

**ENVIRONMENT DEPARTMENT**

New Administrative Building, Opposite Mantralaya,  
Mumbai 400 032, dated the 3rd March 2006.

**NOTIFICATION**

MAHARASHTRA NON-BIODEGRADABLE GARBAGE (CONTROL) ORDINANCE, 2006.

No. Plastic 2005/CR-38/TC3.— In exercise of the powers conferred by clause (i) of sub-section (3) of section 18 read with sub-sections (1) and (2) of section 4 of the Maharashtra Non-Biodegradable Garbage (Control) Ordinance, 2006 (Mah. Ord. IV of 2006), the Government of Maharashtra hereby makes the following rules for the manufacture and use of plastics carry bags, namely :—

1. *Short title and commencement.*- (1) These rules may be called the Maharashtra Plastic Carry Bags (Manufacture and Usage) Rules, 2006.

(2) They shall come into force with effect from the date of their publication in the *Maharashtra Government Gazette*.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “carry bags” means plastic bags which have a self carrying feature commonly known as vest type bags or any other feature used to carry commodities such as “D” punched bags ;

(b) “commodities” includes articles such as vegetables, fruits, chemicals, fertilizers, textile and the like ;

(c) “container” means flexible or rigid containers made of virgin plastics or recycled plastics with or without lid used to store, carry or dispense commodities ;

(d) “foodstuffs” means ready-to-eat food and food products ; fast food, processed and cooked food in liquid, powder, solid or semi-solid form ;

(e) “Form” means the form appended to these rules ;

(f) “Ordinance” means the Maharashtra Non-Biodegradable Garbage (Control) Ordinance, 2006 (Mah. Ord. IV of 2006) ;

(g) “registration” means registration of units manufacturing carry-bags and containers made of virgin or recycled plastics with the State Pollution Control Board ;

(h) "vendor" means person who sells nonfood stuff items, foodstuffs as defined above, packaged and stored in plastic carry bags, and includes shopkeepers, restaurants, retailers, street vendors, stockiest, etc.

3. *Enforcing Authority.*—The authority competent for enforcement of the provisions of these rules,—

(i) related to manufacture and recycling shall be the State Pollution Control Boards and Industries Department of the State Government ;

(ii) related to the use, sell, collection, segregation, transportation and disposal shall be,—

(a) the Municipal Commissioner or any other Officer nominated by the Municipal Commissioner, not below the rank of Assistant Municipal Commissioner, within the areas of their respective Municipal Corporations ;

(b) the District Collector of the concerned district ;

(c) the Chief Executive Officer of the local authorities, by whatever name called, for such areas.

4. *Prohibition of usage of carry bags—made of recycled plastics.*—No vendor shall use carry bags or containers made of recycled plastics for storing, carrying, dispensing, or packaging of foodstuffs.

5. *Conditions of Manufacture of carry bags and containers, made of plastics.*—Subject to the provisions of rule 4 or any other law for the time being in force, any person may manufacture carry bags made of plastics if the following conditions are satisfied, namely :—

(i) Carry bags made of virgin plastic shall be in natural shade or white ;

(ii) Carry bags made of recycled plastic and used for purposes other than storing and packaging foodstuffs shall be manufactured using pigments colourants as per IS : 9833 : 1981 entitled "List of pigments and colourants for use in plastics."

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

7. *Marking or codification.*—(1) Manufacturers of plastic carry bags shall mark or code carry bags and containers as per Bureau of Indian Standard Specification : IS 14534 : 1998 entitled “ The Guidelines for Recycling of Plastics ” and the end product made out of recycled plastics shall be marked as “ recycled ” along with the indication of the percentage of use of recycled material.

(2) The manufacturers of plastic carry bags, who do not have printing facilities, shall put stamp with permanent ink on each of carry bags as to whether these are made of “ recycled material ” or of “ virgin plastic ”.

(3) In addition to the requirements under sub-rule (1) or, as the case may be sub-rule (2), there shall also be printed or stamped on each bag and package,—

(i) Name and address of manufacturer ;

(ii) Registration number of the State Pollution Control Board ;

(iii) Registration number of Industries Department of the State ;

(iv) Thickness of the bag ; and

(v) Weight of 100 bags on package.

8. *Thickness of carry bags.*—(1) The minimum thickness of carry bags made of virgin plastics or recycled plastics shall not be less than 50 microns and of the size of 8 × 12 inches.

(2) No person shall manufacture, stock, distribute or sell carry bags made of virgin or recycled plastic bags which are less than 8 × 12 inches (20 × 30 cms.) in size and which do not conform to the minimum thickness specified in sub-rule (1).

9. *Self-regulation by certain persons.*—Without prejudice to the provisions contained in rule 3, the Plastics Industry Association, through their member units, may undertake self-regulatory measures.

10. *Report.*—The enforcing authorities shall submit their reports quarterly to the State Government in Forms A and B as applicable.

## FORM A

[Shall be submitted by Maharashtra Pollution Control Board (MPCB) and Industries Department]

1. Period of the Report :—
2. Number of Plastic Bags and Sheet Manufacturers registered with the agency :—

## 2.1 From Directorate of Industries :

Directorate of Industries	Production Capacity MTD	In Operation	Closed	Remarks
Number of units with temporary SSI Registration.				
Number of units with permanent SSI Registration.				
Number of Units with IEM.				
Total				

## 2.2. Report from Maharashtra Pollution Control Board :

Region	Production Capacity MTD	In Operation	Closed	Remarks
Number of units registered.				
Number of Units with with valid "Consent to Operate".				
Total				

3. Number of cases registered  
against Manufacturers for  
violation of Rules :

Region	Compounding		Third Offence	Number of cases filed in Court	Number of cases subjudiced	Amount of fine collected	Remarks
	First Offence	Second Offence					
1							
Division							
Sub-Total							
2							
Division							
Sub-Total							
Grand Total							

4. Any other information

(Signature of the Head  
of the Organisation)

## FORM B

(Shall be submitted by Municipal Commissioner, District Collector and Chief Officers)

1. Period of Report : From \_\_\_\_\_ To \_\_\_\_\_
2. Name and address of the enforcing agency :
3. Name of Officer In-Charge of enforcement :  
of the Rules under Ordinance
4. Phone Number (Office and Residence) :
5. Number of cases registered in the Jurisdiction :  
for violation

Jurisdiction	Compounding		Third Offence	Number of cases filed in Court	Number of cases subjudiced	Amount of fine collected	Remarks
	First Offence	Second Offence					
1							
Sub-Total							
2							
Sub-Total							
Grand Total							

6. Details of special drives undertaken for effective :  
implementation of the rules.
7. List of first time Offenders and second time Offenders :
8. Details of Public awareness programmes :  
conducted by enforcing agency in their  
jurisdiction.
9. Any other relevant information :

(Signature of the Head  
of the Organisation)

By order and in the name of the Governor of Maharashtra,

SHARWAREE GOKHALE,  
Principal Secretary to Government.