

Before the Hon'ble National Green Tribunal Principal Bench, New Delhi

Original Application No.1258 of 2024

Action Group against Plastic Pollution through Dr. Pallavi Khanna

-Applicant

Versus

State of Punjab and Others

--Respondent

Reply by way of affidavit of Himanshu Aggarwal,
Deputy Commissioner Jalandhar, respondent no.3 in
compliance to order dated 25.10.2024.

I, the above-named deponent, do hereby solemnly affirm and state
as under:

Respectfully showeth.

- 1) That briefly stated the above-mentioned case has been filed before the Hon'ble National Green Tribunal wherein the applicant has raised a grievance in respect of the failure of the authorities in Jalandhar to effectively implement the ban on the use of single-use plastic. The plea of the applicant is that the manufacture, distribution, sale and usage of single-use plastic was banned by the Plastic Waste Management (Amendment) Rule, 2021 and that the amendment was also made in the Punjab Plastic Carry Bag Control Act, 2005 in the year 2016. However, the authorities have failed to act at the ground level resulting in uncontrol use of single-use plastic in different forms.
- 2) That after consideration of the matter, the Hon'ble Tribunal was pleased to pass an order dated 25.10.2024 thereby directing the respondents to file reply in the case. The present reply is being filed by the deponent explaining the actions being taken to effectively implement the ban of single use plastic.
- 3) That at the very outset it is respectfully submitted that the state of Punjab Including the Punjab Pollution Control Board are implementing the provisions of the Plastic Waste Management Rules with the ban on single use Plastic Products in the State of Punjab in true letter and spirit. The background note including the efforts being made by the State and the Punjab Pollution Control Board may kindly be read in the following paragraph.



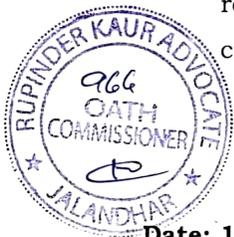
Himanshu

- 4) That the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control Act, 2005 has been promulgated by the State Legislature to provide for the Control on the manufacture of plastic carry bags and other plastic products from the recycled plastic and pigmented carry bags, their use and for the prohibition of disposal of non-biodegradable plastic waste in public places, drains and sewers for restoring and maintaining clean environment and for the matters connected therewith or incidental thereto.
- 5) That in exercise of the powers conferred by the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal Control) Amendment Act, 2016 the Department of Local Government and the Department of Rural Development & Panchayat, Government of Punjab, had imposed a complete ban on the manufacture, import, stocking, distribution, sale and use of aforesaid identified Single Use Plastic (SUP), including polystyrene and expanded polystyrene commodities in the jurisdiction of all the Municipal Corporations, Municipal Councils and Nagar Panchayats of the State of Punjab w.e.f. 1st July, 2022, vide Notification dated 15-07-2022 and 11-10-2022 respectively.
- 6) That it is relevant to mention here that the Ministry of Environment, Forest and Climate Change, Government of India vide notification dated 12.08.2021 has imposed a complete ban on the manufacture, import, stocking, distribution, sale, and use of following single-use plastic, including polystyrene and expanded polystyrene, commodities with effect from the 1st July, 2022:
- A Earbuds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;
 - Plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers;
- 7) That the Department of Science, Technology & Environment, Government of Punjab has formulated the State Environmental Plan in the year 2019 for the management of various kind of waste including the plastic waste. The action plan defines the role and responsibility of various stakeholder departments as well as proposed plan for management of plastic waste by Urban Local Bodies and Village Panchayats. The State Government has made III-tier system for monitoring through the District Environment Committee (DEC) under the Deputy Commissioners (DCs), State Level Committees under the Secretary (Environment) and State Apex Committee (SAC) under the Chief Secretary, Punjab.



Himanshu

- 8) That it is pertinent to mention here that the Punjab Pollution Control Board is working under the administrative control of the Government of Punjab, Department of Science, Technology and Environment. The Punjab Pollution Control Board being the prescribed authority to implement the provisions of the Plastic Waste Management Amendment Rules, 2021 has filed a reply in the case mentioning about the actions being taken to effectively implement the ban of single use plastic. A report was taken from Environmental Engineer, Regional Office, Kapurthalato seek what action has been taken by them in this regard. In this regard, Environmental Engineer, Regional Office, Kapurthalavide office letter No 931 dated 12.05.2025 has submitted his report to this office, which is annexed as **Annexure R-3/1**. Hence, the Hon'ble Tribunal is requested to consider this report as part of reply of the deponent.
- 9) That the deponent may kindly be allowed to place on record, the present reply by way of affidavit in compliance to order dated 25.10.2024 for kind consideration and appropriate orders of the Hon'ble Tribunal.



Date: 12.05.2025

Place: Jalandhar

Deponent

Himachal
 Deputy Commissioner
 Jalandhar.
 Respondent No. 3

Certified further that this affidavit has been read and explained to (Name.....
) The declarant who seemed perfectly to understand the same at the time of marking there of

Oath Commissioner Jalandhar

15 MAY 2025

Certified that the above was declared before me this 15 MAY 2025 by *Arvind* identified by..... who has personally known to me further Certified that contents of the affidavits has been read over explained to the deponent who sees as perfectly to understand the same & admits the same to be correct

Oath Commissioner Jalandhar

15 MAY 2025

I identified the deponent who has Signed/thumb marked in my presence



PUNJAB POLLUTION CONTROL BOARD

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

Regional Office, Kapurthala

2nd Floor, Midland Finance Centre, Opp. King's Hotel, Near Bus Stand, Jalandhar



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No. 931

Dated: - 12/05/25

To

The Deputy Commissioner,
Jalandhar.

Subject:- Regarding status of action taken by Punjab Pollution Control Board in the matter of OA no. 1258 of 2024 titled as Action Group against Plastic Pollution through Dr. Pallavi Khanna versus State of Punjab and Others.

It is submitted that the applicant has raised a grievance in respect of the failure of the authorities in Jalandhar to effectively implement the ban on the use of single-use plastic. The plea of the applicant is that the manufacture, distribution, sale and usage of single-use plastic was banned by the Plastic Waste Management (Amendment) Rule, 2021 and that the amendment was also made in the Punjab Plastic Carry Bag Control Act, 2005 in the year 2016. However, the authorities have failed to act at the ground level resulting in uncontrolled use of single-use plastic in different forms.

The Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control Act, 2005 was promulgated by the State Legislature to provide for the Control on the manufacture of plastic carry bags and other plastic products from the recycled plastic and pigmented carry bags, their use and for the prohibition of disposal of non-biodegradable plastic waste in public places, drains and sewers for restoring and maintaining clean environment and for the matters connected therewith or incidental thereto.

In exercise of the powers conferred by the Punjab Plastic Carry Bags (Manufacture, Usage and Disposal Control) Amendment Act, 2016 the Department of Local Government and the Department of Rural Development & Panchayat, Government of Punjab, had imposed a complete ban on the manufacture, import, stocking, distribution, sale and use of aforesaid identified Single Use Plastic (SUP), including polystyrene and expanded polystyrene commodities in the jurisdiction of all the Municipal Corporations, Municipal Councils and Nagar Panchayats of the State of Punjab w.e.f. 1st July, 2022, vide Notification dated 15-07-2022 and 11-10-2022 respectively.

It is further submitted that the Ministry of Environment, Forest and Climate Change, Government of India vide notification dated 12.08.2021 has imposed a complete ban on the manufacture, import, stocking, distribution, sale, and use of following single-use plastic, including polystyrene and expanded polystyrene, commodities with effect from the 1st July, 2022:

- Earbuds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;

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- Plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers;

The Department of Science, Technology & Environment, Government of Punjab has formulated the State Environmental Plan in the year 2019 for the management of various kind of waste including the plastic waste. The action plan defines the role and responsibility of various stakeholder departments as well as proposed plan for management of plastic waste by Urban Local Bodies and Village Panchayats. The State Government has made III-tier system for monitoring through the District Environment Committee (DEC) under the Deputy Commissioners (DCs), State Level Committees under the Secretary (Environment) and State Apex Committee (SAC) under the Chief Secretary, Punjab.

In order to effectively implement the provisions of notification dated 12.08.2021 of the Ministry of Environment, Forest and Climate Change as well as the notifications issued by the Departments of the Government of Punjab as explained in the preceding paragraphs, the Punjab Pollution Control Board has not issued the consents to operate under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 to any industry for the manufacturing of identified Single Use Plastic (SUP) items and Plastic Carry Bags in the State of Punjab.

The Punjab Pollution Control Board has conducted many surprise checking's/ raids in the Industries/ Units for checking the manufacturing of plastic carry bags and other identified Single Use Plastic (SUP) items. About 30 number of industries found manufacturing the identified Single Use Plastic (SUP) items and Plastic Carry Bags in the State were closed by the Board. The Punjab Pollution Control Board has issued directions/ instructions to the Department of Local Government vide letter dated 06.04.2022, 30.06.2022, 20.07.2022, 05.07.2023, 14.08.2023, 05.10.2023 and 26.11.2024 and to Department of Rural Development & Panchayat vide letter dated 28.06.2022, 30.06.2022, 20.07.2022, 05.07.2023, 14.08.2023, 05.10.2023 and 26.11.2024 to take necessary action for the enforcement of ban on identified Single Use Plastic (SUP) items and plastic carry bags which includes

- i) District-wise identification of major Commercial Establishments (Malls/ Market place/ Shopping Centres/ Cinema Houses/ Tourist Locations/ Schools/ Colleges/ Office complexes / Hospitals & other Institutions) and Stockists/ Retailers/Sellers/Importers of banned SUP items/Street Vendors Vegetable & Fruit Markets/Malls and other similar entities which are dealing in bulk in the aforementioned single use plastic items.
- ii) To sensitize through workshops/webinars the aforementioned identified entities and to direct them to take necessary action to ensure zero inventory of banned SUP items by July 01, 2022.
- iii) To take necessary action, including cancellation of commercial licenses issued, against the identified entities if found violating stipulated conditions.
- iv) To issue fresh commercial licenses to major Stockists/ retailers/ sellers/ and Commercial Establishments with the condition that they shall not be stocking/selling/using banned SUP items.
- v) To frame local bye-laws for levying Environmental compensation in line with CPCB Guidelines for violation of stipulated conditions.
- vi) To establish state level control room to monitor the enforcement of SUP ban.

- vii) To carry out IEC activities regarding not to burn plastic waste, disposal of non-recyclable fraction of plastic waste in accordance with prescribed guidelines.
- viii) To direct the concerned officer for vigorous checking of banned identified single use plastic items and plastic carry bags and share the details indicating the awareness activities carried out and details of the inspections.

The Punjab Pollution Control Board has issued directions u/s 5 of Environment (Protection) Act, 1986 to Bureau of Indian Standard, Chandigarh vide letter dated 16-09-2022 to take necessary action including the cancellation of the license issued by the BIS under IS 14543: 2016: Packaged Drinking Water (Other than packaged natural mineral water) against the identified entities if found violating stipulated condition by using cups made up of Single Use Plastic.

The Punjab Pollution Control Board has issued directions/ instructions to all the Administrative Secretaries to Government of Punjab vide letter dated 20.07.2022, 05.07.2023 and 26.11.2024 to issue necessary instructions to all the Government Officers/ Officials working directly or indirectly under their administrative control regarding not to use the plastic carry bags and identified Single Use Plastic (SUP) items in their day to day life as well as prohibited them to use such items in the office premises and also to take other necessary actions to eliminate the use of identified Single Use Plastic (SUP) items and plastic carry bags. An advisory has also been issued vide letter dated 09.12.2024 to take necessary steps, including issuing directives to the relevant State Authorities operating in their jurisdiction to ensure that tender document issued by these authorities shall comply with the provisions of Plastic Waste Management Rules, 2016 and Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control (Amendment) Act, 2016.

The Board has issued directions/ instructions to all the Deputy Commissioners vide letters dated 29.06.2022, 20.07.2022, 05.07.2023, 02.02.2024 and 26.11.2024 to monitor the matter in the District Environment Committee and direct the concerned officers to share the details of the inspections carried out, take initiative to promote the alternatives to the identified Single Use Plastic (SUP) items & plastic carry bags with the help of other stakeholders' departments in their districts.

The Board vide letter dated 29-11-2022, 05-07-2023 and 26.11.2024 has requested the Excise Commissioner to direct the officials concerned for the vigorous checking of banned single use plastic items and plastic carry bags at the interstate borders to ensure that there is no flow of banned plastic items from neighboring States/ UTs.

The Board has issued directions/ instructions to the Punjab Municipal Infrastructure Development Company vide letter dated 05.07.2023 and 26.11.2024 for the vigorous checking of banned single use plastic items and plastic carry bags and share the details of the inspections carried out and resolve the pending complaints on the SUP grievance portal and ensure the effective functioning of the SUP compliance portal.

The Board vide letters dated 05-07-2023, 05.02.2024, 26-11-2024 has requested the Director General of Police to direct all the Commissioners of Police as well as Senior Superintendent of Police to make necessary arrangements for the vigorous checking at the interstate borders to ensure that there is no flow of banned Single Use Plastic Items and plastic carry bags from neighbouring States/ UTs.

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The Board vide letters dated 14.08.2023, 05.10.2023 and 23.07.2024 has requested the Department of Local Government, Department of Rural Development & Panchayats, the Chief Administrative Greater Mohali Area Development Authority (GMADA), Greater Ludhiana Area Development Authority (GLADA), Patiala Development Authority (PDA), Bathinda Development Authority (BDA), the Chief Engineer (HQ), Public Works Department (B&R) to direct the Officials concerned for use of plastic waste in road construction in accordance with the guidelines issued by the Indian Road Congress as well as by Ministry of Road Transport and Highway, Govt. of India from time to time.

The Board vide letters dated 20.07.2022, 05.07.2023 and 26.11.2024 has requested the commissioners of Million Plus Cities, Municipal Corporations to direct the concerned officers for the vigorous checking of banned single use plastic items and plastic carry bags in the Corporation limits and share the details of inspections.

The Board vide office order no. 105 dated 21.03.2023 has informed all the producers, stockists, retailers, shopkeepers, e-commerce companies, street vendors, commercial establishments (clubs/ malls/ market place/ shopping centers/ cinema houses/ restaurants/ hotels/ eateries/ tourist locations/ schools/ colleges /office complexes/ hospitals and other institutions) and general public to stop production, stocking, distribution, sale and usages of identified Single Use Plastic (SUP) items and plastic carry bags immediately, failing which action as deemed fit shall be initiated under the Environment (Protection) Act, 1986 against the violators of the above said notification by the Board, including seizure of goods, levying of environmental compensation, closure of operations of industries/commercial establishments.

The Board had published a public notice on 18.03.2022 in the leading newspapers of State of Punjab namely Punjabi Tribune, Punjabi Jagran, Desh Sewak, Hindustan Times, Dainik Jagran, on 29.04.2022 in newspapers Ajit, Dainik Bhaskar, Punjab Kesari, Times of India, Indian Express and Punjabi Tribune and again on 22.03.2023 in newspapers the Tribune, Rozana Spokesman, Punjab Kesari through which all producers, stockists, retailers, shopkeepers, e-commerce companies, street vendors, and commercial establishments (including malls, marketplaces, shopping centers, cinema houses, restaurants, hotels, eateries, tourist locations, schools, colleges, office complexes, hospitals, and other institutions) as well as the general public were directed to stop immediately, the production, stocking, distribution, sale, and usage of identified single-use plastic (SUP) items and plastic carry bags.

The Board has published a Public Notice on 10.08.2024 in the leading newspapers of the State of Punjab namely Hindustan Times and Punjabi Jagran through which directions u/s 5 of the Environment (Protection) Act, 1986 were issued to all the PIBOs and PWP's of the State of Punjab to submit application on the centralized EPR portal developed by the CPCB for obtaining registration under the provisions of Plastic Waste Management Rules, 2016 as amended from time to time.

The Board vide office order no. 399 dated 25.09.2024 has implemented a scheme to incentivize individuals with reward of Rs. 5000/- who report illegal manufacturing activities related to single-use plastic (SUP) items in the State of Punjab.

The Board has organized a State-Level public awareness campaign on 05-08-2022 under the leadership of the Hon'ble Chief Minister, Punjab in collaboration with the Department of Local Government, Government of Punjab, across all 23

Districts under the supervision of the Deputy Commissioners. During the campaign, the public has been informed about the ban on single-use plastic (SUP) items and plastic carry bags and the public was encouraged to adopt environment friendly alternatives, such as paper and cloth bags, to contribute to environmental conservation.

The Board through its Regional Offices across the State and NGOs associated with the Board have distributed the cloth/ jute bags for promotion of eco-friendly alternatives of plastic carry bags. 1.25 Lakh cloth/ jute bags have been distributed free of cost during last five years (2020 to 2024) by the Punjab Pollution Control Board.

It is also relevant to mention here that while granting the Environment Clearance, State Environment Impact Assessment Authority (SEIAA) has directed the project proponents of the building construction projects to distribute the 41.1 Lac jute/cloth bags under the Corporate Environment Social Responsibility. The Board and Urban Local Bodies (ULBs) had also organized exhibitions on alternatives of identified Single Use Plastic (SUP) items including plastic carry bags from time to time.

The Board has created awareness among the public through broadcasting Radio jingle on regular basis regarding the ban on the Plastic carry bags and identified SUP items and to use the alternatives to the plastic carry bags and SUP items.

The Board has organized a Mass Level awareness "Say No to Single Use Plastic" and "Plastic Carry Bags" under the Mission Life throughout the State of Punjab with the help of Regional Offices of the Board as well as Administrative Offices of the State.

The World Environment Day on the theme of "Beat Plastic Pollution" and "Our Land, Our Future, We are Generation Restoration" has been celebrated on 05-06-2023 and 05-06-2024 respectively by all the Regional Offices of the Punjab Pollution Control Board. On this occasion, public in large especially students were motivated not to use identified single use plastic items and plastic carry bags and preference should be given to the alternative available to the items made from plastics in day-to-day life.

The Board alongwith the officials of the Urban Local Bodies (ULBs) are jointly conducting the surprise checking/ raids on weekly basis in the stores/ shops etc. for checking the manufacturing/sale or use of plastic carry bags & other identified Single Use Plastic (SUP) items. During the period from 01.04.2023 to 31.12.2024, 14009 entities were visited out of which 4405 violations were observed and fine of Rs. 38.66 lakhs was imposed and 33.68 MT plastic carry bags were confiscated.

The Board vide letter no. 1746 to 1826 dated 14.01.2025 has issued directions u/s 5 of the Environment (Protection) Act, 1986 to the online platforms/ e-commerce companies as under:

- i) That the company shall take all necessary steps to stop the selling of identified Single Use Plastic (SUP) items as defined in the notification dated 12.08.2021 issued by the MoEF&CC and Plastic carry bags from its website /online platform in the State of Punjab, with immediate effect.
- ii) That the company shall remove the identified single use plastic items as defined in the notification dated 12.08.2021 issued by the

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MoEF&CC and Plastic carry bags from its website / online platform in the State of Punjab, with immediate effect.

The Board is enforcing the provisions of the Plastic Waste Management Rules, 2016 and Punjab Plastic Carry Bags (Manufacture, usage and Disposal) Control Act, 2016 in true letter and spirit and no Consents to Operate have been issued for the manufacturing of plastic carry bags and identified SUP items in the State of Punjab.

As far as the city of Jalandhar is concerned, the Punjab Pollution Control Board has afforded an opportunity of hearing to Municipal Corporation, Jalandhar u/s 5 of the Environment (Protection) Act, 1986 with regard to the management of Solid Waste and ban on single use item on 31.01.2025 before the Chairman of the Board. The hearing was attended by Dr. Shrikrishan, Assistant Health Officer, Municipal Corporation, Jalandhar on 31.01.2025. After hearing the officer of Municipal Corporation, Jalandhar and the officers of the Punjab Pollution Control Board, the Chairman of the Board had taken certain decisions for the effective implementation of the Solid Waste Management Rules, 2016 and the notification dated 21.08.2022 of the Ministry of Environment, Forest and Climate Change relating to the ban use of single use items. The relevant decisions taken in the said meeting are reproduced herein below: -

- a. The Municipal Corporation, Jalandhar shall ensure that no municipal solid waste is dumped at any garbage vulnerable points and ensure no violation of Solid Waste Management Rules, 2016 while transportation of municipal solid waste. Special emphasis should be given to ensure covering of vehicle while transporting the Municipal Solid Waste.
- b. The Municipal Corporation, Jalandhar shall submit a fresh survey of actual waste generation in the Jalandhar City as well as the legacy waste expected to be accumulated at Waryana dumpsite by 30.06.2025. Further, an Action Plan for treatment and disposal of legacy waste at Waryana Dumpsite be submitted by 31.03.2025 which may include the PERT chart containing details such as assessment of accumulated waste, preparation of DPR, tendering, allocation of work, commencement of project, completion date and rejuvenation of the dumping site.
- c. The Municipal Corporation, Jalandhar shall provide by 31.03.2025, the necessary assessment infrastructure such as weigh bridge, piezometers, CCTV cameras as well as preliminary environmental protection measures such as boundary wall, green belt, methane detectors, fire prevention and dousing infrastructure and temporary leachate collection infrastructure for transport of leachate to STP till leachate treatment plant is provided.
- d. The Municipal Corporation, Jalandhar shall ensure complete ban on use, import, stocking, distribution and sale of identified single use plastic items as well as banned plastic carry bags within their jurisdiction including in vegetable markets, street markets, malls, sweet shops & retail shops etc. The Municipal Corporation, Jalandhar shall carry out regular inspections at above establishments to take penal action including imposition of fines and confiscation of banned material. The Municipal Corporation, Jalandhar shall submit monthly progress report having complete details of inspections carried out, number of challans issued, quantity of banned material

confiscated/seized, amount of fines imposed and recovered as well as other penal actions taken against the offenders. Further, the Municipal Corporation, Jalandhar shall submit their reply by way of affidavit to the Hon'ble NGT in the OA no. 1258 of 2024 titled as Action Group against Plastic Pollution through Dr. Pallavi Khanna versus State of Punjab & others well in advance.

- e. The Municipal Corporation, Jalandhar shall comply with the activities mentioned as per rule 1 to 11 of Solid Waste Management Rules 2016. The Municipal Corporation, Jalandhar shall submit a comprehensive report for point wise compliance (with target dates) of Municipal Solid Waste Management Rules 2016 to the Board within 15 days.
- f. The proceedings of hearing be forwarded to Principal Secretary, Department of Local Govt. Punjab so as to bring the matter in his notice and about the lackadaisical approach of Municipal Corporation, Jalandhar towards compliance of SWM Rules, 2016 with request to direct the concerned officers of Municipal Corporation, Jalandhar and MD, PMIDC for taking immediate necessary measures to comply with the Municipal Solid Waste Rules 2016.

The proceedings of the hearing were conveyed to the Commissioner, Municipal Corporation, Jalandhar by the Board vide letter no. 441 dated 08.02.2025.

Submitted for information please.



**Environmental Engineer,
Regional Office, Kapurthala**

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