

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 475/2024

In the matter of :-

News item titled "Mountains of plastic are choking the Himalayan States" appearing in The Hindu dated 04.03.2024

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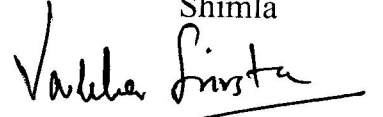
Place: Shimla

Dated: 10.10.2024

Respondent No. 4

HP State Pollution Control Board,

Shimla



Through Counsel
Vaibhav Srivastava
(Advocate)

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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 475/2024

In the matter of :-

News item titled "Mountains of plastic are choking the Himalayan States" appearing in The Hindu dated 04.03.2024

Reply/response on behalf of respondent No. 4
i.e. HP State Pollution Control Board in
compliance to order dated 12-07-2024.

May it please your Lordships:-

1. That the present Original Application has been registered on the basis of news item published in "The Hindu" on 04-03-2024 under title: "*News item titled "Mountains of plastic are choking the Himalayan States"*". The news item expressed its concern over deposition and accumulation of microplastic in Himalayan Mountains, lakes and streams which is having an adverse impact on the fresh water sources that communities downstream depend on.
2. That vide order dated 12-7-2024 Hon'ble Tribunal impleaded the State Board as party respondent No. 4 and directed to file response in the matter.
3. That regarding issue of plastic waste management it is submitted that Plastic Waste Management Rules, 2016 have been promulgated by Govt. of India for management of plastic waste generated in the country. It is further submitted that the Government of Himachal Pradesh has from

ATTESTED
Member Secretary,
HP State Pollution Control
Shimla

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time to time has endeavors to stop the menace of plastic/or non-biodegradable material and it is a leading State in the matter of Plastic Waste management as the Government of HP has taken various measures in a phased manner from time to time to deal with the nuisance of polythene/plastic waste which are as under:-

- i. That the Govt of HP has formulated HP Non-biodegradable Garbage Control Act, 1995 and the Rules 1996 to deal with the littering of Non-biodegradable Garbage and to manage the solid /plastic waste disposal in a scientific manner.
- ii. That initially vide notification dated 26-11-1998 the Department of Science & Technology, Govt. of HP exercising the power conferred under clause (h) of section 7 of HP Non-biodegradable Garbage Control Act, 1995 prohibited the traders, retailers and vendors in the State of HP from using coloured polythene carry bags manufactured from recycled plastic. Copy of notification dated 26-11-1998 is annexed as **Annexure R-4/1**.
- iii. That thereafter vide notification dated 4-6-2004 prohibition was imposed for use of plastic carry bags made of non-biodegradable material having thickness less than 70 microns and size less than 12" X 18". Copy of notification dated 4-6-2004 is annexed as **Annexure R-4/2**.
- iv. That later on vide notification dated 7-7-2009 and 13-8-2009 a complete ban was imposed on littering and use of polythene/plastic carry bags (irrespective of their sizes and thickness) made up of non-biodegradable material. Copies of notifications are annexed as **Annexure R-4/3(colly)**.

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
- v. That the State Govt. vide notification dated 19-3-2011 has also imposed complete ban on use of plastic cups, glasses and plates in the State of HP. Copy of notification dated 19-3-2011 is annexed as **Annexure R-4/4**.
- vi. That in the year 2013 the State Govt. vide notification dated 26-6-2013 (**Annexure R-4/5**) imposed prohibition on traders, retailers and vendors in the State of HP to store, supply and sale of packed plastic items such as chips/wafers, kurkure, biscuits, Maggie etc. as per directions of the Hon'ble High Court of HP in CWP No. 1885/2010. However Hon'ble Supreme Court of India had stayed the enforcement of the said notification in SLP No. 1152/2014 filed by Industrial Associations. Copy of order passed by Hon'ble Supreme Court is annexed as **Annexure R-4/6**.
- vii. That the State Govt. further vide notification dated 6-7-2018 also prohibited use of thermocol cutlery i.e. cups, plates, glasses, spoons etc. and vide notification dated 20-9-2019 imposed restriction on use of plastic cutlery such as spoons, bowls, katoris, stirring sticks, forks, knives, straws made of plastic etc. Copies of notifications are annexed as **Annexure R-4/7(colly)**.
- viii. That the State Govt. vide notification dated 20-7-2022 and 13-10-2022 under Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (copies annexed as **Annexure-R-4/8**) has

imposed ban on shopkeepers, vendors, wholesalers, retailers, hawkers, rehariwala, etc. to import, stock, distribute, sale and use the one time use plastic (Single Use Plastic) items including carry bags, thermocol items made of non-biodegradable material. The items are as under:-

Particulars of Items
1. Plastic carry bags (irrespective of their sizes and thickness)
2. Plates, cups, glasses (Plastic & Thermocol both)
3. Cutlery such as forks, spoons, bowls, katoris, knives, straws, trays and any other cutlery items (Plastic & Thermocol both).
4. Ear buds with plastic sticks
5. Plastic sticks for balloons
6. Plastic flags
7. Candy sticks
8. Ice-cream sticks
9. Polythene (Thermocol) for decoration
10. Wrapping or packing films around sweet boxes, invitation cards and cigarette packets
11. Plastic or PVC banners less than 100 micron
12. Stirrers
13. Non-woven plastic carry bags less than 80 Gram per Square Meter(GSM)

ix. That in order to achieve desired results in letter and spirit of afore-said notifications the State Board has played a proactive role to facilitate enforcement of provision of Plastic Waste management Rules 2016 and HP Non Bio degradable Garbage Control Act 1995. The following initiatives for reduction of plastic waste have been taken by the State Board:-

ATTESTED
MEMBER SECRETARY • As per notification dated 20-7-2022 issued by the State Govt. under HP Non-biodegradable Garbage (Control) Act, 1995,


Member Secretary,
HP State Pollution Control
Shimla

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officers of 13 departments including State Board are authorized to take cognizance under the said Act. The State Board regularly conducts inspections and issue challans against usage of banned items in the State. During last three years numbers of challans were imposed for illegal use of plastic and littering of plastic waste and a sum of Rs. 19,00,500/- was collected as compounding fee from the violators.

Year	Challans conducted
2022	₹ 9, 34, 000/-
2023	₹ 8,49,000/-
2024	₹ 1,17,500/-

- Further in 2023, State Board conducted 90 nos. of awareness-cum-cleanliness drives in the State.
- Other awareness activities were also conducted such as Ideation Hackathon, 2023 and 2024 which also focused in Plastic Waste Management in the State.

4. In addition to above the Govt of HP has notified a Policy regarding Buy-back of Non-recyclable and Single Use Plastic Waste including plastic bags in the Himachal Pradesh from the Rag pickers and households, providing Minimum Support Price of Rs 75/- (Rupees Seventy Five) only per kilogram, for its collection and deposit in the collection centres of the Urban Local Bodies. As per information available in the State Board from the Department of Environment, S&T Govt. of HP quantity of plastic collected under this policy is as below: -

Member Secretary,
HP State Pollution Control
Shimla

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Year	Plastic collected in tonne
2019-20	29.7
2020-21	100
2021-22	85
2022-23	50.3
2023-24	29.3

5. That as regard to the issue of Extended Producer Responsibility (EPR) it is submitted that State Board is issuing directions from time to time to all producers/brand owners registered with State Board under Plastic Waste Management Rules, 2016 to submit EPR Plans. The State Board has conducted various review meetings regarding the Extended Producer Responsibility of Producer, Importer, Brand Owner, Waste Management Agencies and Plastic Waste Processors under Plastic Waste Management Rules, 2016. That 4 numbers of such meetings have been conducted till date on 26.09.2023, 29.02.2024, 1.03.2024, 2.04.2024 and 20.04.2024. The State Board has registered all ULBs on the CPCB Portal. As on date following is the status of the EPR registration on the CPCB Portal in the State: -

Sr. No	Category	Registration Issued
1	PIBOs	211
2	PWPs	42

It is further submitted that on dated 4.09.2024, the State Board has issued directions to 2525 number of PIBOs across the country to collaborate

TESTED
 Member Secretary,
 HP State Pollution Control
 Shimla

with the Urban Local Bodies (“ULBs”) and Gram Panchayats (“GPs”) in the State of Himachal Pradesh, either directly or through Waste Management Agencies, and work out the modalities of effective collection, segregation and processing of plastic waste through registered PWPs in the State of Himachal Pradesh and Ensure the EPR fulfilment within the State of Himachal Pradesh.

6. That as regard to issue of Solid Waste Management it is submitted that Solid Waste Management Rules, 2016 have been notified by the Ministry of Environment, Forest & Climate Change, Government of India in the year 2016 which were circulated by the State Board to all the Urban Local Bodies for implementation. The State Board is ensuring the enforcement of these rules by all Local bodies in the State of HP and following steps are being taken in this regard:-

- The State Board regularly conducts inspections of the Solid Waste Processing Facilities in the State and issues directions for effective implementation of the Solid Waste Management Rules, 2016 from time to time. Further State Board regularly conducts review of the implementation of the Solid Waste Management Rules, 2016 at District and State Level. Numbers of review meetings under the Chairmanship of Principal Secretary, Urban Development Department have been conducted on 18.11.2022, 30.12.2022, 16.02.2023.
- The State Board also carries out regular mass awareness and capacity building activities such as cleanliness programs, training to Urban Local Bodies and Elected Members, social media posts. Workshop program regarding Solid Waste Management practices

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COMMISSIONER



Member Secretary,
HP State Pollution Control
Shimla


for Hill States on 19th September, 2022 and 4th March, 2023 for ULB level officers, elected/nominated representatives of ULBs in District Mandi & Shimla was organized by State Board.

- The State Board released a Comic Book of Himachal Pradesh Pollution Control Board namely “Ward Member Meenu ka Safai Abhiyan”, which focusses on ways and methods of effective waste management, which is targeted for the environmental awareness and education of the students of the State. The comic books were distributed in 18,185 schools across the State.
 - The State Board organized ‘Enviro-Ideation Hackathon’ on occasion of World Environment Day 2023 and 2024 which provided a platform for young minds to showcase their creative solutions and novel ideas for a greener and more sustainable future.
7. That the State Board is taking all possible steps under Plastic Waste Management Rules, 2016, HP Non-biodegradable Garbage Control Act, 1995 and Solid Waste Rules, 2016 for the management of Plastic Waste in the State of Himachal Pradesh.
8. That the submissions made above may kindly be taken on record and the appropriate directions which this Hon’ble Tribunal deems fit may kindly passed in the interest of justice.

ATTESTED

DATE: 10-10-2024

Place: Shimla


Respondent No. 4
HPSPCB Shimla
Member Secretary,
HP State Pollution Control
Shimla

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 475/2024

In the matter of :-

News item titled "Mountains of plastic are choking the Himalayan States" appearing in The Hindu dated 04.03.2024

AFFIDAVIT

I, Anil Joshi, S/o Sh. Ram Dutt aged about 59 years, at present working as Member Secretary, H.P. State Pollution Control Board at Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under :-

Anil Joshi
Identified by

1. That the accompanying reply to the Original Application has been drafted at my instance and under my instructions.
2. That the contents of reply paras 1-8 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.
3. I further affirm that the contents of this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

ATTESTED

OATH COMMISSIONER

Verified at Shimla on 10th day of Oct., 2024.

Anil Joshi
DEPONENT
Member Secretary,
HP State Pollution Control
Shimla

Certified that the above deponent was declared before me on solemn affirmation on this 10th day of Oct 24 in the District of Shimla by Sh. Anil Joshi who was identified by Sh. V. Sander 10/10/24 and is personally known to me. I have read the contents of the affidavit and have been explained over & explained in Hindi and vernacular, who admitted them to be correct and true at the time of making thereof

All Cuttings and Correspondence are duly attested by me.
[Signature]
10/10/24
Oath Commissione.

[Signature]
Oath Commissione
HP High Court, Shimla

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NOTIFICATION AND RULES

Annexure-R-4/1

Under

**THE HIMACHAL PRADESH NON-BIODEGRADABLE
GARBAGE (CONTROL) ACT, 1995****PROHIBITION FOR USING COLOURED POLYTHENE CARRY
BAGS**

(Issued and published in Hindi in R.H.P. dated 26.12.1998, p. 2054)

SCIENCE AND TECHNOLOGY DEPARTMENT**NOTIFICATION**Shimla-2, the 26th November, 1998.

No. EDN(S&T)V(3)5/98.- In exercise of the powers conferred by clause (h) of section 7 of the Himachal Pradesh Non-biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh is pleased to impose the prohibition on the traders, retailers and vendors in the state of Himachal Pradesh for using the coloured polythene carry bags manufactured from recycled plastic, for packaging the goods traded/sold by them, with effect from the 1st January, 1999.

(R.H.P. dated 26.12.1998, p. 2054)

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Government of Himachal Pradesh
Department of Science and Technology

No. STE-A(3)-4/2003

Dated : Shimla-2, 04-06-2004.

NOTIFICATION

Whereas the State Government, vide its notification No. EDN[S&T]A[3]5.98 dated 26-11-1998, imposed prohibition on the traders, retailers and vendors in the State of Himachal Pradesh for using the coloured polythene carry bags manufactured from recycled plastic, for packaging the goods traded/sold by them, with effect from the 1st January, 1999.

And whereas, it has come to the notice of the State Government that the plastic carry bags of all types, sizes and thickness are being used and being thrown indiscriminately every where including forests land, public places, roads, drains etc., thereby causing serious problems related to sanitation and environmental degradation.

And whereas, in order to reduce indiscriminate throwing of plastic carry-bags and preventing insanitary conditions, the State Government is of the view that there is an urgent need to lay down specifications of carry bags made of non-biodegradable materials.

Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers conferred on him under clause (h) of Section 7 of The Himachal Pradesh Non-Biodegradable Garbage [Control] Act, 1995, is hereby pleased to impose a requirement that the stockists, traders, retailers and vendors, of all kinds of commodities, within the entire State of Himachal Pradesh, shall not use carry-bags made of non-biodegradable material listed in the Schedule to The Himachal Pradesh Non-Bio-degradable Garbage [Control] Act, 1995, having thickness less than 70 microns and size less than 12"x18".

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

The Governor, Himachal Pradesh is further pleased to order that this requirement shall come into force with effect from 14th June, 2004 in the entire State of Himachal Pradesh, in the public interest.

By Order,

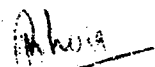
[Sanjeev Gupta]
Secretary [Science and Technology] to
the Government of Himachal Pradesh.

Endsts. No. : As above.

Dated: Shimla-2, 04-06-2004

Copy forwarded for information and necessary action to:

01. The Secretary, to the Governor, Himachal Pradesh, Shimla-2.
02. The Private Secretary to the Hon'ble Chief Minister, H.P. Shimla-2.
03. The P.S. to the Chief Secretary and Additional Chief Secretaries to the Government of Himachal Pradesh, Shimla-2.
04. All Financial Commissioners-cum-Secretary to the Government of Himachal Pradesh, Shimla-2.
05. All Principal Secretary to the Government of Himachal Pradesh, Shimla-2.
06. All Administrative Secretaries, to the Government of H.P., Shimla-2.
07. All Divisional Commissioners in H.P.
08. All Deputy Commissioners in H.P.
09. All Heads of the Department in H.P.
10. All Superintendent of Police Dy. Superintendent of Police in H.P.
11. The Commissioner, Municipal Commissioner, Shimla-1.
12. All Secretary Executive Officers of Municipal Council/Nagar Panchayats in H.P.
13. All other concerned officers in H.P.
14. The Member Secretary, H.P. State Environment Protection and Pollution Control Board, Paryavaran Bhawan, Phase-III, Below BCS, New Shimla-9.
15. The Member Secretary, H.P. State Council for Science, Technology and Environment, SDA-Complex, Kasumpti, Shimla-9.
16. The Controller, Printing and Stationary, H.P. Government Press, Shimla-3 for publishing in the extra-ordinary Rajpatra, he is also requested to supply 10 copies of concerned print of the Rajpatra.
17. Guard file.


Special Secretary [S&T] to the
Government of Himachal Pradesh.

Government of Himachal Pradesh
Department of Environment, Science & Technology

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

Dated : Shimla-2,

7th July, 2009

NOTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

By Order,

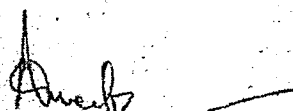
Sarojni Ganju Thakur
Pr. Secretary (Env. & ST) to the
Government of Himachal Pradesh

Endsts. No. : As above.

Dated: Shimla-2, 7/7/2009

Copy forwarded for information and necessary action to:

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


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

Government of Himachal Pradesh
Department of Environment, Science & Technology

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

Dated : Shimla-2,

13th August, 2009

NOTIFICATION

Whereas Notification of even number dated 07.07.2009 banning use of plastic carry bags and plastic items having one time use such as disposable plastic cups, glasses, plates which are made of non-biodegradable material, has been issued to take effect from 15.8.2009.

And whereas Commercial Organizations, Beopar Mandals etc. in Himachal Pradesh have represented to extend the time period prior to enforcement of the ban to enable them to dispose off their existing stocks.

Now, therefore, in consideration of the aforesaid issue, the Governor, Himachal Pradesh, in partial modification of notification of even number dated 7.7.2009 is pleased to notify that the ban announced on carry bags and littering of non-biodegradable waste will take effect from 2nd October, 2009 instead of 15th August, 2009. However, the enforcement of ban on disposable cups, plates and glasses is deferred for the time being.

It is further notified that the use of plastic bags for the management of medical waste is permitted in Bio-Medical Institutions as defined under the Bio-Medical Waste (Management & Handling) Rules, 1998.

It is further notified that in the notification of even number dated 7.7.2009:

- i) For the existing words, "Himachal Pradesh Biodegradable Garbage (Control) Act, 1995" in Para-1 the following words shall be substituted namely:-
"The Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995".
- ii) For the words, "person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehriwala etc." in Para-6 the following shall be substituted namely:-
"shopkeeper, vendor, wholesaler, retailer, hawker, rehriwala etc."
- iii) The existing words, "and plastic items" mentioned under serial No. (A) of Para-9 are deleted.

- iv) For the existing words, "plastic waste" mentioned under serial No. ' (B)' & '(C)' of Para-9 shall be substituted namely:-
"non- biodegradable waste".

By Order,

(Sarojini Ganju Thakur)
Pr. Secretary (Env., Sc. & Tech.) to the
Government of Himachal Pradesh.


Endst. No. : As above.

Dated: Shimla-2,

13th August, 2009

Copy forwarded for information and necessary action to:

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


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

S. STE-F (4)-2/2008-II

Dated: Shimla-2,

19th March, 2011NOTIFICATION

Whereas use of coloured polythene carry bags made out of re-cycled plastic was banned in Himachal Pradesh with effect from 1.1.1999 vide Notification No. EDN(S&T)A(3)5/98 dated 26.11.1998 and further the State Government vide Notification No. STE-A(3)-4/2003 dated 4.6.2004 imposed restrictions on use of carry bags made of non-biodegradable material listed in the schedule to H.P. Non-Biodegradable Garbage (Control) Act, 1995, having thickness less than 70 microns and size less than 12"x18".

And whereas above Notification dated 4.6.2004 was superseded by issuance of Notifications No. STE-F (4)-2/2008 dated 07.07.2009 & 13.08.2009, banning use of plastic carry bags (irrespective of its size and thickness) and littering of non-biodegradable wastes and also authorizing officers of different departments for entry and inspection under section-7 (A) and to compound any offence punishable under the H.P. Non-Biodegradable Garbage (Control) Act, 1995 in contravention of the ban aforesaid.

And whereas to have a wider impact and to accelerate the progress in controlling the littering of non-biodegradable waste and use of plastic carry bags in compliance to imposition of ban, more officers have been authorized for effective implementation of entry and inspection vide Notification No. STE-F (4)-2/2008-I dated 20.08.2010, Notification No. STE-F(4)-2/2008-II dated 04.11.2010 and 22.12.2010.

And whereas, the enforcement of ban on disposable cups, plates and glasses was deferred for the time being vide this department Notification No. STE-F(4)-2/2008 dated 13.8.2009 and now it has been realized that these plastic items are main cause of littering and degrading pristine Himalayan environment.

Now, therefore, the Governor, Himachal Pradesh, in exercise of powers conferred upon her under sub section (1) of section 3-A of the H.P. Non- biodegradable Garbage (Control) Act, 1995 is pleased to order that no person or institution/ commercial establishment, including shopkeepers, vendors, wholesalers, retailers, hawkers, rehriwala etc. shall use and trade in plastic items such as disposable plastic cups, plates and glasses which are made of non-biodegradable material as listed in the schedule to the H.P. Non- biodegradable Garbage (Control) Act, 1995.

Any person, institution/ commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complexes, industrial establishments, banquet halls etc.) causing breach of the aforesaid prohibition shall be liable for the penalties as per the provisions contained in the act ibid.

The Governor, Himachal Pradesh, is further pleased to order that the officers/ officials already authorized vide notifications referred to above for entry and inspection under Section 7(A) and to compound any offence as per provision of Section 11 of the Act ibid. While compounding the offences committed under the Act ibid the authorized officer shall specify the sum for compounding as per the following criteria:-

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

It is hereby ordered that aforesaid restriction shall come into force with effect from 15th August, 2011 in the entire State of Himachal Pradesh in the public interest.

By Order,

(Sarojini Ganju Thakur)
Addl. Chief Secretary (Env. S&T) to the
Government of Himachal Pradesh.

Endst. No. : As above.


-21-

Dated: Shimla-2,

(65) (81)
19.03.2011

Copy forwarded for information and necessary action to:

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Pr. Secretary to the Chief Minister, Himachal Pradesh, Shimla-2.
3. The Private Secretaries to the Cabinet /State Ministers Government of H.P.
4. The Private Secretary to the Chief Secretary to the Govt. of H.P.
5. All the Administrative Secretaries to the Government of Himachal Pradesh.
6. All Heads of Departments in H.P.
7. All the Deputy Commissioners in HP.
8. Director, Environment, Science & Technology, H.P. Narayan-Villa, Shimla-2.
9. Member Secretary, H.P. State Pollution Control Board, Him Parivesh Phase -III, New Shimla-5
10. Member Secretary, H.P. State Council for Science, Technology and Environment, Block No. 34 SDA Complex, Kasumpti, Shimla-9.
11. The Controller Printing and Stationery, Himachal Pradesh Government Press, Shimla-5 for publication in the Rajpatra.
12. Guard File


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

ENVIRONMENT, SCIENCE & TECHNOLOGY DEPARTMENT

NOTIFICATION

Shimla, the 26th June, 2013

No. STE-E(3)-9/2010-II.—In compliance of the orders of the Hon'ble High Court of Himachal Pradesh dated 10-1-2013 in CWP 1885/2010 titled as Sanjeev Kumar Versus State of H.P. and others and in exercise of the powers vested in him under the provisions of Section 3-A of the H.P. Non-Biodegradable Garbage (Control) Act, 1995, the Governor of Himachal Pradesh is pleased to impose prohibition on the traders, retailers and vendors in the State of Himachal Pradesh to store, supply and sale of the following items in the packaging made of Non-Biodegradable materials in the State of Himachal Pradesh *w.e.f.* 1-7-2013 :—

1. Chips/Wafers
2. Kukure/Mad angles
3. Biscuits
4. Namkeen
5. Lollypop /candy/candy bar /toffees/sweets/chewingum
6. Cheese puffs
7. Cookies
8. Aampappars
9. Ice cream & Ice cream candies
10. Chocolates and chocolates candies
11. Maggie/Noodles
12. Sugary cereals/cornflakes/breakfast cereals coated with sugar
13. Deep Fried Samosas
14. Pakoras
15. Pizzas
16. Burgers
17. Patties
18. French fries
19. Colas and carbonated drinks

20. Shakes
21. Synthetic & fried beverages
22. Indian sweets i.e. Jalebees, Gulab Jamuns etc.
23. Naan, Pao Bhajee
24. Gol Gappa & other street fruits
25. Creamy Cakes & other fruit cakes.

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

The Governor, Himachal Pradesh is further pleased to impose prohibition on handing over/delivery of books magazines, readymade clothes, suit cases, hand bags, utensils, gift items, mattresses and the other items rapped in polythene/Nonbiodegradable materials listed in Schedule of H.P. Non-Biodegradable Garbage (Control) Act, 1995, by the traders, retailers, vendors and shopkeepers to their customers throughout the State of Himachal Pradesh. It will the responsibility of the persons selling such items to remove and collect the polythene/plastic covers made of non-biodegradable material before the items rapped in such materials are sold to anyone and to ensure its proper disposal and constructive use like construction of the roads etc.

By order,
Sd/-
Chief Secretary,
Government of Himachal Pradesh,
(In-charge Env., S & T).

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)...../2014
CC 5393-5394/2014

(From the judgement and order dated 26/12/2013 in WPC No.1732/2010,WPC No.1995/2010 of The HIGH COURT OF H.P AT SHIMLA)

BRANDED EDIBLE OILS MANU. ASS. & ANR Petitioner(s)

VERSUS

SANJEEV KUMAR & ORS Respondent(s)

(With appln(s) for permission to file SLP and office report)

Date: 27/03/2014 These Petitions were called on for hearing today
in the Mentioning List.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Ambuj Agrawal, Adv.
Ms. Akanksha, Adv.
Mr. Dhananjay Baija, Adv.

For Respondent(s)

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

Taken on board.

Permission to file special leave petitions is granted.

Mr. Mukul Rohtagi, learned senior counsel for the petitioners submits that few special leave petitions from the impugned order have already come up before this Court and notice has been issued in those matters. He submits that although this matter is little different and certain additional points have been raised which are not involved in those special leave petitions but we are of the view that since from the impugned order, special leave petitions have been entertained, notice should be issued in these special leave petitions and these special leave petitions be connected with S.L.P. (C) No. 1152 of 2014.

Issue notice, returnable in eight weeks.

Dasti, in addition to the ordinary process.

In the meanwhile, the operation of the paragraph 127(2)(d) of the impugned order shall remain stayed.

Connect with S.L.P. (C) No. 1152 of 2014.

|(Pardeep Kumar)
|AR-cum-PS

|(Renu Diwan)
|Court Master

|
|

(Authoritative English text of this Department Notification No. STE-F (9)-1/2018 dated 06.07.2018 as required under clause (3) of article 348 of the Constitution of India)

Government of Himachal Pradesh
Department of Environment, Science & Technology

No. STE-F (9)-1/2018

Dated: Shimla-2 the

6th July, 2018

NOTIFICATION

WHEREAS, the Governor of Himachal Pradesh vide this Department's Notification No. STE-F (4)-2/2008, dated 07th July, 2009 and Notification No. STE-F(4)-2/2008-II, dated 19th March, 2011, with an objective to improve plastic waste management system, under the Himachal Pradesh Non- Biodegradable Garbage (Control) Act, 1995, imposed ban on use of plastic carry bags (irrespective of their sizes and thickness) and plastic items having one time use such as disposable plastic cups, glasses and plates which are made up of non -biodegradable material as listed in the Schedule appended to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 and littering of non-biodegradable waste in the State;

AND WHEREAS, it has come to the notice of the Government that despite complete ban on polythene carry bags (irrespective of their sizes and thickness) and plastic items having one time use such as disposable plastic cups, glasses and plates vide aforesaid notification, thermocol cups, plates, glasses and spoons are still in use. Therefore, the State Government has not achieved the expected results;

NOW, THEREFORE, the Governor of Himachal Pradesh, in continuation of the Notification No. STE -F (4) - 2/2008 dated 07th July, 2009, 13th August, 2009 and Notification No. STE-F(4)-2/2008-II, dated 19th March, 2011 and in exercise of the powers conferred under sub section (1) of section 3-A of the Non- Biodegradable Garbage (Control) Act,1995, is pleased to issue directions that no person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehriwala etc. shall use "Thermocols Cutlery" i.e. cups, plates, glasses, spoons or any other item used for serving and consuming food in any form manufactured from non-biodegradable material as listed in the Schedule appended to the Himachal Pradesh Non- Biodegradable Garbage (Control) Act, 1995.

Any person, institution/commercial establishment (educational institution, offices, hotels, shops, restaurants, sweetshops, dhabas, religious institution, industrial

-26-

establishments, banquet halls etc.) causing breach of the aforesaid prohibition shall be liable for the penalties as per the provisions contained in the Act *ibid*.

The Governor, Himachal Pradesh, is further pleased to order that the officers/officials already authorized vide notification no. STE- F(4) -2/ 2008 dated 07-07-2009 for entry and inspection under section 7(A) and to compound any offence as per provision of section 11 of the Act *ibid*, while compounding the offences committed under the Act *ibid* shall specify the sum for compounding as per the following criteria:-

Sr. No. (A)	Quantity of Prohibited material i.e. Thermocol cutlery	Amount (Rs.)
1.	Upto 100 gms	500/-
2.	101-500 gms	1500/-
3.	501gms – 1.00 kgs.	3000/-
4.	Above 1 kgs to 5 kgs.	10,000/-
5.	Above 5 kgs to 10 kgs.	20,000/-
6.	More than 10 kgs.	25,000/-
(B)	Littering of "Thermocols Cutlery" like cups, plates, glasses, etc. waste by any institution/ commercial establishment (educational institution, offices, hotels, shops, restaurants, sweet shops, dhabas, temple complexes, industrial establishments, banquet halls, etc.) with in its premises and on roads, streets, hill slopes, drains, forest areas, public parks, all public places etc.	5000/-
(C)	Littering of "Thermocols Cutlery" like cups, plates, glasses, etc. waste by individuals in the premises of any private or commercial establishments (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complexes, industrial establishments, banquet halls, etc.) with in its premises and on roads, streets, hill slopes, drains, forest areas, public parks, all public places etc.	1000/-

The ban on the thermocol cutleries will be made effective after 3 months of the date of publication of this notification in the Rajpatra (e-Gazette), Himachal Pradesh in the entire State of Himachal Pradesh in the public interest, so that the manufacturers, stockiest, shopkeepers may dispose off their stocks and no financial loss is caused to them .

By order

(Tarun Kapoor)
Addl. Chief Secretary (Env. Sci. & Technology) to the
Government of Himachal Pradesh.

Endst. No. As above.

Dated: Shimla-2, the

6th July, 2018

Copy forwarded for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh Shimla-2.
2. The Pr. Secretary to the Chief Minister, H.P. Shimla.
3. The Private Secretaries to all the Cabinet Ministers Government of H.P. Shimla-2.
4. The Private Secretary to the Chief Secretary to the Government of Himachal Pradesh.
5. All the Administrative Secretaries to the Govt. of Himachal Pradesh.
6. All Heads of the Departments of H.P.
7. All the Divisional Commissioner in H.P.
8. All the Deputy Commissioners in H.P.
9. The Commissioner (Municipal Corporation) Shimla /Dharamshala.
10. The Director (Env.S&T)H.P, U.S. Club Shimla-171001.
11. The Member Secretary, HP State Council for Science, Technology & Environment, Block No. 34, SDA Complex Kasumpti Shimla-9
12. The Member Secretary, HP State Pollution Control Board, Paryavaran Bhawan, Phase-III, New Shimla-9.
13. The Controller, Printing and Stationary, H.P. Government Press, Shimla-5 for publishing in the Rajpatra.
14. Guard file.

Jr
06/7/18
(D.C.Rana)

Special Secretary (Env. Sci. & Technology) to the
Government of Himachal Pradesh
Ph. No. 0177-2626212
Email:dc.rana04@nic.in

-28-

[Authoritative English Text of the Department Notification No. STE F (9)-1/2018 dated.....
2019 as required under clause (3) of Article 348 of the Constitution of India]

~~Annexure R~~

Government of Himachal Pradesh
Department of Environment, Science & Technology

No. STE-F(9)-1/2018 Dated: Shimla-2

20-09-2019.

NOTIFICATION

WHEREAS, the Governor of Himachal Pradesh vide Department's Notification No. STE-F(4)-2/2008, dated the 7th July, 2009, Notification No. STE-F(4)-2/2008-II, dated the 19th March, 2011, STE-F(9)-1/ 2018 dated 06-07-2018 and Notification of No. STE-F(9)-1/ 2018 dated 31-08-2018 imposed ban on use of plastic carry-bags (irrespective of their sizes and thickness) and plastic and thermocol items having one time use such as disposable plastic cups, glasses and plates which are made up of non-biodegradable material as listed in the Schedule appended to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 and littering of non-biodegradable waste in the State with an objective to improve plastic waste management system, under Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995

ANDWHEREAS, despite above ban it has come to the notice of the Government that some more plastic items having one time use such as spoons, bowls, katoris, stirring sticks, forks, knives, straws made of plastic and item made of plastic used for serving and consuming food (one time use plastic) are still in use and are causing environmental pollution and leading to indiscriminate littering. Therefore, State Government has not achieved the expected results:

NOW THEREFORE, the Governor, Himachal Pradesh, in continuation of the Notifications No. STE-F (4)-2/2008 dated 7th July, 2009, 13th August, 2009, No. STE-F(4)-2/2008-II dated 19th March 2011, No. STE-F(9)-1/ 2018 dated 06-07-2018 & 31-08-2018 and in exercise of the powers conferred under Sub-Section (1) of Section 3-A of the Non-Biodegradable Garbage (Control) Act, 1995, is pleased to issue directions that no person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehariwala, etc. shall sell and use any form of one time use "Plastic Cutlery" used for serving and consuming food such as spoons, bowls, katoris, stirring sticks, forks, knives, straws made of plastic and any other cutlery item made of plastic/ manufactured from the material as listed in the Schedule appended to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995:

Any person, institution/ commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, religious institutions, industrial establishments, banquet halls, etc.) causing breach of the aforesaid prohibition shall be liable for the penalties as per the provisions contained in the Act *ibid*;

The Governor Himachal Pradesh is further pleased to accord approval that all Manufacturers of "Plastic Cutlery" including above materials in Himachal Pradesh may be allowed to continue the manufacturing of the Plastic Cutlery including above materials in their already established Units with the condition of its sale outside the State of Himachal Pradesh;

The Governor, Himachal Pradesh is further pleased to order that the officers/ officials already authorized vide notification No. STE-F(4)-2/2008 dated 07.07.2009, No. STE-F(4)-2/2008-I dated 20.08.2010, No. STE-F(4)-2/2008-II dated 04.11.2010 & No. STE-F(4)-2/2008-II dated 15.03.2011 for entry and inspection under section 7(A) and to compound any offence as per provision of section 11 of the Act *ibid*, while compounding the offences committed under the Act *ibid*, shall specify the sum for compounding as per the following criteria;

Sr. No	Quantity of prohibited plastic items i.e. One time use Plastic Cutlery	Amount (Rs.)
1.	Upto 100 gms	500/-
2.	101-500 gms	1500/-
3.	501 gms -1.00 kg	3000/-
4.	Above 1 kg to 5 kgs	10,000/-
5.	Above 5 kgs to 10 kgs	20,000/-
6.	More than 10 kgs	25,000/-
(B)	Littering of one time use plastic cutlery by any institution/ commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complex's, industrial establishment, banquet halls etc.) within its premises and on roads, streets, hill slopes, drains, forest areas, public parks, all public places etc.	5000/-
(C)	Littering of one time use plastic cutlery by individuals in the premises of any private or commercial establishments (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complex's industrial establishments, banquet halls etc.) within its premises and on roads, streets, hill slopes, drain, forests area, public parks, all public places etc.	1000/-

-30-

The ban on one time use plastic cutlery including above materials will be made effective after 3 months of date of publication of this notification in the Rajpatra (e-Gazette), Himachal Pradesh in the entire State of Himachal Pradesh in the public interest, so that the individuals, stockiest, shopkeepers may dispose off their stocks and no financial loss is caused to them.

By Order,

R.D. Dhiman
Addl. Chief Secretary (Env. &ST) to the
Government of Himachal Pradesh

Endst. No. : STE-F(9)-1/2018 Dated: Shimla-2,

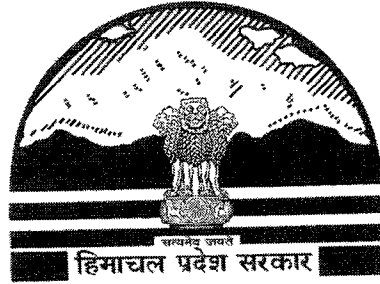
20-9-2019

Copy forwarded for information and necessary action to:

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Pr. Secretary to the Chief Minister, Himachal Pradesh, Shimla-2.
3. The Private Secretaries to the Cabinet/State Ministers, Government of Himachal Pradesh.
4. The Private Secretaries to the Chief Secretary to the Govt. of Himachal Pradesh.
5. All the Administrative Secretaries to the Government of Himachal Pradesh.
6. All Heads of Department of Himachal Pradesh.
7. All the Deputy Commissioner of Himachal Pradesh.
8. All the Divisional Commissioner of Himachal Pradesh.
9. The Director (Environment, Science & Technology), Paryavarn Bhawan, Near U.S. Club Shimla-1.
10. The Member Secretary, H.P. State Council for Science, Technology and Environment (HIMCOSTE), Block No. 34, SDA Complex, Kasumpti, Shimla-9.
11. The Member Secretary, H.P. State Pollution Control Board, Phase-III, New Shimla-9.
12. The, Controller, Printing & Stationary, H.P. Government Press, Shimla-5 for publication in the Rajpatra.
13. Guard file.


(Sat Pal Dhiman)

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



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शनिवार, 23 जुलाई, 2022/1 श्रावण, 1944

हिमाचल प्रदेश सरकार

राजस्व विभाग

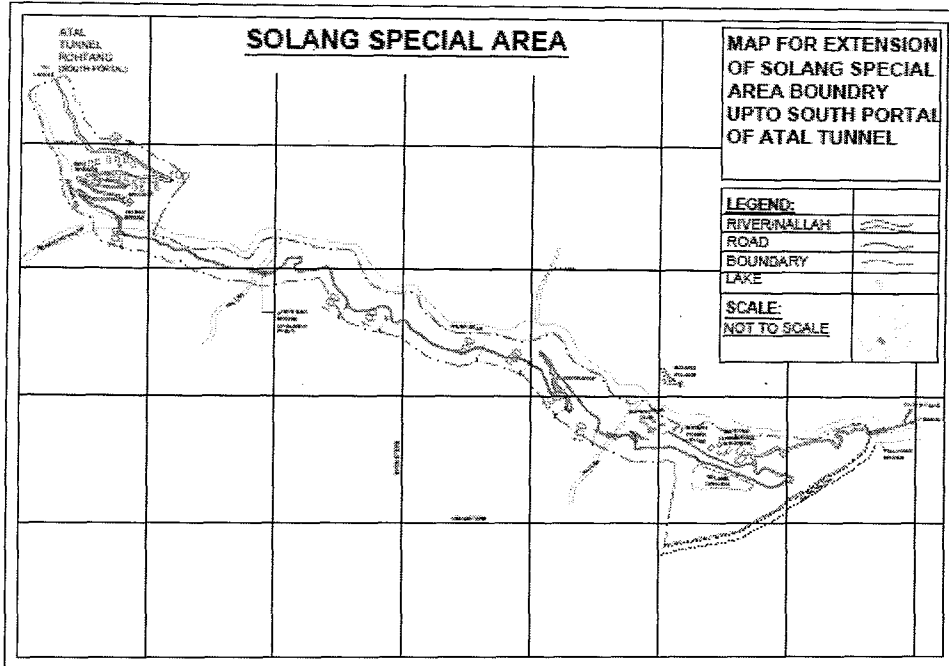
अधिसूचना

शिमला-02, 22 जुलाई, 2022

संख्या राजस्व-घ(ए)1-5/2022-(कांगड़ा).—हिमाचल प्रदेश भू-अभिलेख नियमावली, 1992 के पैरा 3.17 एवम् 3.18 में वर्णित/निर्दिष्ट प्रावधानों/मानकों में छूट देते हुए राज्यपाल, हिमाचल प्रदेश तहसील नूरपुर, जिला कांगड़ा के अन्तर्गत पटवार वृत्त बरण्डा, खज्जन, कोपड़ा व हडल का विघटन करके दो नये

Beas Kund Nallah at Dhundi after that alongwith the boundary of Seri Nallah upto Atal Tunnel Rohtang.

By order,
DEVESH KUMAR,
Principal Secretary (TCP).



ENVIRONMENT, SCIENCE & TECHNOLOGY DEPARTMENT

NOTIFICATION

Shimla-2, 20th July, 2022

No. STE-F-(4)-1/2020.—WHEREAS, the Governor of Himachal Pradesh *vide* this Department's Notification No. STE-F(4)-2/2008 dated the **7th July, 2009**, No. STE-F(4)-2/2008-I dated the **20th August, 2010**, No. STE-F (4)-2/2008-II dated the **4th November, 2010**, No. STE-F (4)-2/2008-II dated the **15th March, 2011**, No. STE-F (4)-2/2008-II, dated the **19th March, 2011**, No. STE-F (9)-1/ 2018 dated the **6th July, 2018**, addendum dated the **31st September, 2018**, No. STE-F (9)-1/ 2018 dated the **20th September, 2019**, No. STE-F (9)-1-2018-loose dated the **5th February, 2020** & the **20th June, 2020**, No. STE-F (4)-1/2021 dated the **6th January, 2021** with an objective to improve plastic waste management system, under Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, imposed ban on use of plastic carry-bags and certain plastic items having one time use and also authorized certain officers of different Departments to compound any offence as per provision of Section 11 of the Act *ibid*.

2. AND WHEREAS, it has been observed that there are many other plastic items of one time use and have littering potential as they are difficult to collect, especially since most are either

small, or discarded directly into the environment-such as candy sticks, ice-cream sticks, stirrer etc. It then becomes difficult to collect for recycling, unlike the larger items. Such items are causing environmental pollution and leading to indiscriminate littering. Therefore, the State Government intends to impose ban on such items to augment the ongoing efforts and further improve the plastic waste management system in the State.

3. NOW THEREFORE, the Governor, Himachal Pradesh, in supersession of the aforesaid Notifications and in exercise of the powers conferred under sub-section (1) of Section 3-A of the H.P. Non-Biodegradable Garbage (Control) Act, 1995, is pleased to direct that no person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehariwala, etc. shall import, stock, distribute, sale and use the following one time use plastic (Single Use Plastic) items including carry bags, thermocol items made of non-biodegradable material as listed in the Schedule appended to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995;

Particulars of Items	
1.	Plastic carry bags (irrespective of their sizes and thickness)
2.	Plates, cups, glasses (Plastic & Thermocol both)
3.	Cutlery such as forks, spoons, bowls, katoris, knives, straws, trays and any other cutlery items (Plastic & Thermocol both).
4.	Ear buds with plastic sticks
5.	Plastic sticks for balloons
6.	Plastic flags
7.	Candy sticks
8.	Ice-cream sticks
9.	Polythene (Thermocol) for decoration
10.	Wrapping or packing films around sweet boxes, invitation cards and cigarette packets
11.	Plastic or PVC banners less than 100 micron
12.	Stirrers
13.	Non-woven plastic carry bags less than 60 Gram per Square Meter(GSM)

4. Any person, institution/commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, religious institutions, industrial establishments, banquet halls, etc.) causing breach of the aforesaid prohibition shall be liable for the penalties as per the provisions contained in the Act *ibid*;

5. The Governor, Himachal Pradesh is further pleased to authorize the officers as per the details contained in **Annexure-A**, in exercise of the powers conferred by Section 7(A) and Section 11(1) of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, in supersession of this Department's notifications referred to in para-1 above, for entry and inspection under section 7(A) and to compound any offence as per provision of Section 11 of the Act *ibid*, while compounding the offences committed under the Act *ibid*, shall specify the sum for compounding as per the following criteria;

Sl. No.	Particulars	Amount (in Rs.)
(A)	Quantity of prohibited plastic items i.e. One time use Plastic Cutlery	
1.	Upto 100 gms.	500
2.	101-500 gms.	1500
3.	501 gms-1.00 kg.	3000
4.	Above 1 kg. to 5 kgs.	10,000
5.	Above 5 kgs. to 10 kgs.	20,000

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राजपत्र, हिमाचल प्रदेश, 23 जुलाई 2022/1 श्रावण, 1944

6.	More than 10 kgs	25,000
(B)	Littering of one time use plastic items by any institution/commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complex's, industrial establishment, banquet halls etc.) within its premises and on roads, streets, hill slopes, drains, forest areas, public parks, all public places etc.	5000
(C)	Littering of one time use plastic items by individuals in the premises of any private or commercial establishments (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, temple complex's, industrial establishments, banquet halls etc.) within its premises and on roads, streets, hill slopes, drain, forest areas, public parks, all public places etc.	1000

By order,

PRABODH SAXENA, IAS,
Addl. Chief Secretary (Env. S & T).

ANNEXURE-A

List of Authorized Officers/Officials		
Sl. No.	Departments	Designation
1.	Revenue	1. All the District Magistrates 2. All the Addl. Dy. Commissioners 3. All the Additional District Magistrates 4. All the Sub-Divisional Magistrates 5. All the Tehsildars and Naib Tehsildars
2.	Police	1. All the Superintendents of Police 2. All the Additional Superintendents of Police and Sub Divisional Police Officers 3. All the Deputy Superintendents of Police 4. All the SHOs (Station House Officers) 5. All the Head Constables
3.	UDD	1. All the Commissioners and the Assistant Commissioners Municipal Corporations. 2. All the Executive Officers of Municipal Councils 3. All the Secretaries of Nagar Panchayats in Himachal Pradesh 4. All the Health Officers, Municipal Corporations 5. All the Chief Sanitary Inspectors and Sanitary Inspectors of Urban Local Bodies.
4.	Health	1. All the Chief Medical Officers 2. All the Block Medical Officers 3. All the Drug Inspectors

5.	Excise & Taxation	1. All the Deputy / Assistant Excise & Taxation Commissioners 2. All the Excise and Taxation Officers
6.	Forest	1. All the Territorial Divisional Forest Officers 2. All the Wildlife Divisional Forest Officers 3. All the Assistant Conservator of Forests 4. All the Range Forest Officers 5. All the Deputy Range Officers/Block Forest Officers
7.	Environment Science & Technology	1. The Director/Additional Director of the Department of Environment, Science & Technology 2. All Environmental Engineers and Scientific Officers of the Department of Environment, Science & Technology. 3. All Environmental Engineers and Scientific Officers of the H.P. State Pollution Control Board.
8.	Tourism	1. All the District and Assistant Tourism Development Officers in H.P. posted in the Districts. 2. All the General Managers, Deputy General Managers Assistant General Managers and Managers of H.P. Tourism Hotels.
9.	Food & Supplies	1. All the District Food & Supplies Controllers in H.P. 2. All the Food Inspectors 3. All the Food Safety Inspectors
10.	RDD/ Panchayati Raj	1. All the Block Development Officers 2. All the Panchayat Inspectors, Sub-Panchayat Inspectors and Secretaries of Gram-Panchayats
11.	HRTC	1. All the Regional Transport Officers. 2. All the Regional Managers and Bus Adda Incharges of HRTC
12.	LAC	All the Temple Officers
13.	Industries	1. The Chief Executive Officer and Executive Officer, Baddi, Barotiwala and Nalagarh Development Authority. 2. All the Executive Engineers/Assistant Engineers/Jr. Engineers, Baddi, Barotiwala and Nalagarh Development Authority.

नियन्त्रक, मद्राज तश्या लेखन सामग्री, हिमाचल प्रदेश, हिमालय-5 ह्याया मद्रिल तश्या प्रकाशित
इलेक्ट्रॉनिक हस्ताक्षरित राजपत्र, वेबसाइट <http://rajprahaibhahachal.nic.in> पर उपलब्ध ह्ये एवम ऑनलाइन सत्यापित किया जा सकता ह्ये।

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Government of Himachal Pradesh
Department of Environment, Science & Technology

No. STE-F-(4)-1/2019-L

Dated: Shimla-2

13th October, 2022

NOTIFICATION

WHEREAS, the Governor of Himachal Pradesh vide this Department's Notifications No. STE-F-(4)-1/2020 dated 20th July, 2022 and No. STE-F-(4)-1/2019 dated 30th July, 2022, with an objective to improve plastic waste management system, under Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, imposed ban on use of plastic carry-bags (irrespective of their sizes & thickness), **non-woven carry bags of all sizes** and certain plastic items having one time use;

2. AND WHEREAS, it has been examined and found that non-woven carry bags, made of 'polypropylene' - a plastic material, having **size more than 60 GSM** are reusable multiple times and can be recycled before their end use.

3. NOW THEREFORE, the Governor, Himachal Pradesh, in supersession of aforesaid notification dated the **20th July, 2022**, is pleased to direct that no person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehariwala, etc. shall import, stock, distribute, sale and use the non-woven carry bags of size less than eighty (80) GSM made of non-biodegradable material as listed in the Schedule appended to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995;

4. Any person, institution/commercial establishment (educational institutions, offices, hotels, shops, restaurants, sweetshops, dhabas, religious institutions, industrial establishments, banquet halls, etc.) causing breach of the aforesaid prohibition shall be liable for the penalties as per the provisions contained in the Act *ibid*;

5. The Governor, Himachal Pradesh, is further pleased to direct that the officers already authorized to compound the offences committed under the Act *ibid*, sum of penalty specified for compounding of offences and other terms & conditions vide above referred notification dated 20th July, 2022 shall remain the same. This notification dated 20th July, 2022 stands modified to the extent that ban on the non-woven carry bags shall be restricted to the size less than eighty(80) GSM.

The ban on the non-woven carry bags of size less than sixty (60) GSM is already effective. The ban on sizes more than 60 GSM and less than 80 GSM will be made effective from 1st January, 2023 in the entire State of Himachal Pradesh in the public interest so that the stockiests, shopkeepers, vendors, wholesalers etc. may dispose of their stocks and no financial loss is caused to them.

By Order,

Prabodh Saxena, IAS
Addl. Chief Secretary (Env. &ST) to the
Government of Himachal Pradesh


Endst. No. : As above

Dated: Shimla-2,

13-10-2022

Copy forwarded for information and necessary action to:

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Pr. Secretary to the Chief Minister, Himachal Pradesh, Shimla-2.
3. The Private Secretaries to the Cabinet/State Ministers, Government of Himachal Pradesh.
4. The Private Secretaries to the Chief Secretary to the Govt. of Himachal Pradesh.
5. All the Administrative Secretaries to the Government of Himachal Pradesh.
6. All Heads of Department of Himachal Pradesh.
7. All the Deputy Commissioner of Himachal Pradesh.
8. All the Divisional Commissioner of Himachal Pradesh.
9. The Director (Environment, Science & Technology), Paryavarn Bhawan, Near U.S. Club Shimla-1.
10. The Member Secretary, H.P. State Council for Science, Technology and Environment (HIMCOSTE), Block No. 34, SDA Complex, Kasumpti, Shimla-9.
11. The Member Secretary, H.P. State Pollution Control Board, Phase-III, New Shimla-9.
12. The, Controller, Printing & Stationary, H.P. Government Press, Shimla-5 for publication in the Rajpatra.
13. Guard file.


Sat Pal Dhiman
13-10-2022
Addl. Secretary (Env. S&T) to the
Government of Himachal Pradesh

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT DELHI

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OA No. 475 of 2024

OA No. 475/2024 titled as News item titled "Mountains of plastic are choking the Himalayan States" appearing in The Hindu dated 04.03.2024 pending before the Hon'ble NGT, New Delhi

KNOW ALL to whom these presents shall come that I, Anil Joshi, Member Secretary, HP State Pollution Control Board, New Shimla the above named Respondent No.4.

Do hereby appointed **Sh. Vaibhav Shrivastava** (hereinafter called the **Advocate**) to be my/our advocate in the above noted cause and authorized him:-

To act, appear and plead in the above noted cause in the Court or in any other Court in which the same may be tried or heard and also in the appellate or revision Court for and on my/our behalf at approved fee of the Board;

To sign, file and present pleadings, appeals cross objection or petitions for execution, revision, restoration, withdrawal compromise or other petition, replies, objection or affidavit, other documents as may deemed necessary or proper for the proper prosecution of the said cause in all stage.

To file and take back documents to withdraw or compromise the said cause or submit to arbitration any difference or disputes that may rise touching or in any manner relating to the said cause.

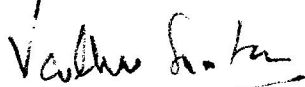
To take out execution proceeding; to deposit draw and receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.


To appoint and instruct any other legal practitioner authorizing him to exercise the power and authorities hereby conferred upon the advocate whenever he may think it to do so; And I/we undersigned do hereby absolute bind myself/ourselves and confirm that all acts or steps taken by the Advocate or his substitute in the above cause shall be as good and binding on me/us if they were my/our own acts and deeds and they shall in all ways be absolutely binding on me/us.

And I/we undertake not to hold the said Advocate or his substitute liable or the results of the said cause in consequences of his absence from the Court when the said cause is called up for hearing or for any inadvertent negligence of the Advocate.

And I/we agree that in the event of the whole or any part of the agreed fee to be paid to the said Advocate remaining unpaid, he shall be in titled to withdraw from the prosecution of the said cause until the same is paid up, If any costs are allowed for any adjournment or in any other Court the Advocate would be entitled to the same.

IN WITNESS WHEREOF I/we have appended our signature to these presents on this 29/08/2024 day of August, 2024.


Advocate.


Client.
Member Secretary,
HP State Pollution Control
Shimla