर्तन करने के लिए संबद्ध नगरपालिक प्राधिकरण है ;

(ग) प्लास्टिक से विनिर्मित कैंरी बैग और आधानों के लिए भारतीय मानक ब्यूरो के विनिर्देशों का सत्यापन करने के लिए यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति, अभिप्रेत है।

5. शर्तें - प्लास्टिक के कैंरी बैगों, आधानों, पाउच और बहुस्तरीय पैकेजिंग के विनिर्माण, विक्रय, भंडारण, वितरण और उपयोग के दौरान निम्नलिखित शर्तों को पूरा करेंगे, अर्थात् :-

(क) अप्रयुक्त प्लास्टिक से बने कैंरी बैग और आधान प्राकृतिक रंग के होंगे।

(ख) कोई भी व्यक्ति खाद्य सामग्री को भंडार करने, वहन करने या वितरण करने या पैकेजिंग करने के लिए पुनःचक्रण प्लास्टिक या जैव विघटनीय प्लास्टिक से बने कैंरी बैग या आधानों का उपयोग नहीं करेगा ;

(ग) खाद्य सामग्री को भंडार करने या पैकेजिंग करने से भिन्न प्रयोजनों के उपयोग के लिए पुनःचक्रित या जैव विघटनीय प्लास्टिक से बने कैंरी बैगों और आधानों विनिर्माण “खाद्य सामग्री, भेषजीय और पेय जल के संपर्क में प्लास्टिक के उपयोग के लिए रंगकों रंगक की सूची नामक” भारतीय मानक ब्यूरो के विनिर्देश भा.मा. 9833: 1981 के अनुसूच होंगे।

(घ) कोई भी व्यक्ति अप्रयुक्त या पुनःचक्रित प्लास्टिक या जैव विघटनीय प्लास्टिक से बने कैंरी बैगों का विनिर्माण, स्टॉक, वितरण, या विक्रय नहीं करेगा जो 12 x 18 इंच (30 x 45 सेंटीमीटर) के आकार से कम है और जिसकी मोटाई 40 माइक्रोन से कम है।

(ङ) कोई भी व्यक्ति जैव विघटनीय प्लास्टिक से कैंरी बैग या आधानों या पाउच या बहुस्तरीय पैकेजिंग का विनिर्माण नहीं करेगा जब तक कि वह भारतीय मानक ब्यूरो के विनिर्देश ; भा.मा./भा.मा.स. 17088: 2008 शीर्ष “जैव विघटनीय प्लास्टिक के लिए विनिर्देश” को पूरा न करते हों।

(च) कोई भी व्यक्ति गैरपुनःचक्रित योग्य, पटलित प्लास्टिक या घात्विक पाउच, बहु स्तरीय पैकेजिंग और अन्य गैरपुनःचक्रित योग्य प्लास्टिक का विनिर्माण, भंडारण वितरण या विक्रय नहीं करेगा।

6. पुनःचक्रण - प्लास्टिक का पुनःचक्रण में भारतीय मानक ब्यूरो के "प्लास्टिक के पुनः चक्रण के लिए मार्गनिर्देश" विनिर्देश : भा.मा. 14534: 1990 सीरी के सर्वज्ञ अनुरूप होगा ।

7. चिन्हांकन या संहिताकरण - प्रत्येक विनिर्माता प्लास्टिक से विनिर्मित प्रत्येक कैंरी बैग या आधान पर कूट या चिन्ह निम्नलिखित प्रकार से अंकित करेगा जो यह सुनिश्चित करेगा कि वह अप्रयुक्त प्लास्टिक या पुनःचक्रित प्लास्टिक या जैव विघटनीय प्लास्टिक से बना है, अर्थात् :-

(क) पुनःचक्रित कैंरी बैग या आधान के विनिर्माता प्रत्येक कैंरी बैग या आधान पर भारतीय मानक ब्यूरो के "प्लास्टिक के पुनः चक्रण के लिए मार्गदर्शन" नामक विनिर्देश भा.मा. 1435: 1988 के अनुसार कूटांकित या चिन्हांकित करेगा और पुनःचक्रित प्लास्टिक के अंतिम उत्पाद को "पुनःचक्रित" के रूप में चिन्हांकित करेगा और साथ ही पुनःचक्रित सामग्री के प्रयोग का प्रतिशत भी उपदर्शित करेगा ;

(ख) जैव विघटनीय प्लास्टिक से निर्मित प्रत्येक कैंरी बैग या आधान पर भारतीय मानक ब्यूरो के "कम्पोस्टेबुल प्लास्टिक के लिए विनिर्देश" भा.मा./भा.मा.स. 17088: 2008 के अनुसार कूटांकित या चिन्हांकित होंगे और पुनःचक्रित प्लास्टिक के अंतिम उत्पाद को "कम्पोस्टेबुल" या "कम्पोस्ट के दौरान जैव विघटनीय" के रूप में चिन्हांकित करेगा ;

(ग) प्रत्येक कैंरी बैग या आधान पर द्विभाषीय (अंग्रेजी, हिन्दी या स्थानीय भाषा) में निम्नलिखित सूचना मुद्रित होगी, अर्थात् :-

(i) विनिर्माता का नाम और पता ;

(ii) संबद्ध राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति द्वारा अनुदत्त रजिस्ट्रीकरण संख्यांक ;

(iii) कैंरी बैग या आधान का आकार और मोटाई ।

8. प्लास्टिक सामग्री के लिए नयाचार- जैव विघटनीय का अवधारण और प्लास्टिक सामग्री के विघटन इन नियमों से उपाबद्ध सूची भारतीय मानक ब्यूरो के नयाचार के अनुसार होगी ।

9. रजिस्ट्रीकरण- निम्नलिखित शर्तों के अधीन रजिस्ट्रीकरण प्रमाणपत्र अनुदत्त होगा, अर्थात् :-

(i) प्रत्येक अधिष्ठाता जो अप्रयुक्त प्लास्टिक या पुनःचक्रित प्लास्टिक या जैव विघटनीय प्लास्टिक से कैंरी बैगों या आधानों का विनिर्माण कर रहा है या विनिर्माण करना प्रस्तावित है वह, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संबद्ध संघ राज्यक्षेत्र के प्रदूषण नियंत्रण समिति को अपनी इकाई के रजिस्ट्रीकरण या रजिस्ट्रीकरण के नवीकरण के लिए इन नियमों से उपाबद्ध प्ररूप 1 में आवेदन करेगा ;

(ii) इन नियमों के प्रारंभ पर या उसके पश्चात् कोई व्यक्ति कैंरी बैग या आधान का विनिर्माण उनके आकार या मोटाई या क्षमताओं को ध्यान में लाए बिना तब तक नहीं करेगा जब तक कि उस इकाई के अधिष्ठाता ने, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति से उत्पादन प्रारंभ होने से पहले रजिस्ट्रीकरण न करा लिया हो ;

(iii) राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति किसी इकाई का रजिस्ट्रीकरण प्रमाणपत्र तब तक जारी या नवीकृत नहीं करेगा जब तक कि वह इकाई, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति द्वारा अधिकथित अपेक्षाओं के अनुसार जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) और वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन विधिमाम्य सहमति न रखती हो ;

(iv) प्रत्येक राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति सभी प्रकार से पूर्ण आवेदनों की प्राप्ति के तीस दिनों के भीतर रजिस्ट्रीकरण अनुदत्त करेगा ;

(v) इस नियम के अधीन अनुदत्त रजिस्ट्रीकरण जब तक कि पूर्व में विखंडित/निलंबित या रद्दकरण नहीं कर लिया जाता तीन वर्ष की अवधि के लिए विधिमाम्य होगा ;

परंतु रजिस्ट्रीकरण प्रमाणपत्र तब तक विखंडित या निलंबित या रद्दकरण नहीं किया जाएगा जब तक कि विनिर्माता को सुनवाई का अवसर न दे दिया गया हो ;

(vi) रजिस्ट्रीकरण के नवीकरण के लिए प्रत्येक आवेदन नियमों से संबद्ध प्ररूप 1 में रजिस्ट्रीकरण की विधिमाम्यता की समाप्ति से साठ दिन पूर्व किया जाएगा ।

[फा. सं. 17-2/2001-एचएसएमडी]

राजीव गौबा, संयुक्त सचिव

उपाबंध

जैव विघटनीय के अवधारण और प्लास्टिक सामग्री के विघटन की डिग्री के लिए नयाघार  
(नियम 8 देखें)

1.	भा.मा./भा.मा.स. 14851: 1999 जलीय माध्यम में प्लास्टिक की अंतिम (अल्टीमेट)ऑक्सी जैव विघटनीयता ज्ञात करना - बंद रेस्पिरोमीटर में ऑक्सीजन की आवश्यकता मापन द्वारा पद्धति ।
2.	भा.मा./भा.मा.स. 14852 : 1999 जलीय माध्यम में प्लास्टिक की अंतिम (अल्टीमेट)ऑक्सी जैव विघटनीयता ज्ञात करना - उत्पन्न कार्बन डाइऑक्साइड के विश्लेषण द्वारा पद्धति
3.	भा.मा./भा.मा.स. 14853: 2005 प्लास्टिक - जलीय तंत्र में प्लास्टिक की अंतिम (अल्टीमेट)ऑक्सी जैव विघटनीयता ज्ञात करना - बायोगैस उत्पादन के मापन द्वारा पद्धति ।
4.	भा.मा./भा.मा.स. 14855 - 1: 2005 नियंत्रिक संघटक स्थितियों में प्लास्टिक सामग्री की अंतिम (अल्टीमेट)ऑक्सी जैव विघटनीयता ज्ञात करना - उत्पन्न कार्बन डाइऑक्साइड के विश्लेषण द्वारा पद्धति (भाग - 1 सामान्य पद्धति) ।
5.	भा.मा./भा.मा.स. 14855 - 21: 2007 नियंत्रिक संघटक स्थितियों में प्लास्टिक सामग्री की अंतिम (अल्टीमेट)ऑक्सी जैव विघटनीयता ज्ञात करना - उत्पन्न कार्बन डाइऑक्साइड के विश्लेषण द्वारा पद्धति (भाग - 2 प्रयोगशाला पद्धति) ।
6.	भा.मा./भा.मा.स. 15985: 2004 प्लास्टिक - उच्च - ठोसता की ऑक्सी (एनोरोबिक) डाइजेसन स्थितियों में अंतिम (अल्टीमेट) ऑक्सी (एनोरोबिक) जैवविघटनीयता एवं विघटन ज्ञात करना - निकली बायोगैस की विश्लेषण पद्धति ।
7.	भा.मा./भा.मा.स. 16929 : 2002 प्लास्टिक - पायलट मापन परीक्षण में परिभाषित संघटक स्थितियों में विघटन का स्तर ज्ञात करना ।
8.	भा.मा./भा.मा.स. 17556 : 2003 प्लास्टिक - रेस्पिरोमीटर में ऑक्सीजन की आवश्यकता अथवा उत्पन्न कार्बन डाइऑक्साइड के मापन द्वारा मृदा में अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना ।

9.	भा.मा./भा.मा.स. 20200 : 2004 प्लास्टिक — प्रयोगशाला - स्केल परीक्षण में अनुकाशित संघटन स्थितियों में प्लास्टिक सामग्री के विघटन का स्तर ज्ञात करना ।
----	--

प्ररूप 1

[ नियम 9 (i) और नियम 9 (vi) देखें ]

प्लास्टिक कैंरी बैग और आधानों के विनिर्माण के लिए किसी इकाई के रजिस्ट्रीकरण के लिए आवेदन

प्रेषक .....

.....

..... (अधिष्ठाता का पूरा नाम और पता)

सेवा में,

सदस्य सचिव,

..... राज्य प्रदूषण नियंत्रण बोर्ड / प्रदूषण नियंत्रण समिति

.....

.....

महोदय,

मैं/हम प्लास्टिक (विनिर्माण, उपयोग और अपशिष्ट प्रबंध) अधिनियम, 2009 के नियम 9 के अधीन रजिस्ट्रीकरण के लिए आवेदन करता हूँ/करती हूँ ।

भाग - क

साधारण

1.(क)	इकाई का नाम और क्रियाकलापों की अवस्थिति	
ख.	इकाई का नाम	
ग.	निम्नलिखित के विनिर्माण के लिए अपेक्षित रजिस्ट्रीकरण : (i) अप्रयुक्त कैंरी बैग (ii) पुनःचक्रित कैंरी बैग (iii) अप्रयुक्त आधान (iv) पुनःचक्रित आधान	
घ.	विनिर्माण क्षमता	
ङ.	रजिस्ट्रीकरण के नवीकरण की दशा में पूर्व रजिस्ट्रीकरण और तारीख	

2क.	क्या इकाई राज्य में डीसीएसएसआई या उद्योग विभाग के रजिस्ट्रीकृत है सरकार/संघ राज्यक्षेत्र प्रशासन	
(ख)	यदि हां, तो प्रति संलग्न करें	
3क.	परियोजना पर विनिर्दिष्ट कुल पूंजी	
ख.	उत्पादन के आरंभ करने का वर्ष	
4क.	उत्पादों और उपउत्पादों की सूची और मात्रा	
ख.	प्रयुक्त कच्ची सामग्री की सूची और मात्रा	
5.	उत्पादित उत्पादों और अपशिष्ट निबंधनों में केप्टिव जिसके अंतर्गत केप्टिव विद्युत उत्पादन और अखनिजीकृत जल भी है, को दर्शित करते हुए विनिर्माणकारी प्रक्रिया का एक प्रवाहित डायग्राम प्रस्तुत करें।	
6.	विनिर्मित किए जाने वाले कंरी बैगों का न्यूनतम आकार (किसी भी दशा में यह 8" x 12" से कम नहीं होना चाहिए)	
7.	नियम 5, 6, 7, 8 के अनुपालन की प्राप्ति	

भाग - ख  
तरल बहिष्कार और गैसीय उत्सर्जन से संबंधित

8.	(क) क्या इकाई जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) के अधीन विधिमाम्य सहमति रखती है	
	यदि हां, तो प्रति संलग्न करें	
	(ख) क्या इकाई वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन विधिमाम्य सहमति रखती है	
	यदि हां, तो प्रति संलग्न करें	

भाग - ग  
अपशिष्ट से संबंधित

11.	वेस अपशिष्ट : (क) उत्पादन की कुल मात्रा (ख) संयंत्र के भीतर भंडारण की पद्धति (ग) निपटान के लिए उपबंध	
-----	---	--

स्थान :

हस्ताक्षर

तारीख :

पदनाम

**MINISTRY OF ENVIRONMENT AND FORESTS****NOTIFICATION**

New Delhi, the 17th September, 2009

**S.O. 2400(E).**— The following draft of certain rules, which the Central Government proposes to issue in exercise of the powers conferred by clause (c) and clause (d) of sub-section (2) of section 6 and sections 8 and clause (b) of sub-section (2) of section 25 of the Environment (Protection) Act, 1986 (29 of 1986) and in supersession of the Recycled Plastics Manufacture and Usage Rules, 1999 except as respects things done or omitted to be done before such supersession, is hereby published for the information of public likely to be affected thereby; and the notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of this notification as published in the Gazette of India are made available to public;

Objections or suggestions to proposals contained in the draft notification, if any, may be addressed, within the period so specified, to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110 003 or electronically at e-mail address: [secy-moef@nic.in](mailto:secy-moef@nic.in);

The objections and suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified shall be considered by the Central Government.

**Draft notification****Short title and commencement.**

1. (1) These rules may be called the Plastics (Manufacture, Usage and Waste Management) Rules, 2009.

- (2) They shall come in to force on the date of their final publication in the Official Gazette.

2. **Application.-**

- (a) the provisions of rule 5 shall not apply to the manufacture of carry bags exclusively for export purposes, against an order for export received by the owner or occupier of the concerned manufacturing unit;
- (b) the manufacturer shall ensure that there shall not be any plastic bags in the market other than those of the specified thickness, size and quality as referred to in rule 5.

3. **Definitions.-** In these rules, unless the context otherwise requires, -

- (a) "**Act**" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "**Biodegradable plastic**" means compostable plastic;
- (c) "**carry bags**" means the plastic bags which have self carrying features for carrying commodities;
- (d) "**Commodities**" includes articles; but not limited to, such as vegetables, fruits, pharmaceuticals, food grains, etc;
- (e) "**Compostable plastic**" means plastic that undergoes degradation by biological processes during composting to yield CO<sub>2</sub>, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue;
- (f) "**consent**" means the consent to establish and consent to operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water(Prevention and Control of Pollution), 1974 (60 of 1974), and the Air (Prevention and Control of Pollution), 1981(14 of 1981);
- (g) "**Container**" means flexible or rigid containers made of virgin plastics or recycled plastics or biodegradable plastics with or without lid used to store, carry or dispense commodities;
- (h) "**disintegration**" means physical breakdown of a material into very small fragments;
- (i) "**food-stuffs**" means ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;

34264/05-2

- (j) **"Manufacturer"** means any person who is involved in manufacturing of non-degradable or degradable plastic carry bags, containers, multilayered or metallic packaging, pouches, etc.;
- (k) **"post-consumer plastic waste"** means any plastic product such as carry bag or container or pouch or multilayered packaging, which is discarded after use or after its intended life is over;
- (l) **"registration"** means registration of units manufacturing carry bags and containers made of virgin or recycled or biodegradable plastics with concerned State Pollution Control Board or Pollution Control Committee, as the case may be;
- (m) **"user"** means any person who uses carry bags or containers or pouches or multilayered packaging for carrying, storing or dispensing of commodities;
- (n) **"Vendor"** means a person who sells commodities in plastic carry bags or containers;
- (o) **"Waste Management"** means scientific reduction or reuse or recycling or disposal of plastic wastes;

4. **Prescribed Authority.**- Prescribed authority means the authority

- (a) for enforcement of the provisions of these rules related to manufacture and recycling shall be the State Pollution Control Boards and the Pollution Control Committees in respect of Union territories;
- (b) for enforcement of the provisions of these rules related to the use, collection, segregation, transportation and disposal of post consumer plastic shall be the concerned municipal authority;
- (c) to verify the Bureau of Indian Standards' specifications for carry bags and containers made of plastics shall be the State Pollution Control Board or Pollution Control Committee, as the case may be.

5. **Conditions.**- During course of manufacture, sale, stock, distribution and use plastic carry bags, containers, pouches and multilayered packaging the following conditions shall be fulfilled, namely: -

- (a) "carry bags and containers made of virgin plastics shall be in natural shade;
- (b) no person shall use carry bags or containers made of recycled plastics or biodegradable plastics for storing, carrying, dispensing or packaging of feed stuffs;
- (c) carry bags and containers made of recycled or biodegradable plastics and used for purpose of other than storing and packaging foodstuffs shall be manufactured using pigments and colorants as per the Bureau of Indian Standards' specifications: IS 9833:1981 entitled 'List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water';
- (d) no person shall manufacture, stock, distribute or sell carry bags made of virgin or recycled plastics or bio-degradable plastics, which are less than 12x18 inches (30x45 cms) in size and less than 40 microns in thickness;
- (e) no person shall manufacture carry bags or containers or pouches or multilayered packaging from biodegradable plastics unless these meet the Bureau of Indian Standards' specifications: IS/ISO 17088:2008 entitled "Specifications for Compostable Plastics".
- (f) no person shall manufacture, stock, distribute or sell non-recyclable laminated plastic or metallic pouches, multilayered packaging's, and other non-recyclable plastics.

6. **Recycling.**- Recycling of plastics shall be undertaken strictly in accordance with the Bureau of Indian Standards' specification: IS 14534: 1998 entitled " The Guidelines for Recycling of Plastics"

7. **Marking or codification.**- Every manufacturer shall code or mark each carry bag or container made of plastics, so as to ascertain whether it is made of "virgin plastic" or "recycled plastic" or "bio-degradable plastic" as per the following namely:-

(a) the manufacturer of recycled carry bags or container shall code or mark each carry bag and container as per the Bureau of Indian Standards' Specification: IS 14534:1998 entitled "The Guidelines for Recycling of Plastics" and the end product made of recycled plastics shall be marked as "recycled" along with indication of the percentage of use of recycled material;

(b) each carry bag or container made from biodegradable plastic shall bear a code/mark as per Bureau of Indian Standards' Specification: IS/ISO 17088:2008 entitled "Specifications for Compostable Plastics" and the end product made of biodegradable plastics shall be marked "compostable" or "biodegradable during composting";

(c) each carry bag or container shall be printed bilingually (English, Hindi or Local language) with the following information namely:-

- (i) Name and address of the Manufacturer;
- (ii) Registration number granted by the concerned State Pollution Control Board or Pollution Control Committee;
- (iii) Size and thickness of the carry bag or container.

8. **Protocols for plastic materials.**-Determination of biodegradability and the degree of disintegration of plastic material shall be as per the protocols of the Bureau of Indian Standards listed at the Annexure to these rules.

9. **Registration.**- The grant of registration certificate will be subject to the following conditions, namely:-

- (i) every occupier manufacturing or proposing to manufacture carry bags or containers made of virgin plastics or recycled plastics or biodegradable

plastics shall make an application in Form 1 appended to these rules to the State Pollution Control Board or Pollution Control Committee of the Union territory concerned for grant of registration or renewal of registration for his unit, as the case may be; (See rule)

(ii) on or after the commencement of these rules, no person shall manufacture carry bags or containers irrespective of its size or thickness or quality unless the occupier of the unit has registered his unit with the State Pollution Control Board or Pollution Control Committee, as the case may be, prior to the commencement of production;

(iii) the State Pollution Control Board or Pollution Control Committee shall not issue or renew the registration certificate to a unit unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) as per the requirements laid down by the State Pollution Control Board or Pollution Control Committee, as the case may be;

(iv) every State Pollution Control Board or Pollution Control Committee shall grant registration within thirty days of receipt of application, complete in all respects.

(v) the registration granted under this rule shall, unless revoked/suspended or cancelled earlier, be valid for a period of three years;

Provided that the certificate of registration shall not be revoked or suspended or cancelled unless the manufacturer shall be given an opportunity of hearing;

(vi) every application for renewal of registration shall be made in the Form 1 appended to these rules at least sixty days before the expiry of the validity of registration;

[F. No. 17-2/2001-HSMD]  
RAJIV GAUBA, Jt. Secy.

## Annexure

**Protocols for determination of biodegradability and the degree of  
disintegration of plastic materials**  
(see rule8)

1.	IS/ISO 14851: 1999 Determination of the ultimate aerobic biodegradability of plastic material in an aqueous medium-method by measuring the oxygen demand in closed Respirometer
2.	IS/ISO 14852: 1999 Determination of the ultimate aerobic biodegradability of plastic material in an aqueous medium-method by analysis of evolved carbon dioxide
3.	IS/ISO 14853: 2005 Plastics- Determination of the ultimate aerobic biodegradability of plastic material in an aqueous system-method by measurement of biogas production
4.	IS/ISO 14855-1: 2005 Determination of the ultimate aerobic biodegradability of plastic material under controlled composting conditions-method by analysis of evolved carbon dioxide (Part-1: General method)
5.	IS/ISO 14855-2: 2007 Determination of the ultimate aerobic biodegradability of plastics under controlled composting conditions-method by analysis of evolved carbon dioxide (Part-2: Gravimetric method)
6.	IS/ISO 15985: 2004 Plastics- Determination of the ultimate anaerobic biodegradability and disintegration under high-solid anaerobic digestion conditions- methods by analysis of released biogas
7.	IS/ISO 16929: 2002 Plastics- Determination of degree of disintegration of plastic materials under defined composting conditions in a pilot scale test
8.	IS/ISO 17556: 2003 Plastics- Détermination of ultimate aerobic biodegradability in soil by measuring the oxygen demand in a Respirometer or the amount of carbon dioxide evolved
9.	IS/ISO 20200:2004 Plastics- Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory scale test

**FORM - I**

[See rules 9(i) and 9(vi)]

**APPLICATION FOR REGISTRATION OF A UNIT FOR MANUFACTURE OF PLASTIC CARRY BAGS AND CONTAINERS**

From: .....

.....

.....(Name and full address of the occupier)

To

The Member Secretary,

..... Pollution Control Board/Pollution Control Committee

.....

.....

Sir,

I/We hereby apply for registration under rule 9 of the Plastics (Manufacture, Usage and Waste Management) Rules, 2009.

<b>PART - A</b>		
<b>GENERAL</b>		
1.(a)	Name of the unit and location of activity	
(b)	Address of the unit	
(c)	Registration required for manufacturing of :	
	(i) Carry bag virgin	
	(ii) Carry bag recycled	
	(iii) Containers virgin	
	(iv) Container recycled	

(d)	Manufacturing capacity	
(e)	In case of renewal of Registration previous Registration number and date	
2.(a)	Is the unit registered with DCSSI or Department of Industries of the State Government/Union Territory Administration?	
(b)	If yes, attach a copy.	
3.(a)	Total capital invested on the project	
(b)	Year of commencement of production	
4 (a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
5	Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and de-mineralized water	
6	Minimum sizes of carry bags to be manufactured. (in any case it should not be less than 12" x 18")	
7.	Status of compliance with rules 5,6,7 and 8	
<b>PART - B</b> <b>PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS</b>		
8.	(a) Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974) If yes, attach a copy	

	(b) Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) If yes, attach a copy	
<b>PART - C PERTAINING TO WASTE</b>		
9.	<b>Solid Wastes:</b>  (a) Total quantum of generation (b) Mode of storage within the plant (c) Provision made for disposal	
Place : Date :		Signature  Designation



Interim order dated 7.9.2007 and other similar orders passed by this Court are vacated and the following directions are given:

- 1) The learned Solicitor General should instruct the concerned Ministries to approach National Institute of Public Health to undertake a comprehensive analysis and study of the contents of gutkha, tobacco, pan masala and similar articles manufactured in the country and harmful effects of consumption of such articles. The learned Solicitor General says that a report based on such study will be made available within eight weeks.
- 2) The Plastics (Manufacture, Usage and Waste Management) Rules, 2009 be finalised, and enforced within a period of eight weeks from today.
- 3) The direction contained in the impugned order of the High Court for imposition of fine shall remain stayed.
- 4) Respondent Nos.3 to 15 and other manufacturers of gutkha, tobacco, pan masala are restrained from using plastic material in the sachets of gutkha, tobacco and pan masala. This direction shall come into force with effect from 1st March, 2011.

For further hearing, the case be listed on

3

March 9, 2011.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

# Annexure -F

## Ministry of Environment and Forests

Notifications: Dated 31<sup>st</sup> January 2011  
(Published in the Gazette of India on 1<sup>st</sup> February 2011)

Whereas the draft rules, namely, the Plastics (Manufacture, Usage and Waste Management) Rules, 2009 were published by the Government of India in the Ministry of Environment and Forests vide number S.O. 2400(E), dated the 17th September, 2009 in the Gazette of India, Extraordinary of the same date inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on the 17th day of September, 2009;

AND WHEREAS the objections and suggestions received within the said period from the public in respect of the said draft rules have been duly considered by the Central Government.

NOW, THEREFORE, in exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Recycled Plastics Manufacture and Usage Rules, 1999, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following Rules, namely:-

### 1. Short title and commencement.

- (1) These rules may be called the **Plastic Waste (Management and Handling) Rules, 2011**.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### 2. Application.

The provisions of rules 5 and 8 shall not apply to the manufacture of carry bags exclusively for export purposes, by export oriented manufacturing units, against an order for export received by the owner or occupier of the concerned manufacturing unit. This exemption does not apply to any surplus or rejects, left over and the like.

### 3. Definitions.-In these rules, unless the context otherwise requires.

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "Carry bags" mean all plastic bags used to carry commodities, including self carrying features;
- (c) "Commodities" mean articles, including but not limited to vegetables, fruits, pharmaceuticals, food grains and the like;
- (d) "Compostable plastics" mean plastic that undergoes degradation by biological processes during composting to yield CO<sub>2</sub>, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue;
- (e) "Consent" means the consent to establish and operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);
- (f) "Disintegration" means the physical breakdown of a material into very small fragments;
- (g) "Extended producer's responsibility (EPR)" means the responsibility of a producer or manufacturer of plastic carry bags and multilayered plastic pouches or packages for the environmentally sound management of the product until the end of its life. This responsibility also applies to all manufactures using such packaging;
- (h) "Food-stuffs" mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;
- (i) "Manufacturer" means any producer who manufactures plastic carry bags, multilayered packaging, pouches and the like or uses such materials in packaging of a product;
- (j) "Municipal authority" means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including notified area committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;

- (k) **"Multilayered plastics"** mean any material having a combination of more than one layer of packaging material such as paper, paper board, polymeric materials, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;
- (l) **"Plastic"** means material which contains as an essential ingredient a high polymer and which at some stage in its processing into finished products can be shaped by flow;
- (m) **"Plastic waste"** means any plastic product such as carry bags, pouches or multilayered packaging, which have been discarded after use or after their intended life is over;
- (n) **"Registration"** means registration of units manufacturing or recycling carry bags made of virgin or recycled plastics with the concerned State Pollution Control Board or Pollution Control Committee, as the case may be;
- (o) **"Virgin plastic"** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;
- (p) **"Waste management"** means the scientific reduction, re-use, recovery, recycling, composting or disposal of plastic waste;
- (q) **"Waste pickers"** mean individuals or groups of individuals engaged in the collection of plastic waste.

#### 4. Prescribed Authority.

The prescribed Authority means the Authority

- (a) for enforcement of the provisions of these rules related to authorization, manufacture, recycling and disposal shall be State Pollution Control Board and Pollution Control Committee in respect of Union territory;
- (b) for enforcement of the provisions of these rules relating to the use, collection, segregation, transportation and disposal of post consumer plastic waste shall be the concerned municipal authority.

**5. Conditions.**-During the course of manufacture, stocking, distribution, sale and use of carry bags, the following conditions shall be fulfilled, namely:

- (a) carry bags shall either be white or made using only those pigments and colourants which are in conformity with Indian Standard : IS 9833:1981 titled as List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water, as amended from time to time;
- (b) no person shall use carry bags made of recycled plastics or compostable plastics for storing, carrying, dispensing or packaging food stuffs;
- (c) no person shall manufacture, stock, distribute or sell any carry bag made of virgin or recycled or compostable plastic, which is less than 40 microns in thickness;
- (d) recycled carry bags shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;
- (e) carry bags made from compostable plastics shall conform to the Indian Standard: IS/ISO 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time.

#### 6. Plastic Waste Management.

The plastic waste management shall be as under:

- (a) recycling, recovery or disposal of plastic waste shall be carried out as per the rules, regulations and standards stipulated by the Central Government from time to time;
- (b) recycling of plastics shall be carried out in accordance with the Indian Standard : IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;
- (c) the municipal authority shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-(i) to ensure safe collection, storage, segregation, transportation, processing and disposal of plastic waste; (ii) to ensure that no damage is caused to the environment during this process; (iii) to ensure setting up of collection centres for plastic waste involving manufacturers; (iv) to ensure its channelisation to recyclers; (v) to create awareness among all stakeholders about their responsibilities; (vi) to engage agencies or groups

working in waste management including waste pickers, and (vii) to ensure that open burning of plastic waste is not permitted;

(d) for setting up plastic waste collection centres, the municipal authority may ask the manufacturers, either collectively or individually in line with the principle of Extended Producer's Responsibility (EPR) to provide the required finance to establish such collection centre;

(e) recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics and in compliance with the rules under the Environment (Protection) Act, 1986, as amended from time to time;

(f) the concerned municipal authority shall ensure that the residues generated from recycling processes are disposed of in compliance with Schedule II (Management of Municipal Solid Wastes) and Schedule III (Specifications for Landfill Sites) of the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Environment (Protection) Act, 1986, as amended from time to time;

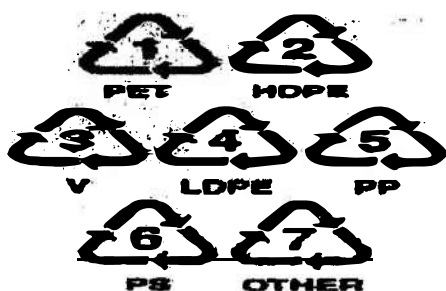
(g) the municipal authority shall incorporate the said rules in the Municipal bye laws of all the Urban Local Bodies;

(h) the municipal authority shall encourage the use of plastic waste by adopting suitable technology such as in road construction, co-incineration etc. The municipal authority or the operator intending to use such technology shall ensure the compliance with the prescribed standards including pollution norms prescribed by the competent authority in this regard.

**7. Protocols for Compostable Plastic Materials.**-Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in the Annexure to these rules.

### 8. Marking or Labelling.

- (a) each plastic carry bag and multilayered packaging shall have the following information printed in English or in local language, namely:
- name, registration number of the manufacturer and thickness in case of carry bag;
  - name and registration number of the manufacturer in case of multilayered packaging.
- (b) each recycled carry bag shall bear a label or a mark "recycled" as shown below and shall conform to the Indian Standard: IS 14534: 1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;



NOTE: PET-Polyethylene terephthalate, HDPE-High density polyethylene, V-Vinyl (PVC), LDPE-Low density polyethylene, PP-Polypropylene, PS-Polystyrene and Other means all other resins and multi-materials like ABS (Acrylonitrile butadiene styrene), PPO (Polyphenylene oxide), PC (Polycarbonate), PBT (Polybutylene terephthalate) etc.

- (c) each carry bag made from compostable plastics shall bear a label "compostable" and shall conform to the Indian Standard : IS/ISO 17088:2008 titled as Specifications for Compostable Plastics;
- (d) retailers shall ensure that plastic carry bags and multilayered packaging sold by them are properly labelled, as per stipulations under these rules.

### 9. Registration of Manufacturers and Recyclers.

- (a) any person manufacturing or proposing to manufacture carry bags and multilayered plastics shall apply to the State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) of the Union territory concerned for the grant of registration or for the renewal of registration for the manufacturing unit using Form 1 appended to these rules;
- (b) any person recycling or proposing to recycle carry bags or multilayered plastics or any plastic waste shall apply to the SPCB or PCC for grant of registration or renewal of registration for the recycling unit using Form 2 appended to these rules;
- (c) no person shall manufacture carry bags or recycle plastic bags or multilayered plastics unless without obtaining the registration certificate from the SPCB or PCC, as the case may be, prior to the commencement of production;
- (d) the SPCB and PCC shall not issue or renew a registration for manufacturing or recycling units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and certificate of registration issued by the District Industries Centre or any other government agency authorised in this regard;
- (e) every State Pollution Control Board or Pollution Control Committee shall take a decision on the grant of registration within ninety days of receipt of an application that is complete in all respects;
- (f) the registration granted under this rule shall be valid for a period of three years, unless revoked, suspended or cancelled; and registration shall not be revoked, suspended or cancelled without providing the manufacturer an opportunity for a hearing;
- (g) every application for renewal of registration shall be made at least ninety days before the expiry of the validity of the registration certificate.

### 10. Explicit pricing of carry bags.

No carry bags shall be made available free of cost by retailers to consumers. The concerned municipal authority may by notification determine the minimum price for carry bags depending upon their quality and size which covers their material and waste management costs in order to encourage their re-use so as to minimize plastic waste generation.

### 11. State Level Advisory Body.

- (1) There shall be a State Level Advisory Body to monitor the implementation of these Rules.
- (2) The State Level Advisory Body shall consist of the following persons, namely:
  - (a) the Secretary, Department of Urban Development -Chairman
  - (b) one expert from State Department of Environment -Member
  - (c) one expert from State Pollution Control Board or Pollution Control Committee -Member
  - (d) one expert from Urban Local Body -Member
  - (e) one expert from Non-Governmental Organisation -Member
  - (f) one expert from the field of Industry -Member and
  - (g) one expert from the field of academic institution -Member
- (3) The State Level Advisory Body shall meet at least once in a year and may invite experts, if it considers necessary.

### 12. Annual Reports.

- (1) each State Pollution Control Board or Pollution Control Committee shall prepare and submit the annual report to the Central Pollution Control Board on the implementation of these rules by the 30th day of September of each year;
- (2) the Central Pollution Control Board shall prepare a consolidated annual report on the use and management of plastic waste and forward it to the central government along with its recommendations before the 30th day of December each year.

Sd/  
(Rajiv Gauba)  
Jt. Secy.

S.O.215(E)  
F.No.17-2/2001-HSMD  
Issued by: Ministry of Environment and Forests  
New Delhi

TRUE COPY  
MML

## ANNEXURE

[See rule 7]

1.	IS/ISO 14851: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by measuring the oxygen demand in a closed Respirometer
2.	IS/ISO 14852: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by analysis of evolved carbon dioxide
3.	IS/ISO 14853: 2005 Plastics-Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system-Method by measurement of biogas production
4.	IS/ISO 14855-1: 2005 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-1 General method)
5.	IS/ISO 14855-2: 2007 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-2: Gravimetric measurement of carbon dioxide evolved in a laboratory-scale test )
6.	IS/ISO 15985: 2004 Plastics-Determination of the ultimate anaerobic biodegradation and disintegration under high-solids anaerobic digestion conditions-Methods by analysis of released biogas
7.	IS/ISO 16929: 2002 Plastics-Determination of degree of disintegration of plastic materials under defined composting conditions in a pilot -scale test
8.	IS/ISO 17556: 2003 Plastics-Determination of ultimate aerobic biodegradability in soil by measuring the oxygen demand in a Respirometer or the amount of carbon dioxide evolved
9.	IS/ISO 20200:2004 Plastics-Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory -scale test

## FORM-I

[See rules 9]

## APPLICATION FOR REGISTRATION OF A UNIT FOR THE MANUFACTURE OF PLASTIC CARRY BAGS AND MULTILAYERED PLASTICS

From: .....

.....

..... (Name and full address of the occupier)

To

The Member Secretary,

.....Pollution Control Board/Pollution Control Committee

.....

.....

Sir,

I/We hereby apply for registration under rule 9 of the Plastic Waste (Management and Handling) Rules, 2011

PART-A GENERAL	
1.(a)	Name and location of the unit
(b)	Address of the unit
(c)	Registration required for manufacturing of: (i) Carry bags: (ii) Multilayered plastics
(d)	Manufacturing capacity
(e)	In case of renewal, previous registration number and date of registration
2.	Is the unit registered with the DIC/DCSSI of the State Government/Union territory? If yes, attach a copy.
3.(a)	Total capital invested on the project

TRUE COPY

MML

(b)	Year of commencement of production	
4.(a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
5.	Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and water.	
6.	Minimum sizes and thickness of carry bags to be manufactured	
7.	Status of compliance with these rules	
<b>PART-B</b> <b>PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS</b>		
8.	(a) Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974)? If yes, attach a copy	
	(b) Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)? If yes, attach a copy	
<b>PART-C</b> <b>PERTAINING TO WASTE</b>		
9.	<b>Solid Wastes:</b> (a) Total quantum of waste generated (b) Mode of storage within the plant (c) Provision made for disposal of wastes	
		Name and Signature
		Designation
Date :		
Place:		

**FORM-2***[see rule 9]*

**APPLICATION FORM FOR REGISTRATION OF FACILITIES POSSESSING  
ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES FOR RECYCLING  
PLASTIC WASTE**

1.	Name and Address of the unit	
2.	Contact person with designation, Tel./Fax/email	
3.	Date Commissioned	
4.	No. of workers (including contract labour)	
5.	Consents Validity	a. Water (Prevention & Control of Pollution) Act, 1974; Valid up to _____ b. Air (Prevention & Control of Pollution) Act, 1981; Valid up to _____
6.	Authorization validity	
7.	Manufacturing Process	Please attach a flow diagram of the manufacturing process flow diagram for each product.
8.	Products and installed capacity of production (MTA)	Products Installed capacity
9.	Products manufactured during the last three years (as applicable)	Year Product Quantity

TRUE COPY

MML

10.	Raw material consumed during the last three years (as applicable)	Year	Product	Quantity	
11.	Water consumption	Industrial _____ Domestic _____		m3/day m3/day	
	Date until which water cess has been paid (if applicable)				
	Waste water generation as per consent _____ m3/day	Actual waste water generated (average of last 3 months) Industrial _____ m3/day Domestic _____ m3/day			
	Waste water treatment (provide flow diagram of the treatment scheme)	Industrial _____ Domestic _____			
	Waste water discharge	Industrial _____ m3/day Domestic _____ m3/day			
		Analysis of treated waste water for pH, BOD, COD, SS, O&G, any other parameter stipulated by SPCB/PCC (attach details)			
12.	Air Pollution Control				
	a. Provide a flow diagram for emission control system(s) installed for each processing unit, utilities etc.				
	b. Details for facilities provided for control of fugitive emissions due to material handling, process, utilities etc.				
	c. Fuel consumption	Fuel	Qty per day/month		
		(i)			
		(ii)			
	d. Stack emission monitoring	Stack attached to	Emission (SPM, SO <sub>2</sub> , NO <sub>x</sub> , etc.) mg/Nm <sup>3</sup>		
		(i)			
		(ii)			
	e. Ambient air quality	Location Results µg/m <sup>3</sup>	Parameters SPM, SO <sub>2</sub> , NO <sub>x</sub> , etc.) µg/m <sup>3</sup>		
		(i)			
		(ii)			
13.	Waste Management:	S.No.	Type	Category	Qty.
	a. Waste generation in processing plastic-waste	(i)			
		(ii)			
		(iii)			
	b. Waste Collection and transportation (attach details)				
	c. Waste Disposal details	S.No.	Type	Category	Qty
		(i)			
		(ii)			
	d. Provide details of the disposal facility, whether the facility is authorized by SPCB/ SPCC				
	e. Please attach analysis report of characterization of waste generated (including leachate test if applicable)				

TRUE COPY

MML

82

14.	Details of plastic waste proposed to be acquired through sale, auction, contract or import, as the case may be, for use as raw material	(i) Name (ii) Quantity required/year
15.	Occupational safety and health aspects	Please provide details of facilities
16.	<b>Remarks:</b>	
	Whether the unit has adequate pollution control systems/equipment to meet the standards of emission/effluent.	If Yes, please furnish details
	Whether unit is in compliance with conditions laid down in the said rules.	Yes/No
	Whether conditions exist or are likely to exist of the material being handled/processed posing adverse immediate or delayed impacts on the environment.	Yes/No
	Whether conditions exist (or are likely to exist) of the material being handled/ processed by any means capable of yielding another material (e.g. leachate) which may possess eco-toxicity.	Yes/No
17.	Any other relevant information	
18.	List of enclosures as per rule	

Name and Signature  
Designation

Date :

Place :

\*\* \*\* \*

(TRUE COPY)



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 3 — उप-खण्ड (ii)

PART II — Section 3 — Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 209]

नई दिल्ली, शुक्रवार, फरवरी 4, 2011/माघ 15, 1932

No. 209]

NEW DELHI, FRIDAY, FEBRUARY 4, 2011/MAGHA 15, 1932

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 4 फरवरी, 2011

का.आ. 249(अ).—प्रारूप नियम, अर्थात् प्लास्टिक (विनिर्माण, उपयोग और अपशिष्ट प्रबंध) नियम, 2009 को भारत सरकार के पर्यावरण और वन मंत्रालय द्वारा कानूनी आदेश संख्यांक 2400(अ), तारीख 17 सितम्बर, 2009 द्वारा जो उसी तारीख के भारत के राजपत्र असाधारण में प्रकाशित किया गया था, जिसमें उससे प्रभावित होने वाले सभी व्यक्तियों से उस तारीख से जिसको उस राजपत्र की प्रतियां जिसमें उक्त अधिसूचना प्रकाशित की जाती है, जनता को उपलब्ध करा दी जाती है, साठ दिन की अवधि की समाप्ति से पूर्व आक्षेप और सुझाव मांगे गए थे;

और उक्त राजपत्र की प्रतियां जनता को 17 सितम्बर, 2009 को उपलब्ध करा दी गई थीं ;

और उक्त प्रारूप नियमों के संबंध में जनता से उक्त अवधि के भीतर प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक् रूप से विचार कर लिया गया है;

अतः, अब, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3, धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पुनःचक्रित प्लास्टिक विनिर्माण और उपयोग नियम, 1999 को उन बातों के सिवाय जो ऐसे अधिक्रमण से पहले की गई हैं या करने से लोप किया गया है, अधिक्रान्त करते हुए केंद्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—

(1) इन नियमों का संक्षिप्त नाम अपशिष्ट प्लास्टिक (प्रबंध और प्रहस्तन) नियम, 2011 है;

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. लागू होना :—

नियम 5 और नियम 8 के उपबंध निर्यात अभिमुखी विनिर्माण इकाइयों द्वारा संबद्ध विनिर्माण इकाई के स्वामी या अधिष्ठाता द्वारा प्राप्त निर्यात आदेश के विरुद्ध अनन्य रूप से निर्यात प्रयोजनों के लिए कौरी बैगों के निर्माण के लिए लागू नहीं होंगे । यह छूट, किसी अधिशेष या निराकृत, अवशेष और इसी प्रकार के अन्य पर लागू नहीं होती है ।

3. परिभाषाएं:- इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो:-

- (क) “अधिनियम” से पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) अभिप्रेत है;
- (ख) “कैरी बैग” से सभी प्लास्टिक के बैग अभिप्रेत हैं जो वस्तुओं को ले जाने के लिए जिनमें स्वतः वहन करने की विशिष्टताएं सम्मिलित हैं, उपयोग किए जाते हैं;
- (ग) “वस्तुओं” से सम्मिलित चीजें अभिप्रेत हैं किन्तु वे सब्जियों, फलों, भेषजीय, खाद्य-पदार्थों और इसी प्रकार की अन्य चीजों तक सीमित नहीं है;
- (घ) “कंपोस्ट योग्य प्लास्टिक” से ऐसी प्लास्टिक अभिप्रेत है जो जैविकीय प्रक्रियाओं द्वारा विघटनीय होने के दौरान कार्बन-डाई-ऑक्साइड जल, अकार्बनिक यौगिकों को कंपोस्ट करती है और अन्य ज्ञात कंपोस्ट योग्य सामग्रियों के साथ जैव भार की समरूप दर है और जो दृश्य, विशेषणीय या विषाक्त अपशिष्ट नहीं छोड़ती है;
- (ङ) “सहमति” से जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) और वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन संबद्ध राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति से स्थापित करने की सहमति और उसे चलाने की सहमति अभिप्रेत है;
- (च) “विघटन” किसी सामग्री का बहुत छोटे भागों में भौतिक रूपों में भंजन अभिप्रेत है;
- (छ) “विस्तृत उत्पादक का उत्तरदायित्व (ईपीआर)” से प्लास्टिक कैरी बैगों और बहुस्तरीय प्लास्टिक पाउचों या ऐसे उत्पाद के, जब तक कि उसका जीवन समाप्त न हो, पर्यावरण रूप से सुदृढ़ प्रबंध के लिए पैकेजों के उत्पादक या विनिर्माणकर्ता का उत्तरदायित्व अभिप्रेत है;
- (ज) “खाद्य पदार्थ” से द्रव, चूर्ण, ठोस या अर्द्ध ठोस रूप में खाने के लिए तैयार खाद्य पदार्थ, फास्ट फूड, प्रसंस्कृत या पकाए हुए खाद्य पदार्थ अभिप्रेत हैं ;

- (झ) “विनिर्माणकर्ता” से ऐसा कोई उत्पादनकर्ता अभिप्रेत है जो प्लास्टिक कैंरी बैग, बहुस्तरीय पैकेजिंग, पाउचों और इसी प्रकार की अन्य चीजों का उत्पादनकर्ता है या किसी उत्पाद की पैकेजिंग में ऐसे पदार्थों का उपयोग करता है;
- (ञ) “नगर पालिका प्राधिकरण” से नगर निगम, म्यूनिसिपलिटि, नगर पालिका, नगर निगम, नगर पंचायत, नगर पालिका परिषद् अभिप्रेत हैं जिसमें अधिसूचित क्षेत्र समिति (एनएसी) या सुसंगत कानूनों के अधीन गठित कोई अन्य स्थानीय निकाय और जहां नगर पालिका का प्रबंध और प्रहस्तन किसी ठोस अपशिष्ट के बारे में ऐसे अभिकरण को सौंपा गया है, सम्मिलित है;
- (ट) “बहुस्तरीय प्लास्टिक” से कोई ऐसी सामग्री अभिप्रेत है जो पैकेजिंग सामग्री का एक से अधिक संयोजन रखती है जैसे पेपर, पेपर बोर्ड, बहुलक सामग्रियां, धात्विक सतहों या एल्युमिनियम पन्नियां जो या तो लैमिनेट प्ररूप में या सह-बहिर्वेधन संरचना के प्ररूप में हो;
- (ठ) “प्लास्टिक” से ऐसी सामग्री अभिप्रेत है जिसमें उच्च बहुलक के आवश्यक तत्व अंतर्विष्ट हो और जो तैयार उत्पादों की प्रक्रिया में ठीक उसकी प्रक्रिया में किसी स्तर तक बहाव द्वारा आवरित किया जा सकता हो ;
- (ड) “प्लास्टिक अपशिष्ट” से ऐसे कोई प्लास्टिक उत्पाद अभिप्रेत है जैसे कैंरी बैग, पाउच या बहुस्तरीय पैकेजिंग, जिसको उपयोग के पश्चात् या जिसका आशयित जीवन समाप्त हो जाने पर फेंक दिया जाता है;
- (ढ) “रजिस्ट्रीकरण” से यथास्थिति, संबद्ध राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति से अप्रयुक्त या पुनःचक्रित प्लास्टिकों से बने कैंरी बैगों के विनिर्माण या पुनःचक्रण की इकाईयों का रजिस्ट्रीकरण अभिप्रेत है ;
- (ण) “अप्रयुक्त प्लास्टिक” से ऐसी प्लास्टिक सामग्री अभिप्रेत है जो पूर्व उपयोग नहीं की गई है और जो स्क्रेप या अपशिष्ट में भी सम्मिलित नहीं की गई है;
- (त) “अपशिष्ट प्रबंध” से प्लास्टिक अपशिष्ट की वैज्ञानिक रूप से कमी, पुनःउपयोग, पुनःप्राप्ति, पुनःचक्रण, कंपोस्टिंग या व्ययन अभिप्रेत है;

(थ) "अपशिष्ट चुनने वाले" से प्लास्टिक अपशिष्ट के संग्रहण में लगे हुए व्यक्ति या व्यक्तियों के समूह अभिप्रेत हैं ।

#### 4. विहित प्राधिकरण-

विहित प्राधिकरण से निम्नलिखित प्राधिकरण अभिप्रेत हैं-

(क) प्राधिकरण, विनिर्माण, पुनःचक्रण और व्ययन से संबंधित इन नियमों के उपबंधों के प्रवर्तन के लिए राज्य प्रदूषण नियंत्रण बोर्ड और संघ राज्य क्षेत्र के संबंध में प्रदूषण नियंत्रण समिति होगी ;

(ख) पशु उपभोक्ता प्लास्टिक अपशिष्ट के उपयोग, संग्रहण, पृथक्करण, परिवहन और व्ययन से संबंधित इन नियमों के उपबंधों के प्रवर्तन के लिए संबद्ध नगर पालिका प्राधिकरण होगी ।

#### 5. शर्तें-

कैरी बैगों और सैशे के विनिर्माण, भंडारण, वितरण, विक्रय और उपयोग के अनुक्रम दौरान निम्नलिखित शर्तें पूरी की जाएंगी, अर्थात्:-

(क) कैरी बैग या तो सफेद या केवल उन रंजकों और रंगकों के अनुसार होंगे जो खाद्य सामग्री, भेषजीय पदार्थों और पीने के पानी के संपर्क में आने वाली प्लास्टिकों के उपयोग के लिए समय-समय पर यथा संशोधित, रंजकों और रंगक की सूची नामक भारतीय मानक ब्यूरो के विनिर्देश 9833: 1981 के अनुरूप हैं ;

(ख) कोई व्यक्ति, खाद्य सामग्री को भंडार करने, वहन करने, वितरण करने या पैकेजिंग करने के लिए पुनःचक्रित प्लास्टिक या कंपोस्ट योज्य प्लास्टिकों से बने कैरी बैगों का उपयोग नहीं करेगा ;

(ग) कोई व्यक्ति, किसी अप्रयोज्य या पुनःचक्रित या कंपोस्ट योज्य प्लास्टिक से बने किसी कैरी बैग का जो मोटाई में 40 माइक्रोन्स से कम है, विनिर्माण, भंडार, वितरण या विक्रय नहीं करेगा ;

(घ) गुटखा, तम्बाकू और पान मसाला के भंडारण, पैकिंग या बिक्री हेतु प्लास्टिक सामग्री युक्त सैशे का उपयोग नहीं किया जाएगा ;

(ङ) पुनःचक्रित कैरी बैग, समय-समय पर यथा संशोधित भारतीय मानक ब्यूरो के प्लास्टिक के पुनःचक्रण के लिए मार्गदर्शन नामक विनिर्देश भा.मा. 14534: 1998 के अनुरूप होंगे ;

(ध) कंपोस्ट योज्य प्लास्टिकों से बने कैंरी बैग समय-समय पर यथा संशोधित भारतीय मानक ब्यूरो के कंपोस्ट योज्य प्लास्टिक के लिए विनिर्देश नामक भा.मा./भा.मा.स. 17088 : 2008 के अनुरूप होंगे;

#### 6. प्लास्टिक अपशिष्ट प्रबंध -

प्लास्टिक अपशिष्ट प्रबंध निम्न प्रकार होगा :-

(क) प्लास्टिक अपशिष्ट का पुनःचक्रण, पुनःप्राप्ति या व्ययन समय-समय पर केन्द्रीय सरकार द्वारा नियत नियमों, विनियमों और मानकों के अनुसार किया जाएगा ;

(ख) प्लास्टिक का पुनःचक्रण, समय समय पर यथा संशोधित भारतीय मानक ब्यूरो के भा.मा. 14534 : 1998 के अनुसार किया जाएगा ;

(ग) नगर पालिका प्राधिकरण, अपशिष्ट प्रबंध प्रणाली की स्थापना, उसका प्रचालन और उसके समन्वय के लिए तथा निम्नलिखित सहयोजित कृत्यों के निर्वहन के लिए उत्तरदायी होगा, अर्थात् :- (i) प्लास्टिक अपशिष्ट के सुरक्षित संग्रहण, भंडारण, पृथक्करण, परिवहन, प्रसंस्करण और व्ययन को सुनिश्चित करना; (ii) यह सुनिश्चित करना कि इस प्रक्रिया के दौरान पर्यावरण को कोई हानि न हो; (iii) विनिर्माणकर्ताओं सहित प्लास्टिक अपशिष्ट के लिए संग्रहण केन्द्रों की स्थापना सुनिश्चित करना; (iv) पुनःचक्रित करने वालों को इसका प्रणालन सुनिश्चित करना; (v) सभी पर्णधारियों में उनके उत्तरदायित्व के लिए जागृति पैदा करना ; (vi) अपशिष्ट प्रबंध में, अपशिष्ट चुनने वालों सहित कार्य करने वाले अभिकरणों या समूहों को लगाना और (vii) यह सुनिश्चित करना कि प्लास्टिक अपशिष्ट का खुले में जलाया जाना अनुज्ञात नहीं होगा ;

(घ) प्लास्टिक अपशिष्ट संग्रहण केन्द्र की स्थापना के लिए नगर पालिका प्राधिकरण, विनिर्माणकर्ताओं से ऐसे संग्रहण केन्द्र स्थापित करने के लिए अपेक्षित वित्त उपलब्ध कराने के लिए विस्तृत उत्पादककर्ता के उत्तरदायित्व (ई पी आर) के सिद्धांत के अनुसार या तो सामूहिक रूप से या व्यक्तिगत रूप से पूछ सकेगा;

(ड) पुनःचक्रणकर्ता यह सुनिश्चित करेंगे कि पुनःचक्रण सुविधाएं, भारतीय मानक ब्यूरो के प्लास्टिक के पुनःचक्रण के लिए मार्गदर्शन नामक भा.मा. 14534 : 1998 के अनुसार हैं और समय समय पर यथा संशोधित पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नियमों के अनुपालन में हैं;

(च) संबद्ध नगर पालिका प्राधिकरण यह सुनिश्चित करेगा कि पुनःचक्रण प्रक्रिया से उत्पन्न अवशेष, समय समय पर यथा संशोधित पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन बनाए गए नगर पालिका ठोस अपशिष्ट (प्रबंधन और प्रहस्तन) नियम, 2000 की अनुसूची 2 और अनुसूची 3 (लैंड फिल साइड्स के लिए विनिर्देश) के अनुपालन में व्ययनित किए गए हैं;

(छ) नगर पालिका प्राधिकरण, सभी शहरी स्थानों निकायों के नगर पालिका उपविधियों में उक्त नियमों को सम्मिलित करेगा ;

(ज) नगर पालिका प्राधिकरण, ऐसी समुचित प्रौद्योगिकी को अंगीकृत करके जैसे सड़क निर्माण में, सह-भष्मीकरण आदि द्वारा प्लास्टिक के उपयोग को प्रोत्साहित करेगा । ऐसी प्रौद्योगिकी को उपयोग करने के लिए आशयित नगर पालिका प्राधिकरण या प्रचालक इस संबंध में सक्षम प्राधिकारी द्वारा विहित प्रदूषण सन्नियमों सहित विहित मानकों का अनुसरण सुनिश्चित करेंगे ।

7. कंपोस्ट योज्य प्लास्टिक सामग्रियों के लिए नयाचार - प्लास्टिक सामग्री के अवक्रमण की डिग्री और विघटन की डिग्री का निर्धारण, इन नियमों से उपाबद्ध सूची में भारतीय मानक ब्यूरो के नयाचारों के अनुसार होगा ।

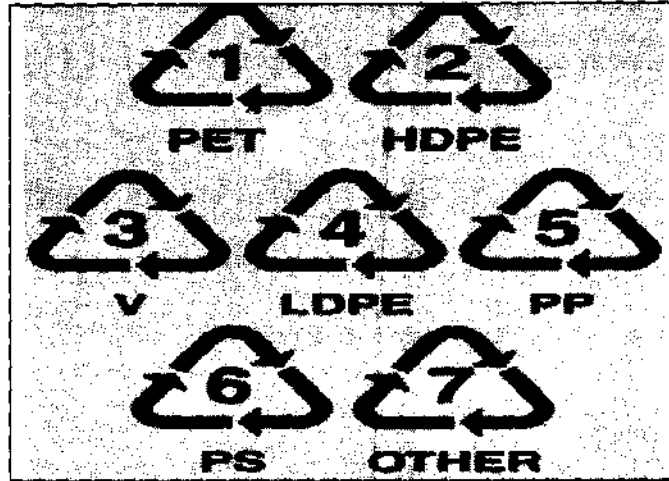
8. विपणन या लेबल लगाना-

(क) प्रत्येक प्लास्टिक कैंरी बैग और बहुस्तरीय पैकेजिंग निम्नलिखित जानकारी के साथ अंग्रेजी में या स्थानीय भाषा में मुद्रित होगी, अर्थात् :-

(i) कैंरी बैग की दशा में विनिर्माणकर्ता का नाम, उसका रजिस्ट्रीकरण संख्या और मोटाई ;

(ii) बहुस्तरीय पैकेजिंग की दशा में विनिर्माणकर्ता का नाम और उसका रजिस्ट्रीकरण संख्या ।

(ख) प्रत्येक पुनःचक्रित कैंरी बैग पर निम्नलिखित रूप में यथादर्शित “पुनःचक्रित” लेबल या चिन्ह होगा और भारतीय मानक ब्यूरो के समय समय पर यथा संशोधित पुनःचक्रित प्लास्टिक के लिए मार्गदर्शक नामक विनिर्देश भा.मा. 14534: 1998 के अनुसार होगा;



टिप्पण: पेट-पोलीथाइलिन टैरीफैथेलेट, एचडीपी-उच्च-डेंसिटी पोलीथाइलिन, वी-विनाइल(पीवीसी), एलडीपीई -निम्न डेंसिटी पोलीथाइलिन, पीपी-पोलीप्रोपिलिन, पीएस पोलीस्टायरिन और अन्य से अभिप्रेत सभी अन्य राल और बहुसामग्रियां हैं जैसे एबीएस (एक्रीलोनोड्राइल बूटाडिन स्टायरिन), पीपीओ (पोलीफेनाइलिन ऑक्साइड), पीसी (पोलीकार्बोनेट), पीवीटी (पोलीबूटीलेन पेरिफेलेट) आदि ।

(ग) कंपोस्ट योज्य प्लास्टिकों से बने प्रत्येक कैंरी बैग पर “कंपोस्ट योज्य” का लेबल लगा होगा और भारतीय मानक ब्यूरो के कंपोस्ट योज्य प्लास्टिक के लिए विनिर्देश नामक विनिर्देश भा.मा./भा.मा.स. 17088 : 2008 के अनुरूप होगा ।

(घ) फुटकर विक्रेता, यह सुनिश्चित करेंगे कि उनके द्वारा विक्रीत प्लास्टिक कैंरी बैग और बहुस्तरीय पैकेजिंग, इन नियमों के अधीन अनुबद्धों के अनुसार समुचित रूप से लेबल लगाए गए हैं ।

#### 9. विनिर्माकर्ता और पुनःचक्रणकर्ता का रजिस्ट्रीकरण-

(क) ऐसा कोई व्यक्ति जो कैंरी बैगों और बहुस्तरीय प्लास्टिकों का विनिर्माण करता है या विनिर्माण करने के लिए प्रस्ताव करता है, इन नियमों से उपाबद्ध प्ररूप 1 का प्रयोग करते हुए विनिर्माण यूनिट के लिए रजिस्ट्रीकरण प्रदान करने के लिए या रजिस्ट्रीकरण के नवीकरण के

लिए संबद्ध राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी) या संघ राज्यक्षेत्र की प्रदूषण नियंत्रण समिति (पीसीसी) को आवेदन करेगा ।

(ख) ऐसा कोई व्यक्ति जो कैंरी बैग और बहुस्तरीय प्लास्टिकों या प्लास्टिक अपशिष्ट का पुनःचक्रण करता है या पुनःचक्रण करने के लिए प्रस्ताव करता है इन नियमों से उपाबद्ध प्ररूप 2 का प्रयोग करते हुए पुनःचक्रण यूनिट के लिए रजिस्ट्रीकरण प्रदान करने के लिए या रजिस्ट्रीकरण का नवीकरण करने के लिए राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति को आवेदन करेगा ।

(ग) कोई व्यक्ति कैंरी बैगों या पुनःचक्रित प्लास्टिक बैगों या बहुस्तरीय प्लास्टिकों का विनिर्माण तब तक नहीं करेगा जब तक कि उसने उत्पादन के प्रारंभ से पूर्व यथास्थिति राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र की प्रदूषण नियंत्रण समिति से रजिस्ट्रीकरण प्रमाण पत्र अभिप्राप्त न हो गया हो ;

(घ) राज्य प्रदूषण नियंत्रण बोर्ड और प्रदूषण नियंत्रण समिति विनिर्माण या पुनःचक्रण यूनिटों के लिए कोई रजिस्ट्रीकरण तब तक जारी नहीं करेगी या उसका नवीकरण नहीं करेगी जब तक कि यूनिट, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) और वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन कोई विधिमान्य सहमति नहीं रखती हो और जिला उद्योग केन्द्र या इस संबंध में प्राधिकृत किसी अन्य सरकारी अभिकरण द्वारा जारी रजिस्ट्रीकरण का प्रमाणपत्र न रखती हो ;

(ङ) प्रत्येक राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति सभी प्रकार से पूर्ण आवेदनों की प्राप्ति के नब्बे दिन के भीतर रजिस्ट्रीकरण अनुदान करने पर विनिश्चय करेगी ;

(च) इस नियम के अधीन अनुदत्त रजिस्ट्रीकरण जब तक कि वह विखंडित, निलंबित या रद्द नहीं कर दिया जाता है तीन वर्ष की अवधि के लिए विधिमान्य होगा ; और रजिस्ट्रीकरण को, विनिर्माणकर्ता को सुनवाई का एक अवसर दिए बिना विखंडित, निलंबित या रद्द नहीं किया जाएगा ;

(छ) रजिस्ट्रीकरण के नवीकरण के लिए प्रत्येक आवेदन, रजिस्ट्रीकरण प्रमाणपत्र की विधिमान्यता की समाप्ति से कम से कम नब्बे दिन पूर्व किया जाएगा ।

10. कैंरी बैगों की कीमत सुनिश्चित करना - कोई भी कैंरी बैग, उपभोक्ता को फुटकर विक्रेता द्वारा निःशुल्क उपलब्ध नहीं कराया जाएगा । संबद्ध नगरपालिका प्राधिकरण,

अधिसूचना द्वारा, कौरी बैगों के लिए, उनकी क्वालिटी और साइज पर आधारित जिसमें उनकी सामग्री और अपशिष्ट प्रबंधन लागत भी सम्मिलित हैं, उनके पुनः उपयोग को प्रोत्साहित करने के लिए जिससे प्लास्टिक अपशिष्ट उत्पादन को कम किया जा सके, न्यूनतम कीमत अवधारित करेगा।

#### 11. राज्य स्तरीय सलाहकार निकाय -

(1) इन नियमों के क्रियान्वयन को मानीटर करने के लिए एक राज्य स्तरीय सलाहकार निकाय होगा।

(2) राज्य स्तरीय सलाहकार निकाय निम्नलिखित व्यक्तियों से मिलकर बनेगा, अर्थात् :-

- (क) सचिव, शहरी विकास विभाग - अध्यक्ष ;
- (ख) राज्य पर्यावरण विभाग से एक विशेषज्ञ - सदस्य ;
- (ग) राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण समिति से एक विशेषज्ञ - सदस्य ;
- (घ) शहरी स्थानीय निकाय से एक विशेषज्ञ - सदस्य ;
- (ङ) गैर सरकारी संगठन से एक विशेषज्ञ - सदस्य ;
- (च) उद्योग क्षेत्र से एक विशेषज्ञ - सदस्य ; और
- (छ) शिक्षा संस्था के क्षेत्र से एक विशेषज्ञ - सदस्य।

(3) राज्य स्तरीय सलाहकार निकाय, एक वर्ष में कम से कम एक बार बैठक करेगा और यदि वह आवश्यक समझता है तो विशेषज्ञों को आमंत्रित कर सकेगा।

#### 12. वार्षिक रिपोर्टें -

(1) प्रत्येक राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण समिति, प्रत्येक वर्ष 30 सितम्बर तक इन नियमों के क्रियान्वयन पर वार्षिक रिपोर्ट तैयार करेगा और केन्द्रीय प्रदूषण नियंत्रण बोर्ड को प्रस्तुत करेगा।

(2) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, प्लास्टिक अपशिष्टों के उपयोग और प्रबंधन पर समेकित एक वार्षिक रिपोर्ट तैयार करेगा और उसको प्रत्येक वर्ष 30 दिसम्बर से पूर्व अपनी सिफारिशों के साथ केन्द्रीय सरकार को अग्रेषित करेगा।

[फा. सं. 17-2/2001-एचएसएमडी]

राजीव गाबा, संयुक्त सचिव

## उपाबंध

## [ नियम 7 देखें ]

1.	भा.मा./ भा.मा. स. 14851: 1999 जलीय माध्यम में प्लास्टिक की अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना - बंद रेस्पिरोमीटर में ऑक्सीजन की आवश्यकता मापन द्वारा पद्धति ।
2.	भा.मा./ भा.मा. स. 14852: 1999 जलीय माध्यम में प्लास्टिक की अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना - उत्पन्न कार्बन डाइऑक्साइड के विश्लेषण द्वारा पद्धति ।
3.	भा.मा./ भा.मा. स. 14853: 2005 प्लास्टिक - जलीय तंत्र में प्लास्टिक की अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना - बायोगैस उत्पादन के मापन द्वारा पद्धति ।
4.	भा.मा./ भा.मा. स. 14855-1: 2005 नियंत्रित संघटक स्थितियों में प्लास्टिक सामग्री की अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना - उत्पन्न कार्बन डाइऑक्साइड के विश्लेषण द्वारा पद्धति (भाग - 1 सामान्य पद्धति) ।
5.	भा.मा./ भा.मा. स. 14855-2: 2007 नियंत्रित संघटक स्थितियों में प्लास्टिक सामग्री की अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना - उत्पन्न कार्बन डाइऑक्साइड के विश्लेषण द्वारा पद्धति (भाग - 2 प्रयोगशाला पद्धति) ।
6.	भा.मा./ भा.मा. स. 15985: 2004 प्लास्टिक - उच्च - ठोसता की ऑक्सी (एनोरोबिक) डाईजेशन स्थितियों में अंतिम (अल्टीमेट) ऑक्सी (एनोरोबिक) जैव विघटनीयता एवं विघटन ज्ञात करना - निकली बायोगैस की विश्लेषण पद्धति ।
7.	भा.मा./ भा.मा. स. 16929: 2002 प्लास्टिक - पायलट मापन परीक्षण में परिभाषित संघटक स्थितियों में विघटन का स्तर ज्ञात करना ।
8.	भा.मा./ भा.मा. स. 17556: 2003 प्लास्टिक - रेस्पिरोमीटर में ऑक्सीजन की आवश्यकता अथवा उत्पन्न कार्बन डाइऑक्साइड के मापन द्वारा मृदा में अंतिम (अल्टीमेट) ऑक्सी जैव विघटनीयता ज्ञात करना ।
9.	भा.मा./ भा.मा. स.20200: 2004 - प्रयोगशाला में अनुरूपी कंपोस्टिंग स्थितियों में प्लास्टिक सामग्रियों के विघटन का स्तर ज्ञात करना-स्केल परीक्षण ।

## प्ररूप 1

[ नियम 9 देखें ]

प्लास्टिक कैंरी बैग और बहुस्तरीय प्लास्टिकों के विनिर्माण के लिए किसी इकाई के रजिस्ट्रीकरण  
के लिए आवेदन

प्रेषक.....

.....

..... (अधिष्ठाता का नाम और पूरा पता)

सेवा में,

सदस्य सचिव,

..... राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति

.....

.....

महोदय,

मैं/हम प्लास्टिक अपशिष्ट (विनिर्माण और प्रहस्तन) नियम, 2011 के नियम 9 के अर्धीन  
रजिस्ट्रीकरण के लिए आवेदन करता हूँ/करते हैं ।

भाग - क

साधारण

1. (क)	इकाई का नाम और अवस्थिति	
(ख)	इकाई का नाम	
(ग)	निम्नलिखित के विनिर्माण के लिए अपेक्षित रजिस्ट्रीकरण : (i) कैंरी बैग : (ii) बहुस्तरीय प्लास्टिक	
(घ)	विनिर्माण क्षमता	
(ङ)	नवीकरण की दशा में पूर्व रजिस्ट्रीकरण संख्या और रजिस्ट्रीकरण की तारीख	

2.	क्या इकाई, राज्य सरकार/संघ राज्यक्षेत्र प्रशासन में डी आई सी /डीसीएसएसआई में रजिस्ट्रीकृत है ? यदि हां, तो प्रति संलग्न करें ।	
3.(क)	परियोजना पर विनिर्धानित कुल पूंजी	
(ख)	उत्पादन के आरंभ करने का वर्ष	
4.(क)	उत्पादों और उप उत्पादों की सूची और मात्रा	
(ख)	प्रयुक्त कच्ची सामग्री की सूची और मात्रा	
5.	उत्पादों और उत्पादित अपशिष्ट निबंधनों में जिसके अंतर्गत केप्टिव विद्युत उत्पादन और जल भी है, इनपुट और आउटपुट को दर्शित करते हुए विनिर्माणकारी प्रक्रिया का एक प्रवाहित डायग्राम प्रस्तुत करें ।	
6.	विनिर्मित किए जाने वाले कैंरी बैगों का न्यूनतम आकार	
7.	इन नियम के अनुपालन की प्रास्थिति	

भाग - ख

द्रव बहिस्त्राव और गैसीय उत्सर्जन से संबंधित

8.	(क) क्या इकाई, जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) के अधीन विधिमान्य सहमति रखती है ? यदि हां, तो प्रति संलग्न करें	
	(ख) क्या इकाई, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) के अधीन विधिमान्य सहमति रखती है ? यदि हां, तो प्रति संलग्न करें	

भाग - ग  
अपशिष्ट से संबंधित

9.	<p>ठोस अपशिष्ट :</p> <p>(क) उत्पादित अपशिष्ट की कुल मात्रा</p> <p>(ख) संयंत्र के भीतर मंडारण की पद्धति</p> <p>(ग) अपशिष्टों के व्ययन के लिए किए गए उपबंध</p>	
----	--	--

नाम और हस्ताक्षर  
पदनाम

तारीख :

स्थान :

प्ररूप - 2

[नियम 9 देखें]

पुनःचक्रण प्लास्टिक अपशिष्टों के लिए पर्यावरणीय रूप से सुदृढ़ प्रबंध व्यवहारों को प्रसंस्कृत करने वाली सुविधाओं के रजिस्ट्रीकरण के लिए आवेदन प्ररूप

1.	इकाई का नाम और पता	
2.	संपर्क व्यक्ति, पदनाम, टेलीफोन / फैक्स/ ई.मेल सहित	
3.	किए जाने की तारीख	
4.	कर्मचारों की संख्या (संविदा श्रम सहित)	
5.	सहमति विधिमान्यता	<p>क. जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 .....तक विधिमान्य ।</p> <p>ख. वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 .....तक विधिमान्य ।</p>
6.	प्राधिकरण विधिमान्यता	
7.	विनिर्माण प्रक्रिया	कृपया विनिर्माण प्रक्रिया का प्रवाहित डायग्राम संलग्न करें प्रत्येक उत्पाद के लिए प्रवाहित डायग्राम ।

8.	उत्पाद और उत्पादन की संस्थित क्षमता (एम टी ए)	उत्पाद	संस्थित क्षमता
9.	पिछले तीन वर्षों के दौरान विनिर्मित उत्पाद (यथा लागू)	वर्ष	उत्पाद मात्रा
10.	पिछले तीन वर्षों के दौरान प्रयुक्त कच्चा माल (यथा लागू)	वर्ष	उत्पाद मात्रा
11.	जल उपभोग	औद्योगिक..... एम <sup>3</sup> / दिन घरेलू..... / एम <sup>3</sup> / दिन	
	वह तारीख जिस तक जल उपकरण संदत्त किया गया है (यदि लागू हो तो)		
	सहमति के अनुसार अपशिष्ट जल उत्पादन ..... एम <sup>3</sup> / दिन	वस्तुतः उत्पादित अपशिष्ट जल (पिछले 3 मास का औसत) औद्योगिक..... एम <sup>3</sup> / दिन घरेलू..... एम <sup>3</sup> / दिन	
	अपशिष्ट जल अभिक्रिया (अभिक्रिया स्कीम का प्रवाहित डायग्राम दें)	औद्योगिक घरेलू	
	अपशिष्ट जल उत्सर्जन	मात्रा..... एम <sup>3</sup> / दिन अवस्थान ..... राज्य प्रदूषण नियंत्रण बोर्ड/ प्रदूषण नियंत्रण समिति द्वारा नियत पी एच, बी ओ डी, सी ओ डी, एस एस, ओ एंड जी अन्य पैरामीटर के लिए अपशिष्ट जल अभिक्रिया का विश्लेषण ।	
12.	वायु प्रदूषण नियंत्रण		
	क. प्रत्येक प्रसंस्करण इकाई, उपयोगिताओं आदि के लिए संस्थित “ स्राव नियंत्रण प्रणाली (प्रणालियों) के लिए प्रवाहित डायग्राम दें स		
	ख. सामग्री प्रहस्तन, प्रक्रिया, उपयोगिताओं आदि के कारण कच्चे		

	“ स्रावों के नियंत्रण के लिए उपलब्ध सुविधाओं के ब्यौरे ।				
	ग. ईंधन उपभोग	ईंधन	मात्रा प्रतिदिन / मास		
		(i)			
		(ii)			
	घ. स्टैक स्राव मानीटरिंग	निम्नलिखित संलग्न स्टैक से	“ स्राव (एसपीएम, एम ओ <sub>2</sub> , एनओ एक्स आदि) एमजी/ एम <sup>3</sup>		
		(i)			
		(ii)			
	ङ परिवेशी वायु क्वालिटी	अवस्थान परिणाम एमजी/ एनएम <sup>3</sup>	पैरामीटर (एसपीएम, एम ओ <sub>2</sub> , एनओ एक्स आदि) एमजी/ एनएम <sup>3</sup>		
		(i)			
		(ii)			
13.	अपशिष्ट प्रबंधन :	क्रम संख्या	प्रकार	प्रवर्ग	मात्रा
	क. प्लास्टिक अपशिष्ट प्रसंस्करण में अपशिष्ट उत्पादन	(i)			
		(ii)			
		(iii)			
	ख. अपशिष्ट संग्रहण और परिवहन (ब्यौरे संलग्न करें)				
	ग. अपशिष्ट व्ययन ब्यौरे	क्रम संख्या	प्रकार	प्रवर्ग	मात्रा
		(i)			
		(ii)			
	घ. व्ययन सुविधा के ब्यौरे दें ; क्या सुविधा राज्य प्रदूषण नियंत्रण बोर्ड / राज्य प्रदूषण नियंत्रण समिति द्वारा प्राधिकृत है				
	ङ कृपया उत्पादित अपशिष्ट के प्रकृतिकरण की विश्लेषण रिपोर्ट संलग्न करें (यदि लागू हो तो निष्कालन परीक्षण सहित)				

14.	कच्चे माल के रूप में उपयोग के लिए, यथास्थिति, विक्रय, नीलामी, संविदा या आयात के माध्यम से अर्जित किए जाने के लिए प्रस्तावित प्लास्टिक अपशिष्ट ब्यौरे	(i) नाम (ii) अपेक्षित मात्रा / वर्ष
15.	अधिभोग सुरक्षा और स्वास्थ्य पहलू	कृपया सुविधाओं के ब्यौरे दें।
16.	टिप्पण :	
	क्या इकाई, " स्राव / बहिष्साव के मानकों के अनुपालन के लिए पर्याप्त प्रदूषण नियंत्रण प्रणालियां/ उपस्कर रखती है।	यदि हां, तो कृपया ब्यौरे दें।
	क्या इकाई, उक्त नियमों में अधिकथित शर्तों के अनुपालन में है।	हां / नहीं
	क्या प्रदूषित / प्रसंस्कृत की जाने वाली सामग्री की ऐसी शर्तें विद्यमान हैं या विद्यमान होने की संभावना है जिससे पर्यावरण पर प्रतिकूल शीघ्र या विलंबित प्रभाव पड़ता है।	हां / नहीं
	क्या प्रदूषित / प्रसंस्कृत की जाने वाली सामग्री की, किसी ऐसे उपाय द्वारा जो किसी ऐसी अन्य सामग्री को (अर्थात् निक्षालन) उत्पन्न करने में समर्थ है जो पर्यावरण विषाक्तता रखती है, शर्तें विद्यमान हैं (या विद्यमान होने की संभावना है)।	हां / नहीं
17.	कोई अन्य संगत जानकारी	
18.	नियम के अनुसार संलग्नकों की सूची	

नाम और हस्ताक्षर  
पदनाम

तारीख :

स्थान :

**MINISTRY OF ENVIRONMENT AND FORESTS**  
**NOTIFICATION**

New Delhi, the 4th February, 2011

**S.O. 249(E).**— Whereas the draft rules, namely, the Plastics (Manufacture, Usage and Waste Management) Rules, 2009 were published by the Government of India in the Ministry of Environment and Forests vide number S.O. 2400(E), dated the 17<sup>th</sup> September, 2009 in the Gazette of India, Extraordinary of the same date inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on the 17<sup>th</sup> day of September, 2009;

AND WHEREAS the objections and suggestions received within the said period from the public in respect of the said draft rules have been duly considered by the Central Government.

NOW, THEREFORE, in exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Recycled Plastics Manufacture and Usage Rules, 1999, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following Rules, namely:-

**1. Short title and commencement .-**

- (1) These rules may be called the Plastic Waste (Management and Handling) Rules, 2011.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Application.-**

The provisions of rules 5 and 8 shall not apply to the manufacture of carry bags exclusively for export purposes, by export oriented manufacturing units, against an order for export received by the owner or occupier of the concerned manufacturing unit. This exemption does not apply to any surplus or rejects, left over and the like.

**3. Definitions.-** In these rules, unless the context otherwise requires :-

- (a) **"Act"** means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) **"Carry bags"** mean all plastic bags used to carry commodities, including self carrying features;
- (c) **"Commodities"** mean articles; including but not limited to vegetables, fruits, pharmaceuticals, food grains and the like;
- (d) **"Compostable plastics"** mean plastic that undergoes degradation by biological processes during composting to yield CO<sub>2</sub>, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue;
- (e) **"Consent"** means the consent to establish and operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);
- (f) **"Disintegration"** means the physical breakdown of a material into very small fragments;
- (g) **"Extended producer's responsibility (EPR)"** means the responsibility of a producer or manufacturer of plastic carry bags and multilayered plastic pouches or packages for the environmentally sound management of the product until the end of its life. This responsibility also applies to all manufactures using such packaging;
- (h) **"Food-stuffs"** mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;
- (i) **"Manufacturer"** means any producer who manufactures plastic carry bags, multilayered packaging, pouches and the like or uses such materials in packaging of a product;

- (j) **“Municipal authority”** means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including notified area committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;
- (k) **“Multilayered plastics”** mean any material having a combination of more than one layer of packaging material such as paper, paper board, polymeric materials, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;
- (l) **“Plastic”** means material which contains as an essential ingredient a high polymer and which at some stage in its processing into finished products can be shaped by flow;
- (m) **“Plastic waste”** means any plastic product such as carry bags, pouches or multilayered packaging, which have been discarded after use or after their intended life is over;
- (n) **“Registration”** means registration of units manufacturing or recycling carry bags made of virgin or recycled plastics with the concerned State Pollution Control Board or Pollution Control Committee, as the case may be;
- (o) **“Virgin plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;
- (p) **“Waste management”** means the scientific reduction, re-use, recovery, recycling, composting or disposal of plastic waste;
- (q) **“Waste pickers”** mean individuals or groups of individuals engaged in the collection of plastic waste.

#### 4. Prescribed Authority.-

The prescribed Authority means the Authority-

- (a) for enforcement of the provisions of these rules related to authorization, manufacture, recycling and disposal shall be State Pollution Control Board and Pollution Control Committee in respect of Union territory;

- (b) for enforcement of the provisions of these rules relating to the use, collection, segregation, transportation and disposal of post consumer plastic waste shall be the concerned municipal authority.

**5. Conditions.-** During the course of manufacture, stocking, distribution, sale and use of carry bags and sachets, the following conditions shall be fulfilled, namely:-

- (a) carry bags shall either be white or made using only those pigments and colourants which are in conformity with Indian Standard : IS 9833:1981 titled as List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water, as amended from time to time;
- (b) no person shall use carry bags made of recycled plastics or compostable plastics for storing, carrying, dispensing or packaging food stuffs;
- (c) no person shall manufacture, stock, distribute or sell any carry bag made of virgin or recycled or compostable plastic, which is less than 40 microns in thickness;
- (d) sachets using plastic material shall not be used for storing, packing or selling - gutkha, tobacco and pan masala;
- (e) recycled carry bags shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;
- (f) carry bags made from compostable plastics shall conform to the Indian Standard: IS/ISO 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time.

**6. Plastic Waste Management.-**

The plastic waste management shall be as under:-

- (a) recycling, recovery or disposal of plastic waste shall be carried out as per the rules, regulations and standards stipulated by the Central Government from time to time;
- (b) recycling of plastics shall be carried out in accordance with the Indian Standard : IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;
- (c) the municipal authority shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:- (i) to ensure safe collection, storage, segregation, transportation, processing and disposal of plastic waste; (ii) to ensure that no damage is caused to

the environment during this process; (iii) to ensure setting up of collection centres for plastic waste involving manufacturers; (iv) to ensure its channelisation to recyclers; (v) to create awareness among all stakeholders about their responsibilities; (vi) to engage agencies or groups working in waste management including waste pickers, and (vii) to ensure that open burning of plastic waste is not permitted;

(d) for setting up plastic waste collection centres, the municipal authority may ask the manufacturers, either collectively or individually in line with the principle of Extended Producer's Responsibility (EPR) to provide the required finance to establish such collection centre;

(e) recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics and in compliance with the rules under the Environment (Protection) Act, 1986, as amended from time to time;

(f) the concerned municipal authority shall ensure that the residues generated from recycling processes are disposed of in compliance with Schedule II (Management of Municipal Solid Wastes) and Schedule III (Specifications for Landfill Sites) of the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Environment (Protection) Act, 1986, as amended from time to time;

(g) the municipal authority shall incorporate the said rules in the Municipal bye laws of all the Urban Local Bodies;

(h) the municipal authority shall encourage the use of plastic waste by adopting suitable technology such as in road construction, co-incineration etc. The municipal authority or the operator intending to use such technology shall ensure the compliance with the prescribed standards including pollution norms prescribed by the competent authority in this regard.

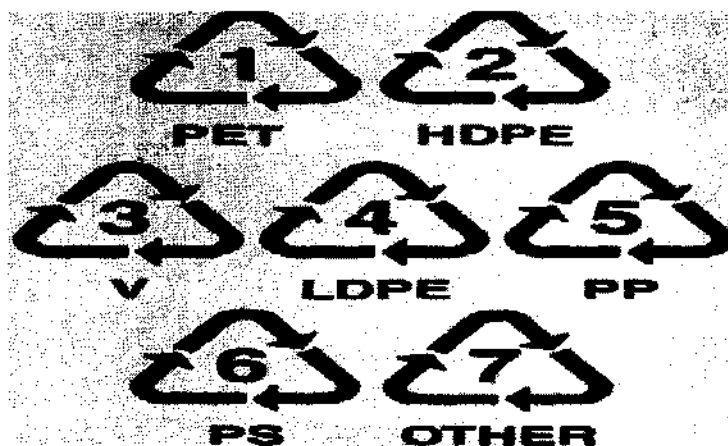
**7. Protocols for Compostable Plastic Materials.** - Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in the Annexure to these rules.

#### **8. Marking or Labelling.-**

(a) each plastic carry bag and multilayered packaging shall have the following information printed in English or in local language, namely:-

(i) name, registration number of the manufacturer and thickness in case of carry bag;

- (ii) name and registration number of the manufacturer in case of multilayered packaging.
- (b) each recycled carry bag shall bear a label or a mark “recycled” as shown below and shall conform to the Indian Standard: IS 14534: 1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;



NOTE: PET-Polyethylene terephthalate, HDPE-High density polyethylene, V-Vinyl (PVC), LDPE- Low density polyethylene, PP-Polypropylene, PS-Polystyrene and Other means all other resins and multi-materials like ABS (Acrylonitrile butadiene styrene), PPO (Polyphenylene oxide), PC (Polycarbonate), PBT (Polybutylene terephthalate) etc.

- (c) each carry bag made from compostable plastics shall bear a label “compostable” and shall conform to the Indian Standard : IS/ISO 17088:2008 titled as Specifications for Compostable Plastics;
- (d) retailers shall ensure that plastic carry bags and multilayered packaging sold by them are properly labelled, as per stipulations under these rules.
- 9. Registration of Manufacturers and Recyclers.-**
- (a) any person manufacturing or proposing to manufacture carry bags and multilayered plastics shall apply to the State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) of the Union territory concerned for the grant of registration or for the renewal of registration for the manufacturing unit using Form 1 appended to these rules;
- (b) any person recycling or proposing to recycle carry bags or multilayered plastics or any plastic waste shall apply to the SPCB or PCC for grant of registration or renewal of registration for the recycling unit using Form 2 appended to these rules;
- (c) no person shall manufacture carry bags or recycle plastic bags or multilayered plastics unless without obtaining the registration certificate from the SPCB or PCC, as the case may be, prior to the commencement of production;

- (d) the SPCB and PCC shall not issue or renew a registration for manufacturing or recycling units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and certificate of registration issued by the District Industries Centre or any other government agency authorised in this regard;
- (e) every State Pollution Control Board or Pollution Control Committee shall take a decision on the grant of registration within ninety days of receipt of an application that is complete in all respects;
- (f) the registration granted under this rule shall be valid for a period of three years, unless revoked, suspended or cancelled; and registration shall not be revoked, suspended or cancelled without providing the manufacturer an opportunity for a hearing;
- (g) every application for renewal of registration shall be made at least ninety days before the expiry of the validity of the registration certificate.

#### 10. Explicit pricing of carry bags.-

No carry bags shall be made available free of cost by retailers to consumers. The concerned municipal authority may by notification determine the minimum price for carry bags depending upon their quality and size which covers their material and waste management costs in order to encourage their re-use so as to minimize plastic waste generation.

#### 11. State Level Advisory Body.-

- (1) There shall be a State Level Advisory Body to monitor the implementation of these Rules.
- (2) The State Level Advisory Body shall consist of the following persons, namely:-
- |   |              |
|---|--------------|
| (a) the Secretary, Department of Urban Development                                  | - Chairman   |
| (b) one expert from State Department of Environment                                 | - Member     |
| (c) one expert from State Pollution Control Board or<br>Pollution Control Committee | - Member     |
| (d) one expert from Urban Local Body  | - Member     |
| (e) one expert from Non-Governmental Organisation                                   | - Member     |
| (f) one expert from the field of Industry   | - Member and |
| (g) one expert from the field of academic institution                               | - Member     |
- (3) The State Level Advisory Body shall meet at least once in a year and may invite experts, if it considers necessary.

**12. Annual Reports.-**

- (1) each State Pollution Control Board or Pollution Control Committee shall prepare and submit the annual report to the Central Pollution Control Board on the implementation of these rules by the 30<sup>th</sup> day of September of each year;
- (2) the Central Pollution Control Board shall prepare a consolidated annual report on the use and management of plastic waste and forward it to the central government along with its recommendations before the 30<sup>th</sup> day of December each year.

[F. No. 17-2/2001-IISMD]

RAJIV GAUBA, Jt. Secy.

**ANNEXURE***[See rule 7]*

1.	IS/ISO 14851: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by measuring the oxygen demand in a closed Respirometer
2.	IS/ISO 14852: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by analysis of evolved carbon dioxide
3.	IS/ISO 14853: 2005 Plastics- Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system-Method by measurement of biogas production
4.	IS/ISO 14855-1: 2005 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-1 General method)
5.	IS/ISO 14855-2: 2007 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-2: Gravimetric measurement of carbon dioxide evolved in a laboratory- scale test )
6.	IS/ISO 15985: 2004 Plastics- Determination of the ultimate anaerobic biodegradation and disintegration under high-solids anaerobic digestion conditions- Methods by analysis of released biogas
7.	IS/ISO 16929: 2002 Plastics- Determination of degree of disintegration of plastic materials under defined composting conditions in a pilot - scale test
8.	IS/ISO 17556: 2003 Plastics- Determination of ultimate aerobic biodegradability in soil by measuring the oxygen demand in a Respirometer or the amount of carbon dioxide evolved
9.	IS/ISO 20200:2004 Plastics- Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory - scale test

**FORM - I***[See rules 9]***APPLICATION FOR REGISTRATION OF A UNIT FOR THE MANUFACTURE OF  
PLASTIC CARRY BAGS AND MULTILAYERED PLASTICS**

From: .....

.....

.....(Name and full address of the occupier)

To

The Member Secretary,

..... Pollution Control Board/Pollution Control Committee

.....

.....

Sir,

I/We hereby apply for registration under rule 9 of the Plastic Waste (Management and Handling) Rules, 2011

<b>PART - A GENERAL</b>	
1.(a)	Name and location of the unit
(b)	Address of the unit
(c)	Registration required for manufacturing of: (i) Carry bags: (ii) Multilayered plastics
(d)	Manufacturing capacity
(e)	In case of renewal, previous registration number and date of registration
2.	Is the unit registered with the DIC/DCSSI of the State Government/Union territory? If yes, attach a copy.
3.(a)	Total capital invested on the project
(b)	Year of commencement of production
4. (a)	List and quantum of products and by-products
(b)	List and quantum of raw materials used
5.	Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and water.

6.	Minimum sizes and thickness of carry bags to be manufactured	
7.	Status of compliance with these rules	
<b>PART - B</b>		
<b>PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS</b>		
8.	(a) Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974)? If yes, attach a copy	
	(b) Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)? If yes, attach a copy	
<b>PART - C</b>		
<b>PERTAINING TO WASTE</b>		
9.	Solid Wastes: (a) Total quantum of waste generated (b) Mode of storage within the plant (c) Provision made for disposal of wastes	
		Name and Signature
		Designation
Date :		
Place :		

**FORM - 2**

[see rule 9]

**APPLICATION FORM FOR REGISTRATION OF FACILITIES POSSESSING  
ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES FOR RECYCLING  
PLASTIC WASTE**

1.	Name and Address of the unit	
2.	Contact person with designation, Tel./Fax /email	
3.	Date Commissioned	

4.	No. of workers (including contract labour)			
5.	Consents Validity	a. Water (Prevention & Control of Pollution) Act, 1974; Valid up to _____  b. Air (Prevention & Control of Pollution) Act, 1981; Valid up to _____		
6.	Authorization validity			
7.	Manufacturing Process	Please attach a flow diagram of the manufacturing process flow diagram for each product.		
8.	Products and installed capacity of production (MTA)	Products		Installed capacity
9.	Products manufactured during the last three years (as applicable)	Year	Product	Quantity
10.	Raw material consumed during the last three years (as applicable)	Year	Product	Quantity
11.	Water consumption	Industrial _____ m <sup>3</sup> /day Domestic _____ m <sup>3</sup> /day		
	Date until which water cess has been paid (if applicable)			
	Waste water generation as per consent _____ m <sup>3</sup> /day	Actual waste water generated (average of last 3 months) Industrial _____ m <sup>3</sup> /day Domestic _____ m <sup>3</sup> /day		
	Waste water treatment (provide flow diagram of the treatment scheme)	Industrial _____ Domestic _____		
	Waste water discharge	Quantity _____ m <sup>3</sup> /day Location _____ Analysis of treated waste water for pH, BOD, COD, SS, O&G, any other parameter stipulated by SPCB/PCC (attach details)		
12.	Air Pollution Control			
	a. Provide a flow diagram for emission control system(s) installed for each processing unit, utilities etc.			

	b. Details for facilities provided for control of fugitive emissions due to material handling, process, utilities etc.				
	c. Fuel consumption	Fuel	Qty per day/month		
		(i)			
		(ii)			
	d. Stack emission monitoring	Stack attached to	Emission (SPM, SO <sub>2</sub> , NO <sub>x</sub> , etc.) mg/Nm <sup>3</sup>		
		(i)			
		(ii)			
	e. Ambient air quality	Location Results µg/m <sup>3</sup>	Parameters SPM, SO <sub>2</sub> , NO <sub>x</sub> , etc.) µg/m <sup>3</sup>		
		(i)			
		(ii)			
13.	Waste Management:	S No	Type	Category	Qty.
	a. Waste generation in processing plastic-waste	(i)			
		(ii)			
		(iii)			
	b. Waste Collection and transportation (attach details)				
	c. Waste Disposal details	S No	Type	Category	Qty
		(i)			
		(ii)			
	d. Provide details of the disposal facility, whether the facility is authorized by SPCB/SPCC				
	e. Please attach analysis report of characterization of waste generated (including leachate test if applicable)				
14.	Details of plastic waste proposed to be acquired through sale, auction, contract or import, as the case may be, for use as raw material	(i) Name (ii) Quantity required /year			
15.	Occupational safety and health aspects	Please provide details of facilities			
16.	Remarks: Whether the unit has adequate pollution control systems / equipment to meet the standards of emission / effluent.	If Yes, please furnish details			

	Whether unit is in compliance with conditions laid down in the said rules.	Yes/No
	Whether conditions exist or are likely to exist of the material being handled / processed posing adverse immediate or delayed impacts on the environment.	Yes/No
	Whether conditions exist (or are likely to exist) of the material being handled / processed by any means capable of yielding another material (e.g. leachate) which may possess eco-toxicity.	Yes/No
17.	Any other relevant information	
18.	List of enclosures as per rule	

Name and Signature

Designation

Date :

Place :

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 212]

नई दिल्ली, सोमवार, फरवरी 7, 2011/माघ 18, 1932

No. 212]

NEW DELHI, MONDAY, FEBRUARY 7, 2011/MAGHA 18, 1932

पर्यावरण एवं वन मंत्रालय

MINISTRY OF ENVIRONMENT AND FORESTS

अधिसूचना

NOTIFICATION

नई दिल्ली, 7 फरवरी, 2011

New Delhi, the 7th February, 2011

क्र.आ. 252(अ).—दिनांक 1 फरवरी, 2011 की सं.  
क्र.आ. 215(अ), एतद्वारा वापस ली जाती है।

**S.O. 252(E).**—The No. S.O. 215(E), dated  
1st February, 2011, is hereby withdrawn.

[ फा. सं. 17-2/2001-एच.एस.एम.डी. ]

[F.No. 17-2/2001-HSMD]

राजीव गौबा, संयुक्त सचिव

RAJIV GAUBA, Jt. Secy.

(TRUE COPY)

C

1

ITEM NO.4

COURT NO.10

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16308/2007

(From the judgement and order dated 29/08/2007 in CWP No.  
1966/2003 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

ANKUR GUTKHA

Petitioner(s)

VERSUS

INDIAN ASTHAMA CARE SOCIETY &amp; ORS.

Respondent(s)

(With appln(s) for intervention and directions and impleadment and  
permission to file additional documents/statement and with prayer  
for interim relief and office report)

WITH

SLP(C) NO. 16314 of 2007

(With appln.(s) for exemption from filing c/c of the impugned  
judgment and with prayer for interim relief and office report)

SLP(C) NO. 16317 of 2007

(With appln.(s) for exemption from filing c/c of the impugned  
judgment and with prayer for interim relief and office report)

SLP(C) NO. 19467-19469 of 2007

(With appln.(s) for directions and permission to file additional  
documents and clarification and permission to file additional  
affidavit and with prayer for interim relief and office report)

W.P(C) NO. 131 of 2011

(With office report)

W.P(C) NO. 141 of 2011

(With office report)

CONMT.PET.(C) NO. 236 of 2011 In SLP(C)No.16308/2007

(With office report)

CONMT.PET.(C) NO. 237 of 2011 In SLP(C)No.16308/2007

(With appln.(s) for clarification)

W.P(C) NO. 289 of 2011

(With office report)

CONMT.PET.(C) NO. 288 of 2011 In SLP(C)No.16308/2007

WP(C)No.69/2011

(With appln.(s) for directions and impleadment and office report)

Date: 20/07/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

2

For Petitioner(s) Mr.P.N.Misra, Sr.Adv.  
SLP(C)No.19467-69/07 Mr.Pallav Shishodia, Sr.Adv.  
Mr. K.C. Dua, Adv.SLP(C)No.16308/07 Mr.Pallav Shishodia, Sr.Adv.  
Mr.Siddhartha Choudhary,Adv.Mr.V.Giri,Sr.Adv.  
Mr.Dhruv Mehta, Sr.Adv.  
Mr.Vipin Nair, Adv.  
Mr.P.B.Suresh, Adv.  
Mr.Surya P.Khatri, Adv.  
For M/s Temple Law Firm, Adv.

Ms.Pinky Anand, Sr.Adv.  
Mr.D.N.Goburdhan, Adv.  
Mr.Prabal Bagchi, Adv.

In WP(C) 141/2011 Mr.Ram Jethmalani, Sr.Adv.  
Mr.Salman Hashmi, Adv.  
Mr. Arun K. Sinha, Adv.

In WP(C) 131/2011 Mr.Ashok Bhasin, Sr.Adv.  
Mr.S.A. Hashmi, Adv.  
Mr. Arun K. Sinha, Adv.

Mr.V.A.Mohta, Sr.Adv.  
Mr.Anil S.Bajaj, Adv.  
Mr.Shashibhushan P.Adgaonkar, Adv.  
Mr.Ashok Kumar Gupta, Adv.

SLP(C)No.16314/07 Dr.Rajeev Dhawan, Sr.Adv.  
Mr.Vivek K.Kohli, Adv.  
Mr. Subramonium Prasad, Adv.  
Mr.Abhishek Swaroop, Adv.  
Mr.Yas Mishra, Adv.  
Mr.Himanshu Kapoor, Adv.

Mr.Shekhar Naphade, Sr.Adv.  
Mr. Jay Kishor Singh, Adv.

SLP(C)No.16317/07 Mr.Rahul Pratap, Adv.  
Mr.Jayant Mohan, Adv.  
Mr. Siddhartha Chowdhury,Adv.

Ms.Aparna Jha,Adv.

Mr. Pranav Sachdeva, Adv.

For Respondent(s)/ Mr.Mohan Jain, ASG  
3

Intervenor/Applicant Mr.D.K.Thakur, Adv.  
Mr.Prabhat Kumar, Adv.  
Mr.Karthik Ashok, Adv.  
Ms.Yogita Yadav, Adv.  
Mr.R.K.Tanwar, Adv.  
Mr.S.K.Sahijpal, Adv.  
Mr.Shalinder Saini, Adv.  
Mr. Shreekant N. Terdal,Adv.

SLP(C)No.16308/07 Dr.Rajiv Dhavan, Sr.Adv.  
Mr.Manish Goswami, Adv.  
For M/S Map & Co.,Adv.

Mr.P.P.Rao, Sr.Adv.  
Mr.Brijesh Kalappa, Adv.  
Mr.Gopal Singh, Adv.  
Ms.Divya Nair, Adv.  
Mr. N. Ganpathy,Adv.

Dr.A.M.Singhvi, Sr.Adv.  
Mr.Sudhir Chandra Agrawala, Sr.Adv.  
Mr. Sanjai Kumar Pathak, Adv.

Mr.Pravin H.Parekh, Sr.Adv.  
Mr.Sameer Parekh,Adv.  
Mr.Lalit Chauhan, Adv.  
Mr.Shashank, Adv.  
Mr.Somanadri Goud, Adv.  
For M/S. Parekh & Co.,Adv.

Mr.R.S.Suri, Sr.Adv.  
Mr.Rahul Malhotra, Adv.  
Mr.Chanchal Kumar Ganguli, Adv.

Mr.Ravi Shankar Prasad, Sr.Adv.  
Mr.Vikramjit Banerjee, Adv.  
Mrs.Shally Bhasin Maheshwari,Adv.

Mr.Ranjit Kumar, Sr.Adv.  
Ms.Indu Malhotra, Sr.Adv.  
Mr.Nalin Talwar, Adv.  
Mr.Nar Hari Singh, Adv.  
Mr.Hemanshu Kapoor, Adv.  
Mr. Vikas Mehta,Adv.

Mr.K.N.Bhat, Sr.Adv.

Mr.Siddharth Luthra, Sr.Adv.

4

Mr.Kundan Kumar Mishra,Adv.  
Mr.Anil Kumar Mishra, Adv.  
Mr.F.Raza, Adv.

Mr.Divyam Agarwal, Adv.  
Mr.Dheeraj Nair, Adv.

Mr.Milind Kumar, Adv.  
Ms.Archana Pathak Dave, Adv.  
Mr. Irshad Ahmad,Adv.

Mr.Vishnu Behari Tewari, Adv.  
Mr.Raj Kishor Choudhary, Adv.  
Mr.Shivam Sharma, Adv.  
Mr.Ravi Kumar Tomar, Adv.

Mr.R.N.Karanjawala, Adv.  
Ms.Ruby Singh Ahuja, Adv.  
Mr.Raunak Dhillon, Adv.  
Ms.Manik Karanjawala, Adv.  
For M/s Karanjawala & Co., Adv.

Mr.S.L.Bhargava, Adv.  
Mr.Aseem Mehrotra, Adv.  
Mr.Abhijat P.Medh, Adv.

Mr.Sumant Bhardwaj, Adv.  
Ms.Mridula Ray Bhardwaj, Adv.

Mr.Santosh Kumar Sethi, Adv.  
Mr.Anil Kumar Jha, Adv.  
Mr.Vishwash Kaushik, Adv.

Mr. P.V. Yogeswaran,Adv.

Mr.Abani Kumar Sahu, Intervenor-in-person

Dr.R.R.Deshpande, Adv.

Mr. Ashok Kumar Gupta II,Adv.

Applicant in person

Mr.Senthil Jagadeesan, Adv.

Mr.B.D.Sharma, Adv.

UPON hearing counsel the Court made the following

## O R D E R

Some of the learned counsel complained that copies of the Expert Committee Report have not been made available to them and,  
5

on that account, they have not been able to file response.

The learned Additional Solicitor General representing the Union of India should instruct his office to supply copies of the report to all the learned counsel to whom the same has so far not been made available. This must be done within seven days from today. Within next three weeks, the parties to whom the report had not been made available earlier may file their response.

Shri Ashok Bhasin, learned senior counsel, requests that his clients may be permitted to amend the petition for challenging the vires of Rule 5(g) of the 2011 Rules. The prayer is allowed. The amended petition may be filed within seven days.

The Union of India should file joint response to all the petitions and applications within a period of three weeks from today. Rejoinder affidavits on behalf of the writ petitioners and applicants may be filed within next two weeks.

List all the pending I.As and Contempt Petitions on 25.08.2011.

The main cases be listed on 07.09.2011.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master



Dr.Ashishek Manu Singhvi, Sr.Adv.  
Mr.Vivek Kohli, Adv.  
Mr.N.Talwar, Adv.  
Mr. Siddhartha Chowdhury, A.O.R.

Mr. Sudhir Chandra, Sr.Adv.  
Mr. Sanjai Kumar Pathak, A.O.R.  
Ms.Sashi Pathak, Adv.

Mr.Prashant Bhushan, Adv.  
Mr.Pranav Sachdeva, Adv.

Mr.Abhay A.Jena, Adv.  
Mr.Sarthak Mehrotra, Adv.  
Ms. Bina Gupta, A.O.R.

Ms.Praveena Gautam, Adv.  
Mr.Deepak Tyagi, Adv.  
Mr.K.K.Gautam, Adv.

Mr. K.C.Dua, A.O.R.

Mr. Arun K.Sinha, A.O.R.

Ms. Aparna Jha, A.O.R.

Mr. Jay Kishore Singh, A.O.R.

Mr. Anil Kumar Jha, A.O.R.

Mr. Shiv Prakash Pandey, A.O.R.

Mr. D.N.Goburdhan, Adv.  
Mr.Ayush Chandra, Adv.

For Respondent(s)/ Mr. Mohan Jain, ASG  
Applicants Mr.Prabhat Kumar, Adv.

Mr.D.K.Thakur, Adv.  
Mr.A.Deb Kumar, Adv.  
Ms.Manmeet Kaur, Adv.  
Ms.Sakshi Banga, Adv.  
Mr.R.K.Rathore, Adv.  
Mr.Shreekant N.Terdal, Adv.

Ms.Indira Jaisingh, ASG  
Mr.Aman Ahluwalia, Adv.  
Ms.Sunita Sharma, Adv.  
Ms.Supriya Jain, Adv.  
Ms.Sushma Suri, Adv.

Mr.V.Shekhar, Sr.Adv.  
Mr.Kundan Kumar Mishra, Adv.  
Ms.Pankhuri Jaiswal, Adv.  
Mr.Farooque Raza, Adv.  
Mr.Abhigya, Adv.  
Mr.Jatin Rajput, Adv.  
Mr.Nitin Thakur, Adv.

For State of Mr.K.N.Bhat, Sr.Adv.  
Karnataka Mr.V.N.Raghupathy, Adv.

Mr.V.A.Mohta, Sr.Adv.

For RR No.16 Mr.Pravin Parekh, Sr.Adv.

Mr.Sameer Parekh, Adv.  
Mr.Lalit Chauhan, Adv.  
Mrs.Rukhmini Bobde, Adv.  
Mr.Shashank Kumar, Adv.

Mr.Manjit Singh, AAG  
Mr.Kamal Mohan Gupta, Adv.

Mr.Gaurav Yadav, Adv.

Mr.Vikramjit Banerjee, Adv.  
Mr.P.S.Sudheer, Adv.  
Mr.Rishi Maheshwari, Adv.  
Mr.Abu John Mathew, Adv.

Mr.S.Udaya Kumar Sagar, Adv.  
Ms.Bina Madhavan, Adv.  
Ms.Anindita Pujari, Adv.  
Ms.Praseena E.Joseph, Adv.

Mr.T.Srinivasa Murthy, Adv.

Ms.Mukti Choudhary, Adv.

Mr.Vikas Mehta, Adv.  
Mr.Nalin Talwar, Adv.  
Mr.Shubham Tripathi, Adv.  
Mr.Narhari Singh, Adv.

Ms.Archana Pathak Dave, Adv.  
Mr.Ajit Kumar Gupta, Adv.  
Mr.Irshad Ahmad, A.O.R.

Mr.P.V.Yogeswaran, A.O.R.

Dr.R.R.Deshpande, A.O.R.

Mr.Ravi Kumar Tomar, A.O.R.

Mr.N.Ganpathy, A.O.R.

Mr.Ashok Kumar Gupta II, A.O.R.

Mr.S.Aravindh, Adv.  
Mr.Senthil Jagadeesan, A.O.R.

Mrs.Shally Bhasin Maheshwari, A.O.R.

Mr.Ashok Kumar Singh, A.O.R.

Mr.Praveen Gautam, A.O.R.

Mr.B.D.Sharma, Adv.

Mr.Chanchal Kumar Ganguly, A.O.R.

Ms.Meera Mathur, A.O.R.

Mr.Abhay Kumar, A.O.R.

Ms.Mridula Ray Bhardwaj, A.O.R.

Mr.Dheeraj Nair, Adv.  
Ms.Pragya Chauhan, Adv.

Mr.Rameshwar Prasad Goyal, A.O.R.

Mr.B.Krishna Prasad, A.O.R.

UPON hearing counsel the Court made the following  
O R D E R

Contempt Petition (C) No.237 of 2011 in SLP(C)No.16308 of 2007

In view of the affidavit filed on behalf of the non-petitioners, the notice is discharged and the contempt petition is accordingly disposed of.

---

At the commencement of further arguments, Shri Mohan Jain, learned Additional Solicitor General placed before the Court a note on the "Status of Plastics Waste Management" by Dr.A.B.Akolkar, Scientist-F and Dr.S.K.Nigam, Scientist-D of the Central Pollution Control Board, Delhi. The note is taken on record.

Shri V.Shekhar, learned senior counsel representing the All India Plastic Manufacturers Association pointed out that the note produced by Shri Mohan Jain is a part of the Report of the Central Pollution Control Board with the title 'Material on Plastic Waste Management'. He made available a xerox copy of the report which is taken on record.

We have gone through the Report produced by Shri V.Shekhar, para 4.0 of the report is extracted below:

Having taken note of the figures contained in the Report, we enquired from Shri Jain whether the mechanism available for disposal of the plastic waste has been effectively operated and implemented. Shri Jain gave out that the burden of disposing the plastic waste is on the municipal authorities and the Central Pollution Control Board which has made available the data about the total plastic waste cannot possibly dispose of the same.

Shri Ranjit Kumar, learned senior counsel appearing for one of the Gutkha manufactures referred to the Municipal Solid Wastes (Management and Handling) Rules, 2000 and the Plastics Waste (Management and Handling) Rules, 2011 (for short, 'the 2011 Rules') which have been enacted by the Central Government in exercise of the powers conferred upon it under Sections 3, 6 and 25 of the Environment (Protection) Act, 1986 and submitted that even though comprehensive provisions have been made in the Rules, the concerned authorities have miserably failed to take various steps for disposal of the plastic wastes. Shri Ranjit Kumar also pointed out that even the provisions for constitution of state level advisory bodies and submission of annual report by each State Pollution Control Board or Pollution Control Committees to the Central Pollution Control Board with an obligation on the latter to prepare a consolidated annual report, have been implemented only in their breach.

Keeping in view the figures mentioned in the tables reproduced at pages 16-17 of the report produced by Shri V.Shekhar, we direct the State Pollution Control Boards of all the States and the Union Territories as also the Central Pollution Control Board to submit their respective reports showing compliance of the provisions contained in the 2000 and 2011 Rules. The Municipal Corporations of North, South and East Delhi as also the New Delhi Municipal Corporation and the Municipal Corporations of

Bangalore, Chennai, Agra, Jaipur, Calcutta and Faridabad are also directed to file status reports about total compliance of the 2000 and 2011 Rules in their letter and spirit.

For the aforesaid purpose, we suo motu order impleadment of the Central Pollution Control Board through its Secretary and the Pollution Control Boards of all the States as also the Pollution Control Boards of the Union Territories through their Secretaries as parties. The Municipal Corporation of North, South and East Delhi as also the New Delhi Municipal Corporation are impleaded as parties through their Commissioners. The Municipal Corporations of Bangalore, Chennai, Agra, Jaipur, Calcutta and Faridabad are also impleaded as parties through their Commissioners.

Let notice issue to the Commissioners of the aforesaid Corporations and Secretaries of the Pollution Control Boards of all the States as also the Central Pollution Control Board. They shall file their affidavits along with status reports within a period of four weeks from the date of receipt of copy of this order by fax from the Registry of this Court.

Ms.Indira Jaisingh, learned Additional Solicitor General invited the Court's attention to notifications issued by the Government of 23 States and the Administrators of 5 Union Territories for imposing complete ban on Gutkha and Pan Masala with tobacco and/or nicotine and then stated that notwithstanding the ban, the manufactures have devised a subterfuge for selling Gutkha and Pan Masala in separate pouches and in this manner the ban is being flouted.

Ms.Indira Jaisingh also placed before the Court xerox copy of D.O.No.P.16012/12/11-Part I dated 27.08.2012 sent by the Special Secretary, Ministry of Health and Family Welfare, Government of India to the Chief Secretaries of all the States except the States of Madhya Pradesh, Kerala, Bihar, Rajasthan, Maharashtra, Haryana, Chhatisgarh and Jharkhand and submitted that the Court may call upon the remaining States and Union Territories to issue necessary notifications.

In view of the statement made by the learned Additional Solicitor General, we order issue of notice to the Chief Secretaries of the States and the Administrators of the Union Territories which have so far not issued notification in terms of 2006 Act to apprise this Court with the reasons as to why they have not taken action pursuant to letter dated 27.08.2012.

We also direct the Secretaries, Health Department of all the 23 States and 5 Union Territories to file their affidavits within four weeks on the issue of total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine.

Put up on 03.05.2013.

The Registry is directed to send copies of this order to the Chief Secretaries and the Secretaries, Health Department as also the Administrators of Union Territories, Secretaries of the Central and State Pollution Control Board. Copies be also sent to the Commissioners of 9 Municipal Corporations named hereinabove. The copies of order be sent by fax within four days from today.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master

ITEM NO.5

COURT NO.1

SECTION X

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 1114/2023

**GOLDEN KHAINI PRIVATE LIMITED**

**Petitioner(s)**

**VERSUS**

**UNION OF INDIA**

**Respondent(s)**

**(FOR ADMISSION and IA No.204517/2023-STAY APPLICATION )**

**Date : 05-04-2024 This petition was called on for hearing today.**

**CORAM : HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE J.B. PARDIWALA**  
**HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)** Mr. Neeraj Kishan Kaul, Sr. Adv.  
Ms. Mohna, AOR  
Ms. Geetali Hazarika, Adv.  
Mr. Akash Yadav, Adv.  
Ms. Ira Mahajan, Adv.  
Ms. Yeishi Rinchen, Adv.  
Ms. Nalin Talwar, Adv.

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 The attention of the Court has been drawn to an order dated 4 October 2023 passed by this Court in Transferred Case (Civil) No 1 of 2010 (Central Arecanut Marketing Cooperative Campco & Ors Vs Union of India).
- 2 Issue notice.
- 3 Tag with Transferred Case No 1 of 2010.
- 4 The Registry shall take directions on the administrative side so that the hearing of all the petitions can be consolidated.

Validity unknown  
Digitally signed by  
Gulshan Kumar Arora  
Date: 2024.04.06  
12:56:11 IST  
Reason:

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**

ITEM NO.111

COURT NO.12

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Transfer Case (Civil) No(s). 1/2010

**CENTRAL ARECANUT MARKETING  
CO OPERATIVE CAMPCO & ORS.**

**Petitioner(s)**

**VERSUS**

**UNION OF INDIA**

**Respondent(s)**

**WITH**

**W.P.(C) No. 511/2004 (X)**

**(IA No. 2/2004 - EXEMPTION FROM FILING O.T. AND IA No. 1/2004 -  
STAY APPLICATION)**

**SLP(C) No. 16308/2007 (XV)**

**IA No. 75760/2011 - Application for directions {I.A. NO. 39}**

**IA No. 81733/2011 - Application for impledment (I.A. 43)**

**IA No. 81737/2011 - Application for impledment (I.A. 44)**

**IA No. 99125/2013 - Appln. for direction {I.A No. 52}**

**IA No. 99503/2013 - Appln. for direction {IA No. 51}**

**IA No. 32069/2011 - Appln. for directions I.A. NO. 22**

**IA No. 99124/2013 - Appln. for impleadment [I.A. No. 50]**

**IA No. 103555/2013 - Appln. for intervention [IA. No. 53]**

**IA No. 3707/2012 - Appln. for intervention {I.A. No. 46}**

**IA No. 76180/2011 - Appln. for intervention/direction [ IA.NO.41]**

**IA No. 76180/2011 - Appln. for intervention/direction [ IA.NO.41]**

**IA No. 77413/2011 - Appln. for intervention/direction [ IA.NO.42]**

**IA No. 77413/2011 - Appln. for intervention/direction [ IA.NO.42]**

**IA No. 85498/2011 - Appln.for permission to bring addl.ground  
{I.A.45}**

**IA No. 39/2011 - DISPENSING WITH SERVICE OF NOTICE**

**IA No. 54/2014 - INTERVENTION APPLICATION**

**IA No. 53/2013 - INTERVENTION APPLICATION)**

**SLP(C) No. 16317/2007 (XV)**

**(IA No. 1/2007 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)**

**SLP(C) No. 16314/2007 (XV)**

**(IA 85496/2011 & IA No. 1/2007 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT)**

**SLP(C) No. 19467-19469/2007 (XV)**

**(IA No. 40/2011 - I.A. 40-42 {Directions/OT}**

**IA No. 19/2011 - I.A. Nos. 19-21 (Directions)**

**IA No. 58/2013 - I.A.58-60**

**IA No. 70/2013 - Appln. for directions [I.A. No. 70-72]**

IA No. 73/2017 - Appln. for impleadment [I.A. NO. 73-75]  
IA No. 49/2011 - CLARIFICATION/DIRECTION  
IA No. 43/2011 - EXEMPTION FROM FILING O.T.  
IA No. 55/2013 - I.A. 55-57 {Appln. for directions}  
IA No. 28/2011 - I.A. Nos.28-30 (Appl. clarification)  
IA No. 64/2013 - PERMISSION TO FILE ANNEXURES)

T.C.(C) No. 2/2010 (III-A)

T.C.(C) No. 3/2010 (III-A)

T.C.(C) No. 4/2010 (XI-A)

T.C.(C) No. 5/2010 (IX)

T.C.(C) No. 6/2010 (IV-A)

T.C.(C) No. 25/2010 (IX)  
( IA 1/2011, IA 89578/2011, IA 2/2014-STAY APPLICATION)

W.P.(C) No. 69/2011 (PIL-W)  
(IA 1/2011, IA 42506/2011, IA 42499/2011, IA 43410/2011, IA  
43625/2011, IA 53088/2011, IA 82901/2011, IA 82905/2011, IA 8/2011  
& IA 7/2011)

W.P.(C) No. 131/2011 (X)

CONMT.PET.(C) No. 348/2011 In SLP(C) No. 19467-19469/2007 (XV)

W.P.(C) No. 141/2011 (X)  
IA No. 2/2013 - PERMISSION TO FILE ANNEXURES)

W.P.(C) No. 182/2011 (X)

CONMT.PET.(C) No. 236/2011 In SLP(C) No. 16308/2007 (XV)

W.P.(C) No. 289/2011 (PIL-W)  
(IA 42143/2013, IA 1/2013, IA 99924/2013, IA 100283/2013, IA  
114384/2013, IA 6/2013, IA 5/2013 & IA No. 7/2015 - INTERVENTION  
APPLICATION)

W.P.(C) No. 304/2011 (X)  
(IA No. 1/2012 - AMENDMENT IN CAUSE TITLE)

CONMT.PET.(C) No. 288/2011 In SLP(C) No. 16308/2007 (XV)

W.P.(C) No. 344/2011 (X)

W.P.(C) No. 330/2011 (X)

CONMT.PET.(C) No. 356/2011 In SLP(C) No. 16308/2007 (XV)

W.P.(C) No. 354/2011 (X)

(IA No. 2/2016 - AMENDMENT IN CAUSE TITLE & IA No. 1/2011 - GRANT OF INTERIM RELIEF)

CONMT.PET.(C) No. 37/2012 In SLP(C) No. 16308/2007 (XV)

SLP(C) No. 28716/2012 (IX)  
(IA No. 102956/2012 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 32162/2012 (XI)

SLP(C) No. 32163/2012 (XI)

T.C.(C) No. 95/2012 (XIV-A)  
(IA No. 1/2012 - IMPLEADMENT)

SLP(C) No. 4165-4166/2013 (IV-C)

W.P.(C) No. 147/2013 (X)  
(IA No. 1/2013 - STAY APPLICATION)

W.P.(C) No. 572/2013 (PIL-W)

T.P.(C) No. 1919/2014 (IX)  
(IA No. 1/2014 - STAY APPLICATION)

T.P.(C) No. 143/2015 (IX)

T.P.(C) No. 144/2015 (IV-C)

T.C.(C) No. 34/2014 (III)

T.C.(C) No. 33/2014 (III)

T.C.(C) No. 35/2014 (III)

T.C.(C) No. 36/2014 (III)

T.C.(C) No. 37/2014 (III)

T.C.(C) No. 19/2014 (III)

T.P.(C) No. 21/2015 (IX)

T.P.(C) No. 98/2015 (IX)

T.P.(C) No. 111/2015 (XVI)  
(IA No. 1/2015 - STAY APPLICATION)

T.P.(C) No. 91/2015 (XVI)  
(IA No. 1/2015 - EX-PARTE STAY)

T.P.(C) No. 76/2015 (XVI)

(IA No. 1/2015 - STAY APPLICATION)

T.P.(C) No. 77/2015 (XVI)  
(IA No. 1/2015 - EX-PARTE STAY)

T.C.(C) No. 18/2014 (IV-C)

T.C.(C) No. 9/2014 (XV)

T.C.(C) No. 20/2014 (III)

T.C.(C) No. 16/2014 (IV-A)

T.C.(C) No. 10/2014 (XIV-A)

T.C.(C) No. 11/2014 (XIV-A)

T.C.(C) No. 12-14/2014 (IV-A)

T.C.(C) No. 15/2014 (IV-A)

T.C.(C) No. 21/2014 (XI-A)

T.C.(C) No. 22/2014 (XI-A)

T.C.(C) No. 24/2014 (XVI)

T.C.(C) No. 25/2014 (XVI)

T.C.(C) No. 38/2014 (III)

SLP(C) No. 3973-3976/2016 (IV-B)  
(IA No. 5/2016 - EX-PARTE STAY & IA No. 23499/2016 - IA FOR EXPARTE STAY)

T.C.(C) No. 5/2016 (IV)

T.C.(C) No. 6/2016 (IV)

T.C.(C) No. 7/2016 (IV)

T.C.(C) No. 8/2016 (IV)

W.P.(C) No. 646/2016 (PIL-W)  
(IA No. 1/2016 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(C) No. 30049/2016 (XVI)  
(IA No. 107723/2018 - STAY APPLICATION)

SLP(C) No. 30386/2016 (XVI)

SLP(C) No. 30090/2016 (XVI)

SLP(C) No. 32155/2016 (XVI)

S.L.P.(C)...CC No. 20221-20224/2016 (XVI)  
(IA No. 1/2016 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(C) No. 12242/2017 (XVI)

T.P.(C) No. 2732/2019 (XIV)  
(IA No. 153428/2019 - EX-PARTE STAY)

T.C.(C) No. 68/2022 (XIV-A)

Date : 04-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. C. S. Vaidyanathan, Sr. Adv.  
Mr. Vivek Kohli, Sr. Adv.  
Mr. Nalin Talwar, Adv.  
Mr. Sameer Abhyankar, AOR  
Ms. Nishi Sangtani, Adv.  
Ms. Vani Vandana Chhetri, Adv.  
Mr. Naman Jain, Adv.  
Ms. Yeshi Rinchhen, Adv.  
Mr. Akash Yadav, Adv.  
Mr. Juvas Rewal, Adv.  
Ms. Bhavya Bhatia, Adv.  
Mr. Manoj Gupta, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.  
Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Nalin Talwar, Adv.  
Mr. Vinayak Sharma, Adv.  
Mr. Vikas Mehta, AOR

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Sanjai Kumar Pathak, AOR  
Mr. Samir Rohatgi, Adv.  
Mr. Arvind Kumar Tripathi, Adv.  
Mrs. Shashi Pathak, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Sanjay Kumar Pathak, Adv.  
Mr. Samir Rohatgi, Adv.  
Mr. Arvind Kumar Tripathi, Adv.  
Ms. Shashi Pathak, Adv.  
Mr. Manish Verma, Adv.  
Ms. A. Sumathi, AOR

Mr. Shiv Prakash Pandey, AOR

Mr. Siddhartha Chowdhury, AOR

Mr. K. Rajeev, AOR

Mr. Rakesh Dahiya, AOR

Mr. Chanchal Kumar Ganguli, AOR

Mr. Prashant Kumar, AOR

Mr. Rishabh Sancheti, Adv.

Mr. T. Mahipal, AOR

Mr. Jay Kishor Singh, AOR

Mr. Shailesh Madiyal, AOR

Mr. Vaibhav Sabharwal, Adv.

Mr. Akshay Kumar, Adv.

Mr. Sudhanshu Prakash, Adv.

Mrs. Nanita Sharma, AOR

Mr. Vivek Sharma, Adv.

Mr. Suranjan S Roy, Adv.

Ms. Ranjeeta Rohatgi, AOR

Ms. Shrika Gautam, Adv.

Ms. Aparna Jha, AOR

Mr. Alok Sangwan, Sr. A.A.G.

Mr. Shekhar Raj Sharma, A.A.G.

Mr. Sumit Kumar Sharma, Adv.

Mr. Rajat Sangwan, Adv.

Mr. Vipul Dahiya, Adv.

Mr. Vaibhav Yadav, Adv.

Mr. Apoorv Yadav, Adv.

Mr. Vishnu Tallapragada, Adv.

Dr. Monika Gusain, AOR

Petitioner-in-person

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Mr. Rajesh Kumar Sharma, Adv.

Mrs. Bina Gupta, AOR

Mr. Nikhil Jain, AOR

Ms. Divya Jain, Adv.

Ms. Monica Dhingra, Adv.

Mr. Anil Kumar Jha, AOR

Mr. R. Gopalakrishnan, AOR

Mr. Shadan Farasat, AOR

Mr. Arun K. Sinha, AOR

Mr. Mansoor Ali, AOR

Mr. M. Shoeb Alam, AOR

Mr. Ajay Aggarwal, Adv.

Mr. Rajan Narain, AOR

Mr. E.R. Kumar, Adv.

Mr. D.P. Mohanty, Adv.

Mr. Ishan Nagar, Adv.

Mr. Pratyush, Adv.

Ms. Priyadarshini, Adv.

Mr. Abhishek Thukral, Adv.

M/S. Parekh & Co., AOR

Mr. Abhinav Mukerji, AOR

Mr. Jayesh Gaurav, Adv.

Ms. Diksha Ojha, Adv.

Mr. Farrukh Rasheed, AOR

Mr. Jatinder Kumar Bhatia, AOR

Mr. Krishnam Mishra, Adv.

Mr. Param Kumar Mishra, Adv.

Ms. K. Enatoli Sema, AOR

Ms. Limayinla Jamir, Adv.

Mr. Amit Kumar Singh, Adv.

Ms. Chubalemla Chang, Adv.

Mr. Prang Newmai, Adv.

Mr. S. K. Verma, AOR

For Respondent(s)

Mr. Vikas Singh, Sr. Adv.

Mr. Ranjeet Kumar, Sr. Adv.

Mr. Vivek Kohli, Sr. Adv.

Mr. Mayank Pandey, AOR

Mr. Nalin Talwar, Adv.

Ms. Yeshi Rinchen, Adv.

Ms. Nikita Maheshwari, Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Sanjai Kumar Pathak, AOR

Mr. Samir Rohatgi, Adv.  
Mr. Arvind Kumar Tripathi, Adv.  
Mrs. Shashi Pathak, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Sanjay Kumar Pathak, Adv.  
Mr. Samir Rohatgi, Adv.  
Mr. Arvind Kumar Tripathi, Adv.  
Ms. Shashi Pathak, Adv.  
Mr. Manish Verma, Adv.  
Ms. A. Sumathi, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.  
Ms. Mohna, AOR  
Ms. Geetali Hazarika, Adv.  
Mr. Nikhil Anand, Adv.  
Mr. Heimant, Adv.  
Mr. Akash Yadav, Adv.  
Ms. Bhavya Bhatia, Adv.  
Ms. Ira Mahajan, Adv.  
Mr. Ramachandra Madan, Adv.

Mr. Manish Verma, Adv.  
Ms. A. Sumathi, AOR

Mr. S.R. Singh, Sr. Adv.  
Mr. Ankur Prakash, AOR

Mr. Rakesh Dwivedi, Sr. Adv.  
Ms. Samten Doma Lachungpa, Adv.

Mr. K.M.Nataraj, A.S.G.  
Mr. R.Bala, Sr. Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Abhishek Khanna, Adv.  
Mr. Vatsal Joshi, Adv.  
Dr. Arun Kumar Yadav, Adv.  
Mr. Shreekant Neelappa Terdal, AOR

Mr. K M Nataraj, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Rajat Nair, Adv.  
Mr. R Bala, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. Sharath Nambiar, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.  
Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Nalin Talwar, Adv.  
Mr. Vinayak Sharma, Adv.  
Mr. Vikas Mehta, AOR

Mr. Ashok Kumar Panda, Sr. Adv.

Mr. Tejaswi Kumar Pradhan, AOR  
Mr. Mohan Prasad Gupta, Adv.  
Mr. Shashwat Panda, Adv.  
Mr. Manoranjan Paikaray, Adv.

Mr. S. C. Verma, Sr. Adv.  
Mr. Sumeer Sodhi, AOR  
Ms. Shreya Singh, Adv.

Ms. Geeta Luthra, Sr. Adv.  
Mr. Sumit Teterwal, AOR  
Mr. Akhil Ranganathan, Adv.

Ms. Sushma Suri, AOR

Mr. Irshad Ahmad, AOR

Mr. A. N. Arora, AOR

Mr. B. Krishna Prasad, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Gaurav Dhingra, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Rakesh Kumar-i, AOR

Mr. B. Balaji, AOR

Ms. Ruchi Kohli, AOR

Mr. R. Sathish, AOR

Mr. Surya Kant, AOR

Mr. Samir Ali Khan, AOR

Mrs. Anil Katiyar, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Deepayan Dutta, Adv.

Mr. Tapesw Kumar Singh, AOR/A.A.G.  
Mr. Aditya Pratap Singh, Adv.  
Mr. Priyanshu Malik, Adv.

Mr. Vishal Meghwal, Adv.  
Mrs. Padhmalakshmi Iyengar, Adv.  
Mr. Milind Kumar, AOR

Mr. Gaurav Agrawal, AOR

Mr. E.R. Kumar, Adv.

Mr. D.P. Mohanty, Adv.

Mr. Ishan Nagar, Adv.

Mr. Pratyush, Adv.

Ms. Priyadarshini, Adv.

Mr. Abhishek Thukral, Adv.

M/S. Parekh & Co., AOR

Ms. Hemantika Wahi, AOR

Mrs. Shally Bhasin, AOR

Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Omkar Jayant Deshpande, Adv.

Mr. Rana Sandeep Bussa, Adv.

Mrs. Pradnya Adgaonkar, Adv.

Mr. Abhijit Sengupta, AOR

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Farrukh Rasheed, AOR

Mr. Kaushik Poddar, AOR

Mr. Praveen Swarup, AOR

Mr. Vinod Kumar Mantoo, Adv.

Ms. Payal Swarup, Adv.

Mr. Devesh Maurya, Adv.

Mr. R.k. Singh, Adv.

Mr. Ravi Kumar, Adv.

Mr. Rahul Tomar, Adv.

Mr. Chandra Pratap Singh, Adv.

Mr. Chander Shekhar Malhotra, Adv.

Mr. P. S. Sudheer, AOR

Mr. Ashok Mathur, AOR

M/S. Corporate Law Group, AOR

Mr. Aaditya Aniruddha Pande, AOR

Mr. Siddharth Dharmadhikari, Adv.

Mr. Bharat Bagla, Adv.

Mr. Sourav Singh, Adv.

Mr. Aditya Krishna, Adv.

Mr. Pawan Shukla, Adv.

Ms. Praveena Gautam, AOR

Ms. Akanksha Tyagi, Adv.

Mr. Shadan Farasat, AOR  
Mr. Nikilesh Ramachandran, AOR  
Mr. M. Shoeb Alam, AOR  
Mr. Anil Shrivastav, AOR  
Mr. Ashok Panigrahi, AOR  
Ms. Asha Gopalan Nair, AOR  
Mr. M. Yogesh Kanna, AOR  
Mr. Abhay Kumar, AOR  
Mr. Naresh K. Sharma, AOR  
Mr. Sachin Patil, AOR  
Ms. Shalini Chandra, AOR  
Mr. Sunil Fernandes, AOR  
Ms. Yogmaya Agnihotri, Adv.  
Ms. Purnima Bhat, AOR  
Mr. Jatinder Kumar Bhatia, AOR  
Mr. Krishnam Mishra, Adv.  
Mr. Param Kumar Mishra, Adv.  
Mr. L. C. Agrawala, AOR  
Mr. Pankaj Agarwala, Adv.  
Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Manoj Kr Sharma, Adv.  
Mr. Bhuwan Chandra, Adv.  
Ms. C. K. Sucharita, AOR  
Ms. Simar Suri, Adv.  
Mr. Chanchal Kumar Ganguli, AOR  
Mr. Alok Sangwan, Sr. A.A.G.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Ritu Rastogi, Adv.  
Mr. Sibbo Sankar Mishra, AOR  
Mr. Ravi Kumar Tomar, AOR

Mr. Ashok Kumar Gupta Ii, AOR

Mr. Alok Sangwan, Sr. A.A.G.

Mr. Shekhar Raj Sharma, A.A.G.

Mr. Sumit Kumar Sharma, Adv.

Mr. Rajat Sangwan, Adv.

Mr. Apoorv Yadav, Adv.

Mr. Vaibhav Yadav, Adv.

Mr. Vipul Dahiya, Adv.

Mr. Vishnu Tallapragada, Adv.

Dr. Monika Gusain, AOR

Ms. Meera Mathur, AOR

Mr. Gopal Singh, AOR

Mr. P. Parmeswaran, AOR

Mr. K. Krishna Kumar, AOR

Mr. Tayenjam Momo Singh, AOR

Mr. Anil Kumar Jha, AOR

Mr. Abhish Kumar, AOR

Ms. Pragati Neekhara, AOR

Ms. K. Enatoli Sema, AOR

Mr. Krishnayan Sen, AOR

Mr. B. D. Sharma, AOR

M/S. Arputham Aruna And Co, AOR

Mr. Arun K. Sinha, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Abhinav Mukerji, AOR

Ms. Nandini Sen Mukherjee, AOR

Mr. M. T. George, AOR

Ms. Kamini Jaiswal, AOR

Mr. P. V. Yogeswaran, AOR

Mr. Shailesh Madiyal, AOR

Mr. Mishra Saurabh, AOR

Mr. Saurabh Mishra, AOR  
Mr. Rakesh Chander, Adv.  
Ms. Bhumi Agrawal, Adv.  
Mr. Shrimay Mishra, Adv.  
Ms. Priya Kaushik, Adv.

Mr. Anand Sanjay M. Nuli, Adv.  
Mr. Agam Sharma, Adv.  
Mr. Dharm Singh, Adv.  
Mr. Suraj Kaushik, Adv.  
M/S. Nuli & Nuli, AOR

Mr. Pahlad Singh Sharma, AOR

M/S. K J John And Co, AOR

Mr. Venkita Subramoniam T.R., AOR

Mr. Ritesh Kumar, AOR

Ms. Bina Madhavan, Adv.  
Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Sanjana Nair, Adv.  
M/S. Lawyer S Knit & Co, AOR

Mr. D. Mahesh Babu, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Mukesh Verma, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Pankaj Kumar Singh, Adv.  
Mr. G.P. Mahto, Adv.  
Mr. Yash Pal Dhingra, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mrs. Bina Gupta, AOR

Mr. Harmeet Singh Ruprah, D.A.G.  
Mr. Sunny Choudhary, AOR  
Mr. Sumit Arora, Adv.  
Mr. Ankit Mishra, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Kundan Kumar Mishra, AOR  
Mr. Deepkaran Dalal, AOR  
Mr. Mansoor Ali, AOR

Mr. Guntur Prabhakar, AOR

Mr. Ajay Aggarwal, Adv.  
Mr. Rajan Narain, AOR

Mr. Santosh Krishnan, AOR

Mr. Debojit Borkakati, AOR

Mr. Som Raj Choudhury, AOR

Ms. Swati Ghildiyal, AOR  
Ms. Deepanwita Priyanka, Adv.  
Ms. Devyani Bhatt, Adv.

Mr. Rishabh Sancheti, Adv.  
Mr. T. Mahipal, AOR

Mr. Prateek K Chadha, A.A.G.  
Mr. V. N. Raghupathy, AOR  
Mr. Manendra Pal Gupta, Adv.  
Mr. Sreekar Aechuri, Adv.  
Ms. Pragya Ganjoo, Adv.  
Ms. Muskaan Singla, Adv.

Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. G. Prakash, AOR

Mr. Rana Ranjit Singh, AOR  
Mr. Vivek Kumar Singh, Adv.  
Mr. Ravish Singh, Adv.  
Ms. Akanksha Singh, Adv.  
Mrs. Sweta Singh, Adv.  
Mr. Avijeet Kumar, Adv.

Mr. Harsh Parashar, AOR

Mr. Rajesh Srivastava, AOR

Ms. Bharti Tyagi, AOR

Ms. Uttara Babbar, AOR

Mr. Ajay Pal, AOR  
Mr. Mayank Dahiya, Adv.  
Ms. Sugandh Rathor, Adv.

Mr. Narendra Kumar, AOR

Mr. Raghvendra Kumar, AOR  
Mr. Anand Kumar Dubey, Adv.  
Mr. Maneesh Pathak, Adv.  
Mr. Devvrat Singh, Adv.

Mr. Amit Anand Tiwari, A.A.G.  
Mr. Sabarish Subramanian, AOR  
Ms. Devyani Gupta, Adv.  
Mr. Vishnu Unnikrishnan, Adv.  
Ms. Tanvi Anand, Adv.  
Mr. C Kranthi Kumar, Adv.  
Mr. Naman Dwivedi, Adv.  
Mr. Danish Saifi, Adv.

Mr. Shreyas Awasthi, Adv.  
Ms. Astha Sharma, AOR

M/S. Plr Chambers And Co., AOR

Ms. Shirin Khajuria, AOR  
Ms. Nayan Gupta, Adv.  
Ms. Oshi Verma, Adv.

Ms. G. Indira, AOR

Mr. Aravindh S., AOR  
Mr. Abbas, Adv.

Ms. Aswathi M.k., AOR

Mr. Dharmendra Kumar Sinha, AOR

Mr. K. V. Vijayakumar, AOR

M/S. Karanjawala & Co., AOR

Mr. Dheeraj Nair, AOR

Mr. Ajay Pal, AOR  
Mr. Mayank Dahiya, Adv.  
Ms. Sugandh Rathor, Adv.

Mr. Kirshana K. Sharma, Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. Akhileshwar Jha, Adv.  
Mr. Amit Kumar Chawla, Adv.  
Ms. Ritika Raj, Adv.  
Mr. Neeraj Singh, Adv.  
Mr. Binay Kumar, Adv.

Mr. Kartikeya Rastogi, Adv.  
Ms. Inderdeep Kaur Raina, Adv.

Mr. Rishi Malhotra, AOR

Mr. Avijit Mani Tripathi, AOR

Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Mr. C.S. Vaidyanathan, learned Senior Counsel, has placed before us an order dated 18.08.2023 passed by the coordinate Bench of this Court in Special Leave Petition (C) Nos.16596-16654 of 2023, wherein it has been observed that all similar matters involving identical issues arising from conflicting judgments of different High Courts be heard by common Bench and for the said purpose the records be placed before Hon'ble the Chief Justice for nominating one Bench to hear all the matters.

Another order dated 01.09.2023 passed by a different coordinate Bench in Special Leave Petition (C) Diary No(s).30415 of 2023 and connected matters has also been placed by Mr. Ranjit Kumar, learned Senior Counsel, which according to him also relates to the same issue. This order also refers to a couple of other matters which have been sought to be tagged along with.

Mr. Vaidyanathan, learned Senior Counsel has also handed over a list of all the cases involving similar issues involved in these petitions. List of all such cases is reproduced at the end of this order.

A submission has been made before us by some of the learned counsel that these matters involve

different issues, for example, plastic ban, waste management, ban on chewing tobacco etc., and may be segregated accordingly, whereas, the same is objected by another group of learned counsel stating that all the issues are interlinked and cannot be segregated.

We are not entering into this issue.

Let all the matters be placed before Hon'ble the Chief Justice for passing appropriate orders.

It would be open for the learned counsel for the parties to make their submissions before Hon'ble the Chief Justice regarding segregation or for joint hearing of all the matters.

Mr. Vaidyanathan has further pointed out that Mr. Gopal Subramaniam, learned senior counsel, had been appointed as an Amicus Curiae in these matters in the year 2011 to assist the Court. However, he had requested in the year 2018 to be discharged from these cases as Amicus Curiae. Further, a recent communication has been received by Mr. Vaidyanathan that he is unable to attend the Court physically and would address the Court through virtual mode, if called upon.

After a gap of such a long time and with so many learned senior counsel already appearing in these matters, we believe that they will espouse the cause and as such we discharge Mr. Gopal Subramaniam, learned senior counsel, as Amicus Curiae from these cases. In case, any assistance is required, the Court can always

appoint an Amicus Curiae.

List of cases provided by learned counsel, in particular, Mr. C.S. Vaidyanathan is reproduced hereunder:

**PLASTIC / WASTE MANAGEMENT**

S. No.	Case No.	Cause Title	Topic
<b>I. The Original Rajasthan HC Issue</b>			
1	SLP (C) 16308/2007 I.A. No. 45/2011 (Additional grounds)	Ankur Gutkha & Ors. v. Indian Asthma Care Society & Ors.	Plastic Waste Management
2	SLP (C) No. 16314/2007 I.A. No. 3/2011 (Additional grounds)	Jayanthi Gutkha v. Indian Asthma Care Society & Ors.	Plastic Waste Management
3	SLP (C) No. 19467-19469/2007 I.A. No. 52-54/2011 (Additional grounds)	Miraj Products Pvt. Ltd. v. Indian Asthma Care Society & Ors.	Plastic Waste Management
4	SLP(C) No. 16317/2007	Laxmi Brand Proprietor, Goyal Tobacco Pvt. Ltd. V. Asthma Society Care & Ors.	Plastic Waste Management
<b>II. Challenge to the Plastic Rules</b>			
5	W.P.(C) No. 131/2011	Polyester Film Industries Association (Regd.) & Another V. Union of India & Ors.	Challenge to Plastic Rules, 2011 Rule 5(d)
6	W.P.(C) No. 141/2011	Flexible Packaging Entrepreneurs Welfare Association (Regd.) & Anr. v. Union Of India	Challenge to Plastic Rules, 2011 Rule 5(d)
7	W.P. (C) No. 304/2011	M/s Tara Chand Naresh Chand v. Ministry of Environment and Forests & Anr.	Challenge to Plastic Rules, 2011 Rule 5(d)
8	W.P.(C) No. 344/2011	N.G. Tobacco & Anr. v. Union of India	Challenge to Plastic Rules, 2011 Rule 5(d)
9	W.P.(C) No. 330/2011	Ghodawat Pan Masala Products Pvt. Ltd. v. Union of India	Challenge to Plastic Rules, 2011 Rule 5(d) & 5(g)
10	W.P.(C) No. 354/2011	Dharampal Satyapal v. Union of India & Anr.	Challenge to Plastic Rules, 2011 Rule 5(d) & 5(g)
11	W.P.(C) No. 182/2011	Ghodawat Pan Masala Pvt. Ltd. & Ors v. Union of India	Challenge to Plastic Rules, 2011 Rule 5(d)

12	W.P.(C) Diary No.40306 / 2023	Golden Khaini Private limited v. Union of India	Challenge to Plastic Rules, 2016 Rule 4(1)(f) and Rule 4(1)(i)
<b>III. Contempt Petitions : Violation of the Order, dated 07.12.2010</b>			
13	Contempt Petition (C) No. 288/2011 in SLP (C) 16308/2007	Pankaj Mathur v. Pradeep Aggarwal & Anr.	Contempt Petition (Contempt of Order dated 07.12.2010)
14	Contempt Petition (C) No. 356/2011 in SLP (C) 16308/2007	Pramod Kumar v. Manoranjan Hota	Contempt Petition (Contempt of Order dated 07.12.2010)
15	Contempt Petition (C) No. 236/2011 In SLP(C) No. 16308/2007	Rajiv Singh v. Sh. Rajender Prasad Khandelwal Proprietor, Ankur Gutkha, A.M. Industries, Jaipur-4, Rajasthan	Contempt Petition (Contempt of Order dated 07.12.2010)
16	Contempt Petition (C) No. 348/2011 In SLP(C) No. 19467-19469/2007	Miraj Product Pvt. Ltd. V. Indian Asthama Care Society and Others	Contempt Petition (Contempt of Order dated 07.12.2010)
<b>IV. The Plastic Ban Petition</b>			
17	W.P. (C) No. 69/2011	Delhi Study Group & Anr v. Union of India	Implementation of Plastic Rules & Ban on use of plastic for packaging

### HEALTH REPORT

S. No.	Case No.	Cause Title	Topic
<b>I. The Order, dated 07.12.2010 – The Health Report</b>			
1	Order, dated 07.12.2010 in: SLP (C) No. 16308 / 07; SLP (C) No.16314 / 07; SLP (C) No.19467 – 69/07	Health Report filed under the patronage of the National Institute of Health and Family Welfare on 07.02.2011, in SLP (C) No. 16308 of 2007	Compilation of the existing scientific literature on contents of Tobacco products and harmful effects of their consumption. The narrow recommendation only with respect to Smokeless Tobacco.
<b>II. The Policy decision viz Tobacco</b>			
2	W.P. (C) No. 289 of 2011	Centre for Transforming India vs. Union of India	Ban on manufacture, storage and sale of all forms of tobacco, including Smoking Tobacco
3	W.P. (C) 572 of 2013	Consumer Online Foundation vs. Union of India and Others	Implementation of a National Tobacco Policy for regulating all forms of tobacco

4	W.P. (C) No. 646 of 2016	Romit Sardana and Another vs. Union of India	Amendment to Section 6 of COTPA, 2003
---	--------------------------	--	---------------------------------------

**GUTKHA / PAN MASALA WITH CHEWING TOBACCO / CHEWING TOBACCO**

S. No.	Case No.	Cause Title	Challenge
<b>Delhi</b>			
<b>Challenge to vires of Regulation 2.3.4</b>			
1.	T.C. (C) No. 95/2012	Dharampal Satyapal Ltd. & Ors. v/s Union of India & Anr.	WP No. 7463/2011 challenging: -Regulation 2.3.4 (@Page 283)
<b>Ban on Gutkha / Pan Masala containing Tobacco (i) Order issued under Section 30(2)(a) of FSSA (ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
2.	T.C. (C) No. 10/2014	Alok Paul & Anr. v/s Union of India & Ors.	WP No. 6877/2012 challenged: -Regulation 2.3.4 -Notification dated 11.09.2012 (@Page 58)
3.	T.C. (C) No. 11/2014	Som Pan Products Pvt. Ltd. v/s Union of India & Ors.	WP No. 6873/2012 challenged -Regulation 2.3.4 -Notification dated 11.09.2012 (@Page 59)
<b>Bombay</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco (i) Order issued under Section 30(2)(a) of FSSA (ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
4.	T.C. (C) No. 36/2014	Godhawat Pan Masala Pvt. Ltd. v/s State of Maharashtra	WP No. 1632/2012 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 139)
5.	T.C. (C) No. 37/2014	Mumbai Vidi Tambakhu Vyapari Sangh v/s Department of Food & Drug	WP No. 2263/2012 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 45)

6.	T.C. (C) No. 68/2022	Godfrey Philips India Pvt. Ltd. & Anr. v/s State of Maharashtra & Ors.	WP No. 605/2015 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 63)
7.	T.C. (C) No. 34/2014	SDD Agencies Pvt. Ltd. v/s State of Maharashtra & Ors.	WP No. 1634/2015 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 85)
8.	T.C. (C) No. 33/2014	Rajnandini Foods Pvt. Ltd. v/s State of Maharashtra & Ors.	WP No. 1633/2015 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 138)
9.	T.C. (C) No. 35/2014	M/s. Hira Enterprises v/s State of Maharashtra & Ors.	WP No. 1635/2015 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 140)
10.	T.C. (C) No. 20/2014	M/s. Vishnu Pouch Packaging Pvt. Ltd. v/s State Of Maharashtra & Ors.	WP No. 9865/2012 challenged: -Regulation. 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 145)
11.	T.C. (C) No. 38/2014	Rajat Industries Pvt. Ltd. v/s State of Maharashtra & Ors.	WP No. 7592/2012 challenged: -Regulation 2.3.4 -Regulation 3.1.7 -Notification dated 19.07.2012 (@Page 133)
12.	SLP (C) No. 28716/2012	M/s MSS Food Processors v/s State of Maharashtra	x (C) 28716/2012 challenging: -Judgement dated 15.09.2012 passed in WP No. 8800/2012 (@Page 81)  WP No. 8800/2012 challenged: -Order dated 19.07.2022 (@Page 170) -Circular dated 20.07.2022

			(@Page 174)
<b>Ban on Chewing Tobacco</b>			
13.	T.P. (C) No. 143/2015	Food Safety & Standard Authority of India v/s State of Maharashtra & Ors.	WP No. 2468/2013 challenged: -Section 30(2)(a) of FSSA as violative of Section 14, 19(1)(g), 21, 301 & 304(b) of the Constitution of India -Notification dated 18.07.2013
14.	T.P. (C) No. 98/2015	Food Safety and Standards Authority of India v/s M/S Prana Y Traders & Ors.	WP No. 524/2014 challenged: -Notification dated 18.07.2013 (@Page 34)
15.	T.P. (C) No. 1919 of 2014	Food Safety and Standards Authority of India v/s M/s Milan Supari Company Private Limited and Others	WP No.4964/2013 challenged: -Notification, dated 18.07.2013 (@Page 18)
16.	T.P. (C) No. 21 of 2015	Food Safety and Standards Authority of India v/s M/s Jaya Products & Others	WP No.204/2014 challenged: -Notification, dated 18.07.2013 (@Page 16)
<b>Challenge to Rule 44J of Prevention of Food Adulteration Act, 1954</b>			
17.	T.C. (C) No. 25/2010	M/s Ghodawat India Pvt. Ltd. v/s Union of India	Gutka/Pan Masala containing Tobacco
18.	T.C. (C) No. 5/2010	M/S. Mohan Agencies v/s Union of India & Ors	Gutka/Pan Masala containing Tobacco
<b>Bihar</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco</b> <b>(i) Order issued under Section 30(2)(a) of FSSA</b> <b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
19.	T.C. (C) No. 25/2014	M/s. R.K. Products Company	CWJC No. 12871/2012

		v/s Union of India & Ors.	challenged: -Order dated 30.05.2012 (@Page 52)
20.	T.C. (C) No. 24/2014	Rajat Industries Pvt. Ltd. v/s Union of India & Ors.	CWJC No. 18782/2012 challenged: -Notification dated 04.06.2012 [Order dated 30.05.2012 (@Page 90)]
21.	T.P. (C) No. 91/2015	State of Bihar v/s M/s. R.K. Enterprises & Ors.	CWJC No. 19960/2014 challenged: -Regulation 2.3.4 -Order dated 07.11.2014 (@Page 20)
22.	T.P. (C) No. 77/2015	State of Bihar & Anr. v/s M/s. Khan Brothers & Anr.	CWJC No. 20129/2014 challenged: -Regulation 2.3.4 -Order dated 07.11.2014 (@Page 20)
23.	T.P. (C) No. 111/2015	State of Bihar v/s Rajat Industry Pvt. Ltd.	CWJC No. 19232/2014 challenged: -Regulation 2.3.4 -Order dated 07.11.2014 (@Page 135)
24.	SLP (C) No. 12242/2017	Food Safety & Standards Authority of India v/s M/s Omkar Agency & Anr.	SLP challenging: -Order dated 19.07.2016 passed in CWJC No. 3805/2015 (@Page 30)  CWJC No. 3805/2015 challenged: -Regulation 2.3.4 -Regulation 2.11.5 -Order dated 06.11.2015 (@Page 193)
25.	SLP (C) NO. 30049/2016	State of Bihar & Ors. v/s M/s. Prabhat Zarda Factory India Pvt. Ltd.	SLP challenging: -Order dated 19.07.2016 passed in CWJC No. 18244/2015 (@Page 19)  CWJC No. 18244/2015 challenged: -Regulation 2.3.4 -Regulation 2.11.5 -Order dated 06.11.2015 (@Page 116)
26.	SLP (C) No. 30386/2016	State of Bihar & Ors v/s	SLP challenging: -Order dated 19.07.2016

		M/s Omkar Agency & Anr.	passed in CWJC No. 18351/2015 (@Page 19)  CWJC No. 18351/2015 challenged: -Regulation 2.3.4 -Regulation 2.11.5 -Order dated 06.11.2015 (@Page 114)
27.	SLP (C) No. 30090/2016	The State of Bihar & Ors. v/s Rajat Industries Pvt. Ltd.	SLP challenging: -Order dated 19.07.2016 passed in CWJC No. 18282/2015 (@Page 33)  CWJC No. 18282/2015 challenged: -Regulation 2.3.4 -Regulation 2.11.5 -Order dated 06.11.2015 (@Page 128)
28.	SLP (C) No. 32155/2016	The State of Bihar v/s M/s Omkar Agency & Ors.	SLP challenging: -Order dated 19.07.2016 passed in CWJC No. 3805/2015 (@Page 31)  CWJC No. 3805/2015 challenged: -Regulation 2.3.4 -Regulation 2.11.5 -Order dated 06.11.2015 (@Page 126)
29.	SLP (C) No. 20221-20224/2016	World Lung Foundation - South Asia etc. v/s M/s Omkar Agency & Ors. Etc	SLP challenging: -Order dated 19.07.2016 passed in CWJC No. 3805/2015 (@Page 42)  CWJC No. 3805/2015 challenged: -Regulation 2.3.4 -Regulation 2.11.5 -Order dated 06.11.2015 (@Page 160)
<b>Ban on Chewing Tobacco</b>			
30.	T.P. (C) No. 76/2015	State of Bihar & Ors. v/s M/s Prabhat Zarda Factory Pvt. Ltd.	CWJC No. 19286/2014 challenged: -Order dated 07.11.2014 (@Page 20)

<b>Haryana</b>			
<b>Ban on Chewing Tobacco</b>			
31.	T.C. (C) No. 6/2016	Baweja Tobacco Enterprises Pvt. Ltd. v/s State of Haryana & Anr.	CWP No. 20351/2015 challenged: -Order dated 03.09.2015 (@Page 50)
32.	T.C. (C) No. 7/2016	M/s. Deep Trading Company v/s State of Haryana & Anr.	CWP No. 20396/2015 challenged: -Order dated 03.09.2015 (@Page 58)
33.	T.C. (C) No. 8/2016	Vishnu Tobacco Product v/s State of Haryana & Anr	CWP No. 24790/2015 challenged: -Order dated 03.09.2015 (@Page 52)
34.	T.C. (C) No. 5/2016	M/s Dharampal Satyapal Ltd. & Ors. v/s State of Haryana	CWP No. 19771/2015 challenged: -Order dated 03.09.2015 (@Page 55)
35.	SLP (C) No. 3973-3976/2016	State of Haryana etc v/s M/s Dharampal Satyapal Ltd. v. Ors.	SLP Challenging: -Interim orders dated 14.10.2015 passed in CWP No. 19771/2015; 20351/2015 & 20396/2015 (@Page 48) - Order dated 28.11.2015 in CWP No. 24790/2015 (@Page 55) -Seeking vacation of stay dated 23.02.2016 in I.A. No. 5/2016 (@Page 325)  CWP No. 19771/2015; 20351/2015, 20396/2015 & 24790/2015 challenged: -Notification dated 03.09.2015
<b>Karnataka</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco</b>			
<b>(i) Order issued under Section 30(2)(a) of FSSA</b>			
<b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
36.	T.C. (C) No. 16/2014	The Cancer Patients Aid Association v/s Govt of Karnataka & Ors.	WP No. 23661/2012 sought to implement: -Regulation 2.3.4 (@Page 208) -Orders dated: 31.03.2012 (MP @Page 247)

			25.04.2012 (MoHFW @Page 253) 22.05.2012 (Kerala @Page 254) 30.05.2012 (Bihar @Page 257)
37.	T.C. (C) No. 15/2014	Ghodawat Pan Masala Products Pvt. Ltd. & Ors. v/s State of Karnataka & Ors.	WA No. 30938-30940/2013 challenged: -Order dated 25.06.2013 in WP No. 783780/2013 (@Page 42)  WP No. 783780/2013 challenged: -Notification dated 30.05.2013 (@Page 159) -Regulation 2.3.4 (@Page 160)
38.	T.C. (C) No. 12-14/2014	Ghodawat Pan Masala Products Pvt. Ltd. & Ors. v/s State of Karnataka & Ors.	WP No. 78378-380/2013 challenged: -Regulation 2.3.4 (@Page 99) -Notification dated 30.05.2013 (@Page 98)
<b>Challenge to Rule 44J of Prevention of Food Adulteration Act, 1954</b>			
39.	T.C. (C) No. 6/2010	Ghodawat Industries India Pvt. Ltd. v/s Union of India	Gutka/Pan Masala containing Tobacco
40.	T.C. (C) No. 1 of 2010	Central Arecanut Marketing Co-Op & Others v/s Union of India & Others	WP - Challenge to: -Rule 44J of the Prevention of Food Adulteration Rules, 1955 -Consequences of banning of Areca Nut on farmers' livelihood
<b>Kerala</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco</b> <b>(i) Order issued under Section 30(2)(a) of FSSA</b> <b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
41.	T.C. (C) No. 21/2014	Ghodawat Pan Masala Products (I) Pvt. Ltd. v/s Union of India & Ors.	WP No. 13271/2012 challenged: -Regulation 2.3.4 (@Page 61) -Order dated 22.05.2012 (@Page 68)
42.	T.C. (C) No. 22/2014	Jagadeesh Kamath	WP No. 15582/2012

		v/s Union of India & Ors.	challenged: -Regulation 2.3.4 -Order dated 22.05.2012 (@Page 75) -Order dated 29.05.2012 (@Page 76)
<b>Madhya Pradesh</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco</b> <b>(i) Order issued under Section 30(2)(a) of FSSA</b> <b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
43.	T.C. (C) No. 18/2014	M/s. Kaipan Panmasala Pvt. Ltd. v/s Union of India & Ors.	WP No. 5915/2012 challenged: -Regulation 2.3.4 (@Page 59) -Orders dated 31.03.2012 (@Page 66), 02.04.2012 (@Page 67)
44.	SLP (C) No. 4165-4166/2013	Amarchand Updhayay & Anr. v/s Union of India	SLP challenging: -Interim orders dated 13.09.2012 (@Page 193) & 25.09.2012 (@Page 195)  WP No. 7550/2012 challenged: -Regulation 2.3.4 -Order dated 31.03.2012
<b>Ban on Chewing Tobacco</b>			
45.	T.P. (C) No. 144/2015	Food Safety and Standards Authority of India v/s State of Madhya Pradesh & Ors.	
46.	W.P. (C) No. 147 of 2013	Vishnu Products v/s Union of India & Others	Gutka/Pan Masala containing Tobacco
47.	W.P. (C) No. 511/2004	Indore Consumer Forum & Anr. v/s UOI (MOHFW)	Chewing Tobacco
<b>Manipur</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco</b> <b>(i) Order issued under Section 30(2)(a) of FSSA</b> <b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
48.	T.P. (C) No. 2732/2019	The State of Manipur & Anr v/s Shri Badri Singh Yadav & Ors	WP No. 316/2018 challenged: -Notification dated 14.08.2018 (@Page 74)
<b>Rajasthan</b>			

<b>Ban on Gutkha / Pan Masala containing Tobacco</b> <b>(i) Order issued under Section 30(2)(a) of FSSA</b> <b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
49.	T.C. (C) No. 9/2014	Dinesh Tobacco Industries v/s State of Rajasthan & Ors.	WP No. 8602/2012 challenged: -Regulation 2.3.4 (@Page 102) -Order dated 18.07.2012 (@Page 100)
<b>Uttar Pradesh</b>			
<b>Ban on Gutkha / Pan Masala containing Tobacco</b> <b>(i) Order issued under Section 30(2)(a) of FSSA</b> <b>(ii) Vires of Regulation 2.3.4, 2.11.5 &amp; 3.1.7</b>			
50.	SLP (C) No. 32163/2012	Prabhu Aastha Enterprise Pvt. Ltd. v/s State of Uttar Pradesh & Ors.	SLP challenging: -Order dated 17.09.2012 passed in PIL No. 19126/2012 (@Page 107)  PIL No. 19126/2012 sought implementation: -Regulation 2.3.4
51.	SLP (C) No. 32162/2012	M/s MSS Food Processors v/s State of UP & Anr.	SLP challenging: -Order dated 17.09.2012 passed in PIL No. 19126/2012 (@Page 117 )  PIL No. 19126/2012 sought implementation: -Regulation 2.3.4
<b>Challenge to Rule 44J of Prevention of Food Adulteration Act, 1954</b>			
52.	T.C. (C) No. 2/2010	M/s Pramukh Sales v/s Union of India & Ors.	Gutka/Pan Masala containing Tobacco
53.	T.C. (C) No. 3/2010	M/s Patel Pan Product Ltd. v/s Union of India & Ors.	Gutka/Pan Masala containing Tobacco
<b>Orissa</b>			
<b>Challenge to Rule 44J of Prevention of Food Adulteration Act, 1954</b>			
54.	T.C. (C) No. 4/2010	Gautam Bhar v/s Union of India & Ors	Gutka/Pan Masala containing Tobacco
<b>ALCOHOLIC BEVERAGES</b>			
55.	T.C. (C) No. 19/2014	The International Spirits & Wines Association of India	Challenge to: -Sec 3(1)(j) of FSSA, 2006

		v/s Union Of India & Ors.	insofar as it includes alcoholic drink in definition of food
--	--	------------------------------	--

S. No.	Case No.	Cause Title	Challenge
<b>Before Hon'ble Ms. Justice B.V. Nagarathna &amp; Mr. Justice Ujjal Bhuyan</b>			
<b>Ban on Chewing Tobacco</b>			
<b>Delhi</b>			
1.	SLP (C) (Dy.) No. 33241/2023	Sugandhi Snuff King Pvt. Ltd & Anr. v/s Union of India & Anr.	SLP challenged: Order, dated 10.04.2023 in LPA No. 742/2022  LPA No.742/2022 challenged: Order, dated 27.09.2022 setting aside ban notifications from 2015 – 2021.
2.	SLP (C) (Dy.) No. 33000/2023	Sugandhi Snuff King Pvt. Ltd & Anr. v/s Commissioner, Food Safety, GNCTD & Anr.	SLP challenged: Order, dated 10.04.2023 in LPA No. 748/2022  LPA No. 748/2022 challenged: Order, dated 27.09.2022 setting aside ban notifications from 2015-2021.
3.	SLP (C) (Dy.) No. 35291/2023	Shambu Khaini & Anr. v/s Commissioner, Food Safety, GNCTD & Ors	SLP challenged: Order, dated 10.04.2023 in LPA No. 742/2022  LPA No. 742/2022 challenged: Order, dated 27.09.2022 setting aside ban notifications from 2015-2021.
4.	SLP (C) No. 21112/2023	Dharampal Satyapal Ltd. v/s Commissioner of Food Safety & Ors.	SLP challenged: Order, dated 10.04.2023 in LPA No.742/2022

5.	WP (C) No. 918/2023	Sugandhi Snuff King Pvt. Ltd & Anr. v/s Commissioner, Food Safety, GNCTD & Anr.	WP challenged: Notification, dated 21.08.2023
<b>Tamil Nadu</b>			
6.	SLP (C) No. 5140-5142/2023	State of Tamil Nadu v/s Jayavilas Tobacco Traders LLP & Anr.	SLP challenged: Order, dated 20.01.2023 in WA No. 2093/2018  WA challenged: Order dated 09.06.2017 which quashed the Order of the Designated Officer.
7.	SLP (C) No. 3953-3955/2023	Designated Officer, Food Safety & Drugs Control Dept. v/s Jayavilas Tobacco Traders LLP	SLP challenged: Order, dated 20.01.2023 in WP No. 3076/2019 & 3084/2019  WP No. 3084/2019 challenged: Ban Notification, dated 25.03.2018. WP No. 3076/2018 challenged: initiation of complaint u/sec 58, 59(i) & 63 of FSSA.
8.	WP (C) No. 323/2022	M/s Bhavani Store v/s Commissioner of Food Safety, Tamil Nadu	WP challenged: Ban Notification dated, 23.05.2021 (expired on 22.05.2022)
<b>Telangana</b>			
9.	SLP (C) No. 20441/2021	Sri Venkateswara Traders v/s State of Telangana & Ors.	SLP challenged: Order, dated 03.12.2021  WP challenged: Ban Notification, dated 06.01.2021.
10.	SLP (C) No. 1656/2022	M/s. Ratanlal Heralal Bhati v/s State of Telangana & Ors.	SLP challenged: Order, dated 03.12.2021 in WP No.2339/2021  WP challenged: Ban Notification, dated 06.01.2021
11.	SLP(C) No. 5399 - 5399/2022	M/s. Ibrahim Traders v/s	SLP challenged: Order, dated 30.11.2021 in WP

		The State of Telangana & Ors.	No. 19928/2021
12.	SLP (C) (Dy.) No. 21589/2023	The State of Telangana & Ors. v/s M/s Rehamat Traders & Ors.	Tagged with SLP No. 20441/2021
13.	SLP (C) No. 14100/2022	M/s. Akram Traders v/s State of Telangana & Ors.	Tagged with SLP No. 20441/2021
14.	SLP (C) No. 14101/2022	M/s. Sonu Traders v/s State of Telangana & Ors.	Tagged with SLP No. 20441/2021
15.	SLP (C) (Dy.) No. 27783/2022	Sai Kumar Enterprises v/s State of Telangana & Ors.	Tagged with SLP No. 20441/2021
16.	SLP (C) (Dy.) No. 27220/2022	GBR Agencies v/s State of Telangana & Ors.	Tagged with SLP No. 20441/2021
17.	SLP (C) (Dy.) No. 27861/2022	Sri Ayyappa Kiranam Onion & Jaggery v/s State of Telangana	Tagged with SLP No. 20441/2021
18.	SLP (C) 17775/2022	M/s Ragavendra Agencies v/s State of Telangana & Ors.	Tagged with SLP No. 20441/2021
19.	WP No. 195/2022	M/s. Ibrahim Traders v/s The State of Telangana & Ors.	WP challenged: Notification, dated 07.01.2022 (WP disposed off on 25.04.2023 by SC)

S. No.	Case No.	Cause Title	Challenge
<b>Before Hon'ble Mr. Justice Sanjiv Khanna &amp; Mr. Justice SVN Bhatti</b>			
<b>Ban on Chewing Tobacco</b>			
<b>Andhra Pradesh</b>			
1.	SLP (C) No. 9690/2023	State of Andhra Pradesh v/s Dwarapudi Sivarama Reddy	SLP challenged: -Order dated 24.03.2022 in WP No. 30185/2021  WP No. 30185/2021 challenged: -Notifications dated 08.01.2020 & 06.12.2021
2.	SLP (C) No.	State of Andhra Pradesh	SLP challenged:

	16596 -16654/2023	v/s M/s 999 PanMasala	-Order dated 24.03.2022 in WP No. 11854/2022 & connected matters  WP No. 11854/2022 challenged: -Notifications dated 08.01.2020 & 06.12.2021
--	----------------------	--------------------------	---

**(NEETU KHAJURIA)**  
ASTT. REGISTRAR-cum-PS

**(RANJANA SHAILEY)**  
COURT MASTER



Abhishek Bhatra &lt;abhatra2001@gmail.com&gt;

---

**Service - Reply to OA on behalf of R-6 | OA/273/2025 - NGT**

1 message

---

**Abhishek Bhatra** <abhatra2001@gmail.com>

Tue, Dec 16, 2025 at 2:43 PM

To: "vikrantchawlaadv@gmail.com" &lt;vikrantchawlaadv@gmail.com&gt;

Cc: Yeshi Rinchen &lt;yeshi.rinchen@gmail.com&gt;


Dear Sir,

Please find attached the copy of Reply to the captioned OA, on behalf of the Respondent No.6 i.e., Trimurti Fragrances Pvt. Ltd.

Kindly note that this email shall be submitted to the Registry as "proof of service".

Regards,  
Abhishek Bhatra  
D/7850/2024

---

 **Reply - R6.pdf**  
22455K