

MADHYA PRADESH JAIV ANAASHYA APASHISHTA (NIYANTRAN) ADHINIYAM, 2004

29 2004 MADHYA PRADESH ACT No. 20 OF 2004. THE MADHYA PRADESH JAIV ANAASHYA APASHISHTA (NIYANTRAN) ADHINIYAM, 2004. TABLE OF CONTENTS Sections : 1162 (7) 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19

20. Short title extent and commencement. Definitions. Prohibition on usages of carry bags. Prohibition on throwing of non-biodegradable garbage in public drains, sewage etc. Provisions for placement or receptacles. and places for depositing of non-biodegradable garbage. Duty of owners and occupiers collect and deposit non-biodegradable garbage etc. . Power of local authority for removal of non-biodegradable garbage. Assistance in implementation or the provisions of the Act. Penalties. Offence by companies. Offences by government departments. Protection of action taken in good faith. Cognizance of. offences; Compounding of offences. Summary disposal of cases. Power- of-.State .Government to invest officers With certain powers. Directions by. the State Government. Power to amend the Schedule Power to make rules. Power .to remove difficulties. Act not in derogation:of any other law. The Schedule. MADHYA PRADESH ACT No. 20 OF 2004. THE MADHYA PRADESH JAIV .ANAASHYA APASHISHTA (NIYANTRAN) ADHINIYAM, 2004. It received the assent of the Governor on the 24th. December. 2004 "sent first published -In the 'Madhya Pradesh Gazette (Extraordinary)" dated the 29th December, 2004. An Act to regulate the management and usage of the products and to prevent throwing or depositing of non-biodegradable garbage in or, on public drains, roads and places open to public view in the State of Madhya Pradesh, and for matters of public health and sanitation and matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Fifty-fifth Year of the Republic of India. as follows:— This Act may be called the Madhya Pradesh Jaiv Anaashya Apashishta (Niyantaran) (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force on such date as the State Government may, by notification, in the official Gazette appoint. Short title, extent and commencement. 1162 (8) Definitions. 29 2004 2. In this Act, unless the context otherwise requires.— (a) "biodegradable garbage" means the garbage or waste material capable of being degraded by an action of living organisms; (b) "Board" means the Madhya Pradesh Pollution Control Board established under Section 4 of the Water (Prevention and control of pollution) Act, 1974 (No. 6 of 1974); (c) "local authority" means any body of persons for the time being invested by law with the control and administration of matters within a specified local area and includes.— (i) a Municipal Corporation constituted by or under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956); (ii) a Municipal Council or a Nagar Panchayat constituted by or under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961); (iii) a Gram Panchayat constituted under the Madhya Pradesh Panchayat Raj and Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994); (d) "market" includes any place where persons assemble for exposing for the sale of articles for human use or consumption, with or without the consent of the owner of such place, notwithstanding that there may be common regulation for the concourse of the buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting the market by the owner of the place or by any other person; (e) "non-biodegradable garbage" means the waste, garbage or material which is not biodegradable and having the substances, like polyethylene, nylon and other plastic materials such as polyvinyl chloride, polypropylene, polystyrene and variations thereof which are not capable of being degraded by an action of living organisms and are more specifically included in the Schedule to this Act; (f) "occupier" includes— (i) any person who, for the time being, is paying or is liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which such rent is paid or payable; (ii) an owner in occupation of or otherwise using his land or building; (iii) a rent free tenant or licensee of any land or building; and (iv) any person who is to pay to the owner, damages or compensation for the use and occupation of any land or building; (g) "owner" includes a person who, for the time being, is receiving or is entitled to receive the rent of any land or building whether on his own account or on behalf of or for the benefit of any other person or as a trustee, guardian, or receiver of any property or person, or who would so receive the rent or be entitled to receive the rent if the land or building or part thereof were let to tenant and includes every person not being a tenant who from time to time derives title as an owner, 29 2004 (h) "place" means any land or

building or part of a building and includes the garxien, ground and outhouse. if any, pertaining to building or part of a building and also inclUdes apartments and common areas and facilities provided in a building; (i) "plæe open to public view H includes any private place ot building, monument, fence or balcony, visible to a person being in ot passing along any public place; (i) " public Analyst" means the person appointed ot recognized to be the Government Analyst in relation to any envil6nmental laboratory established or recognized by the Board; (k) "public place" means any place which .is open to use and enjoyment of the public whether it is actually used .or enjoyed by the public or not and includes a. toad, street market, park, house gully or way whether a thoroughfare or not and land• ing place to which public are granted access ot have a -right to resort or over which they have a right to pass

3. No person shalt use carry bags or containeß made of plastics for stoting, carrying, packing and selling •the articles for human use or consumption unless the thickness •of carry bags made of recycled plastic-is not less than 25 microns and jn case of virgin plastic is not less than 20 microns

4. No person, by himself or through another, shall knowingly or otherwise, throw or cause to be thrown in any drain, ventilation, shaft, pipe and fittings connected with the private ot public drainage works, in any river, water course (whether flowing or -for the time being dry), park, or public palce ot any piace open to public view, any non-biodegradable garbage ot any biodegradable garbage in a non-biodegradable bag or container: Provided that any nonbiodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container may be placed or be permitted •to be placed in a garbage receptacle and be deposited in a location designated, by a local autlwrity; having jurisdiction on an area, for •lbe disposal of the garbage

5. It shall be the duty of the local authority, or any officer authorised by it to,—(a) plâce or provided or place in proper and convenient logations in adequate. numbers public receptacles, depots or places for temporary deposit or collection of non- biodegradable garbage, other than lhosé kept and maintained for deposit of bio. degradable garbage; • (b) provide for the removal of contents of receptacles, depots and of the accumulation at all places provided or appointed by it' under clause (a) Of this Section; and (c)' arrange for disposal of the non-biodegradable garbage Collected -under this Act in such manner as may •be prescribed

6. It shall be lbe duty Of the occupiers of all lands and buildings.(including the -individual occupier of apartments in a buildihg),— (i) to collect or 'cause to be collected from: their respective land and-buildings all non-biodegradable garbage apd deposit or cause. it 10 be deposited in public receptacles. depots Or places provided for temporary déposit or collection of the non-biodegradable garbage by the local authority in the area; (ii) tOprovided seiarate.receptacles or dustbins, other than those kept and maintaihned for deposit of: biodegradable garbage, of :the •type and in the manner -prescribed •by the local authority or its officers, fff collection therein of all the -Hon-biodegrad- able waste from such land and building and to keep such receptaclés or dustbins in good condition and repair. 1162 (9) Prohibition on usages of carry bap. Prohlbitlon on thmwlng or non• -blodegradabte garbage in dr•tns, sewage etc. Piecement of reccmaétes •nd for ptuces deposililng of non.Mod.adaNe garbggc. Duty of owners and ocwplers to and cot' ecg depostt non• biodegr•dable garbage etc. 1162 (10) Power or local authorlly for removal of non• biodegradable garbage. Assistance in implementation orthe pmvlsio« of .lthe Act. Paulties. Offences companies. 29 2004 7. ne local authority my, by li01ice in writing require •the' owner or occupier or co-owner or person Claiming to be the Owner 01 co-owner of any land or building, which has become •a •place of unauthoriséed Stacking•or deposit of non2biodegmdable garbage and is likely to cause a nuisance, to lemove or cause to be removed the said garbage stacked or coilecißd and if in its opinion such stackirii•or collection of •non•biodegradable waSte is likély 10 injure the d:ainage and . sewage system or is likely to be' dangerous to•life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary. g.' (t) ne owner of, and every person found in any plâce in respeci of which a person empowered by; lbe local authority is exercising powers and camying obt duties under the Act. shall give such persan all reasonable assistance to enable him to exercise ttwse powers .and carry out •lhosc duties nnd -Shall.be bound stn furnish all-relevant inforrialiön•requisitioned by such peson. (2) All .oilicers:or• police shah,' when æquired by •the •local •authority or any person authorised by it. aid in• violation of the provisions -of this ACT.: (3) Any olTtcer or the local authority, failing to perform the duties imposed upon him by this Act, shali be punished with fine not exceeding one •thousand rupees.

9. (1) Whoever is guilty of any intentional omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both. (2) Whoever, having been convicted of an offence under the Act is again convicted of any offence under this Act, shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend for the later offence. (3) Whoever is an abettor or accessory to the commission of an offence under this Act shall be punishable with the penalty prescribed for the offence. (4) Whoever willfully disobeys any directions, lawfully given by any person or authority empowered under this Act to give such directions, or obstructs any person or authority in the discharge of any function which such person or authority is required or empowered to perform under this Act, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to one thousand rupees. (5) Whoever being required by law to supply information, wilfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to five hundred rupees. (6) If the person under this Act is a company, every person who, by at the time the offence was committed, was in charge of and was responsible for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 29 2004 Explanation.—For the purposes of this Section,— (a) "company" means any body corporate and includes a firm or other association of individuals; (b) "director" in relation to a company, includes any person occupying the position of director, by whatever name called. 11. (1) Where an offence under this Act has been committed by any department of the Government, the head of the office shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this Section shall render such head of office liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any officer other than the head of the office such shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

12. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or other employee of the State Government or the Board or the local authority or any member, officer or other employee of the Board or such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder

13. No court shall take cognizance of any offence under this Act except on a complaint made by any authority or officer including officers of local authority authorised in this behalf by the State Government.

(1) Any offence punishable under this Act may either before or after the institution of prosecution be compounded by such officers on payment of such amount as the State Government may, by notification, in the official Gazette specify in this behalf. (2) Where any offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence. (3) The court taking cognizance of any offence under this Act, shall state upon the summons to be served on the accused person that he,— (a) may appear by pleader or in person; or (b) may be a specified date, prior to the hearing of the charge, plead guilty to the charge and remit to the court by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the court may specify, and the plea of guilt indicated in the money order coupon itself. (2) Where an accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence

shall be taken against him, nor shall he be liable for any other punishment by reason of his having pleaded guilty. 1162 (11) Offences by Government Departments. Protection for action taken in good faith.- Cognizance or offences. Compounding Of offences. Summary disposal of cases. 1162 (12) Powers of. State Government to invest officers with powers. Directions by the State Government. Power to amend the Schedule. Power to make rules. Power to remove difficulties. Act not in derogation of any other law. 29 2004 16. The State Government' may invest any of its officers or any officer of- the local authority with all or any of the following powers:— (a) power to enter upon any land or building; power to hold an inquiry into any offence under this Act, and in the course of such inquiry, to receive and record evidence

17. The local authority shall carry out such directions as may be issued to it, from time to time by State Government for the efficient administration of this Act. 18. (1) Where it is expedient to do so, the State Government may, 'in the public interest and in consultation with the Board by notification in the official gazette, add to or omit from the schedule any item and thereafter the schedule shall be deemed to be amended accordingly. (2) Every notification under sub-section (1) shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly. 19. (1) The State Government may, by notification in the official gazette and subject to the condition of previous publication make rules for carrying out the provisions of this Act. (2) All rules made under this Act shall be laid on table of the 'Legislative Assembly,' 20, If any difficulty arises in giving effect to the provisions of this Act. the State Government may, by order', not inconsistent with the provisions of this Act remove difficulty: Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act

21. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. THE SCHEDULE [See Section 2(e)] SUBSTANCES OF NON-BIODEGRADABLE NATURE 2. 3. 4. 5. 6. 8. 9. 11. R) Polyethylene Poly-carbonate Polypropylene Polystyrene Polyvinyl Chloride (PVC) ABS Acetal Acrylic Cellulose Acetate Cellulose Acetate Butyrate Nylon. www.govtpressmp.nic.in •231] 22 1, 1939 22 20.17 7i. 213 frzrr t. ROW Roe (Nziaur) 461 462 Ro 22 2017 (R) GRT R. (fiziaur) Roes t. R. (Büur) Ro Vox) (Qr t), a. 3fifizrq R a)' frzü" t, frqi, frqi qklfi;". KITT, 22 20.17 348 (3) (früut) 2017 1 2017) 22 2017 MADHYA PRADESH ORDINANCE No. OF 2017 THE MADHYA PRADESH JAIV ANAASHYA APASHISHTA (NIYANTRAN) SANSHODHAN ADHYADHESH, 2017. (First published in the 'Madhya Pradesh Gazette (Extra-ordinary)' dated the 2W May, 2017.1 Promulgated by the Governor in the sixty-eighth year of the Republic of India. An Ordinance to amend the Madhya Pradesh Jaiv Anaashya Apashishta (Niyantiran) Adhiniyam, 20(M. WHEREAS, the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied circumstances exist which render it necessary for him to take immediate action; AND WHEREAS the previous instructions of the President have been obtained as required by the proviso to clause (1) of article 213 of the Constitution of India. Now. THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of -Madhya Pradesh is pleased to promulgate the following Ordinance:— 1. This Ordinance may be called the Madhya Pradesh Jaiv Anaashya Apashishta (Niyantiran) Sanshodhan Adhyadesh, 2017

2. During the period of operation of this Ordinance, the Madhya Pradesh Jaiv Anaashya Apashista (Niyantiran) Adhiniyam, 2004 (No.20 of 2004) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in Sections 3 to 4

3. In Section 2 of the principal Act, after clause (i), the following clause shall be inserted, namely:— "plastic carry bags" means bags made from any plastic material used for the purpose of carrying or dispensing commodities, but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use: Provided that the -bag which is used for packaging shall be treated as plastic carry bag, if it is re-cycled;"

4. For Section 3 of the principal Act, the following Section shall be substituted, namely:—462 (k) Short title. Madhya Pradesh Act No. 20 of 2004 to be temporarily Amendment of Section 2. Substitution of Section 3. Prohibition on usage of plastic. carry bags. "3. Bhopal : The State Government may, if it consider necessary so to do in the public interest, notify the thickness of plastic carry bags or containers, for the production, storage, transportation, sale and use thereof, or by a notification, completely ban the production, storage, transportation, sale and use of plastic carry bags in the entire State or any part of the State.". Dated the 18th May 2017 OM PRAKASH KOH-I Governor, Madhya Pradesh.

www.govtpressmp.nic.in 4. 469] 26 2017—q1Ä 4, 1939 26 2017 fi*fiä7 22 2017 t, t. 937 938 26 2017 Row R. æiff((fi*1) R. (fiüur) ROOM) ur«r fiNgt), (O umu. " (kl frzii" t, frZli, qnefi;". R) (fiüur) Row) 26 2017 348 (3) (fi*) 2017 (Fli* 26 2017) 26 2017 MADHYA PRADESH ACT No. 26 OF 2017 THE MADHYXPRADESH JAIV ANAASHYA APASHISHTA (NIYANTRAN) SANSHODHAN ADHINIYAM, 2017. {Received the assent of Tue Govemor on the 22Nd August, 2017; assent first published in the "Madhya Pradesh Gazette (Extm- ordinary)" , t1E 26th August, 2017]. An Act to amend the Madhya Pradesh Jaiv Anaaöhya Apashishta (Niyantran) Adhiniyam, 2004. Be it enacted by the Madhya Pradesh Legislature in the Sixty-eighth year of the Republic of India as follows :— 1. This Act may be called •the Madhya Pradesh' Jaiv Anaashya Apashishta (Niyantran) Sanshodhan Adhiniyam, 2017

2. In Section 2 of the Madhya Pradesh Jaiv Änaashya Apashishta (NiYantran) Adhiniyam, 2004 (No.20 of 2004) referied to as the principal Act), after clause (i), the following clause shall be inserted, namely : "(ia)• fi)lastic carry bags" means made from any plastic material used for the purpose of carrying or dispensing commodities, but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use : Provided unt the bag which is used for packaging shall be treated as plastic carry bag, if it is re-cycled;"

3. For Section 3 of the principal Act, the following Section shall be substituted namely : 3.The State Government' may, if it consider necessary so to do in the public interest, notify the åickness of plastic carry bags or containers, for the production, storage, transportation, sale and use thereof, or by a notifaciton, completely ban the production, storage, transportation, sale and use of plastic carry bags in the entire State 'or any part of the State. ". 4. (1) The Madhya Pradesh Jaiv Anaashya Apashishta (Niyantran) Sanshodhan Adhyadesh, 2617 (No. 1 of 2017) is hereby repealed., (2) Nötwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shan be deemed or deemed to have been done or taken under the corresponding .provisions of this Act. 938 (1) Short title. Amendment of Section 2. Substitution• ot Section 3. Prohibition on usage of plastic carry bags. Repeal savings. and