

**THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE  
(CONTROL) ACT, 1995**

**ARRANGEMENT OF SECTIONS**

Sections:

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**SCHEDULE**

**THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE  
(CONTROL) ACT, 1995**

**(ACT No. 15 OF 1995)<sup>1</sup>**

(Received the assent of the Governor, Himachal Pradesh on the 20<sup>th</sup> December, 1995 and was published in Hindi and English in R.H.P. Extra., dated 22-12-1995, p. 5041-5047 and 5048-5053).

**An Act to prevent throwing or depositing non-biodegradable garbage in public drains, roads and places open to public view <sup>2</sup>[and to regulate the use of non-biodegradable material] in the State of**

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<sup>1</sup>.Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 28-9-95, p. 3942 & 3949.

<sup>2</sup>. Ins. vide Act No. 17 of 2004.

**Himachal Pradesh and for matters connected therewith or - incidental thereto.**

*Amended referred or otherwise effected by-*

- (i) H.P. Act No. 17 of 2004<sup>1</sup> published in Hindi and English in R.H.P. Extra., dated, 24-8-2004, at pages, 1689 to 1698.

**BE** it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-sixth Year of the- Republic of India, as follows:-

**1. Short title, extent and commencement.**-(1) This Act may be Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force on such date<sup>2</sup> as the State Government may, by notification, appoint and different dates may be appointed for different areas.

**2. Definitions.** - In this Act, unless the context otherwise requires-

(a) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings;

<sup>3</sup>[(aa) "competent authority" means any authority, officer or person appointed by the State Government, by notification, for enforcement of any of the provisions of this Act;]

(b) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof or ill the removal of such matter therefrom;

(c) "local authority" means a Municipal Corporation, a Municipal Council, a Nagar Panchayat, a Cantonment Board, a Zila Parishad, a Panchayat Samiti or a Gram Panchayat constituted, or continued, under any law for the time being in force;

(d) "market" includes any place where persons; assemble for exposing for sale, meat, fish, fruits, vegetables, food or any other articles for human use or consumption with or without the consent of the owner offuchplace, notwithstanding that there may be no common regulation for the concourse of the buyers and the sellers and whether or not any control is exercised over

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<sup>1</sup>. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.Extra., dated 1.7.2004, p. 1070 &1078.

<sup>2</sup>. The provisions of the Act come infor force with in the jurisdiction of the whole State of Himachal Pradesh w.e.f. 1<sup>st</sup> January, 1999 vide No. STV (Env.) A (10)4/92-12 dated 6<sup>th</sup> November, 1998, published in R.H.P. dated 3.4.1999, p. 499.

<sup>3</sup>. Ins. Vide clause (aa) Act No. 17 of 2004.

the business of, or the person frequenting the market by the owner of the place of by any other persons;

- <sup>1</sup>[(e) “ non-biodegradable garbage” means the waste garbage made of non-biodegradable material;
- (ee) “non-biodegradable material’ means the material which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions and includes goods made or manufactured from Polythene, Nylon or other plastic substances such as Polythiny1-Carbohydrates (P.V.C.), Poly-Propylene and Poly-styrene specified in the Schedule to this Act;]
- (f) "occupier" includes-
- <sup>2</sup>(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 building in respect of which such rent 18 paid or is payable;
- (ii) an owner in occupation of or otherwise using his land or building;
- (iii) a rent free tenant of any land or building; and
- (iv) any person who is liable to pay to the owner damages 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 account of-himself and others or as an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it, if the land or building or part thereof were let to a tenant;
- (h) "place" means any land or building or part of a building and includes the garden, ground anti out-houses, if any, pertaining to a building Or part of a building;
- (i) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;
- (j) "prescribed" means prescribed by rules made-under this Act;
- (k) "Public Analyst" means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State, under the provisions of the Environment (Protection) Act, 1986 (29 of 1986); and
- (l) "public place" means any place which is open to use and enjoy-

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<sup>1</sup>.Clause (e) subs. and new clause (ee) ins. Act No. 17 of 2004.

<sup>2</sup>. Existing sub-clause (a) (b) (c) (d) remaindered vide Act No. 17 of 2004.

ment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house-gully or way, whether a thoroughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass.

**3. Prohibition to throw degradable garbage in public drains and sewage.**-(1) 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 Or public drainage works, any non-biodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container likely to-

- (i) injure the drainage and sewage system;
- (ii) interfere with the free flow or affect the treatment and disposal of drain and sewage contents; and
- (iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-Biodegradable garbage in any public place or in a place open to public view, unless-

- (a) the garbage is placed in a garbage receptacle; or
- (b) the garbage is deposited in a location designated, by a local authority having jurisdiction on an area for the disposal of the garbage.

<sup>1</sup>**[3-A Restriction or prohibition on use of certain things manufactured from non-biodegradable material.**- (1) The State Government may, by notification, impose restriction or prohibition on the use of non-biodegradable material within the State of Himachal Pradesh, which is contrary to the norms as the State Government may, by notification, specify.

(2) The State Government may impose requirements on manufacturers, distributors and other persons, who produce or handle commodities, with respect to the type, size, labeling and composition of packaging with respect to its use and disposal including standards or norms for material degradability and re-cyclability.]

**4. Provision for placement of receptacles and places for deposit of non-biodegradable garbage.**-It shall be the duty of the local authority, or any officer authorised by it, to-

- (a) place or provide or place in proper and convenient situation public receptacles, deposit or places for temporary deposit or collection of non-biodegradable garbage;

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<sup>1</sup>. Section 3-A added vide Act No. 17 of 2004.

- (b) provide separate dust bins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of bio-degradable garbage;
- (c) provide for the removal of contents of receptacles, deposit and of the accumulation at all places provided or appointed by it under clause (a) of this section; and
- (d) arrange for recycling of the non-biodegradable garbage collected under this Act.

**5. Duty of owners and occupiers to collect and deposit non-biodegradable garbage etc.** - It shall be the duty of the owners and occupiers of all lands and buildings

- (a) to collect or to cause to be collected from their respective land and buildings the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles deposits or places provided for temporary deposit or collection of the non -biodegradable garbage by the local authority in the area ;
- (b) to provide separate receptacles or dust bins, other than those kept and maintained for deposit of bio-degradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection t herein of all the non-biodegradable waste from such land and building and to keep such receptacles dust bins in good condition and repair.

<sup>1</sup>**[6. Power of local authority or competent authority for removal of non-biodegradable garbage or non-biodegradable material.**-The local authority or the competent authority may, after giving notice in writing to the owner or occupier or part-owner, or person claiming to be the owner or part-owner of any land or building, which has become a place of unauthorised stacking or deposit of non-biodegradable garbage or non-biodegradable material which is likely to occasion a nuisance or is likely to injure the drainage and sewage system or is likely to be dangerous to life and health, remove or caused to be removed the said garbage or material so sacked or collected, or take such steps as it may think necessary, and dispose of the said garbage or material at the cost of such person in the manner as provided under sub-section (5) of section 7-A of this Act]

**7. Studies, research and support programme.** - The State Government may-

- (a) undertake studies to determine the composition of bio-degradable or non-biodegradable garbage;
- (b) establish measures to conduct or support research or programmes to encourage source reduction, re-use and recycling for waste;
- (c) conduct or support studies to determine the social and economic

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<sup>1</sup>. Section 6 subs. vide Act No. 17 of 2004.

feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes ;

- (d) encourage local authorities in the State to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick up ;
- (e) undertake and encourage, local authorities and other persons to implement policies to recycle waste materials, to promote energy conservation and to purchase products made from recyclable materials ;
- (f) conduct and support research on recycling including information on operating recycling business and market information on recyclables ;
- (g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and
- (h) impose requirements on manufacturers, distributors and other persons who produce or handle commodities with respect to the type, size, packaging, labeling and composition of packaging that mayor must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

**<sup>1</sup>[7-A. Power of entry and inspection.-**(1) Subject to the provisions of this section, any person empowered by the State Government, by notification in this behalf, shall have a right to enter, at all reasonable times with such assistance as considers necessary, any place-

- (a) for the purpose of performing any of the functions entrusted to him by the State Government; or
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order or direction served, made or, given under this Act is being or has been complied with; or
- (c) for the purpose of examining any record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing such record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person handling any non-biodegradable material or non-

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<sup>1</sup>. Section 7-A ins. vide Act No. 17 of 2004.

biodegradable garbage shall be bound to render all assistance to the person empowered under sub-section (1) for carrying out the functions under that sub-section and if he fails to be punished under this Act.

(3) If any person willfully delays or obstructs any person empowered under sub-section (1), in the performance of his functions, he shall be liable to be punished under this Act.

(4) The provisions of Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

(5) Any non-biodegradable garbage or non-biodegradable material seized under this section shall be disposed of in the manner as the State Government may, by notification, specify.]

**8. Penalties.**-(1) Whoever is guilty of any act or 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 <sup>1</sup>[three month] or with fine which may extend to <sup>2</sup>[rupees twenty five thousand], or with both.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punishable with double the penalty provided for the latter offence.

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction 'be punished with imprisonment prescribed for the offence.

**9. Offences by Companies.**-(1) If the person committing any offence punishable under this Act is a Company, every person who, at the time of the commission of the offence, was incharge of, and responsible to the Company 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 provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the 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 gross negligence on the part of any Director, Manager, Secretary or other officer of the Company, such director., manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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<sup>1</sup>. Subs. for the words "one month" vide Act No. 17 of 2004.

<sup>2</sup>. Subs. for the words "rupees five thousand" vide *ibid*.

Explanation.-For the purposes of this section-

- (a) "Company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a ,firm means a partner in the firm.

**10. Offences to be tried summarily.-**All offences under the Act shall be tried in a summary way by a judicial Magistrate of the First Class and t he provisions of sections 202 to 265 (both inclusive) of Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to such trials.

**11. Compounding of offences.-**(1) Any offence punishable under this Act may, before the institution of the prosecution be compounded by such officer as may be authorised by the State Government in this behalf, on payment, for credit to the State Government, of such sum as <sup>1</sup>[the State Government may, by notification, specify.].

(2) Where any offence has been compounded under sub-section (1) no proceeding shall be taken against the offender, in respect of the offence as compounded, and the offender, if in custody, shall be discharged.

**12. Directions by the State Government.-**The local authority <sup>2</sup>[, competent authority or any other person] shall carry out such directions as may be issued to it, from time to time, by the State Government for the efficient administration of this Act.

**13. Power to amend Schedule.-**(1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the Public Analyst, by notification in the Official Gazette, add to, or omit from the Schedule any item of non-biodegradable waste 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, before the State Legislative Assembly.

**14. Power to delegate.-**The State Government may, by order published in the Official Gazette direct that any power exercisable by It under this Act (not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority, as my be specified therein.

**15. Protection of action taken in good faith.-**No suit, prosecution or the legal proceedings shall lie against the State Government or the local authority <sup>3</sup>[or the competent authority] or any other officer or other employees of the State Government or of the local authority <sup>4</sup>[or the competent authority] or any other person authorised by the State Government for any thing which is in good faith done or intended to be done under this Act or the rules made

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<sup>1</sup>. Subs. for the words "such officer may specify" vide Act no. 17 of 2004.

<sup>2</sup>. Ins. Vide Act No. 17 of 2004.

<sup>3</sup>. Ins. Vide Act No. 17 of 2004.

<sup>4</sup>. Ins. Vide Act No. 17 of 2004.

thereunder.

**16. Other laws not affected.** - The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

**17. Power to make rules.**-(1) The State Government may subject to the condition of previous publication, make rules for the purposes of carrying out of the provisions of this Act.

(2) Every rule made by the State Government under this Act shall be laid as soon as may be, after it is made, before the State Legislative Assembly while it is in session, for a total period of fourteen days which may comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid the Assembly agrees, in making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have the effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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<sup>1</sup>[**SCHEDULE**

[See Section 2(ee)]

**NON-BIODEGRADABLE GARBAGE**

1. Polythylene
  2. Nylon
  3. P.V.C.
  4. Poly-propylene
  5. Poly-styrene]
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<sup>1</sup>. Schedule subs. vide Act No. 17 of 2004.

## NOTIFICATION AND RULES

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 26<sup>th</sup> 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 1<sup>st</sup> January, 1999.

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

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(Issued and published in Hindi in R.H.P., dated 9.1.99, p.31).

Shimla-2, the 13th November, 1998

**No. STV(Env)A(10)4/92-I.-** In exercise of the powers conferred by sub-section (I) of section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor of Himachal Pradesh is pleased to authorise the Commissioner, Municipal Corporation, Shimla and all Executive Officers of Municipal Councils within the State of Himachal Pradesh, within their respective jurisdictions and Secretary, Nagar Panchayat Manali, District Kullu to compound any offence punishable under Act ibid before the institution of the prosecution, on payment of such sum as such officer may specify in his order.

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(R.H.P. dated 9.1.99, p. 31).

#### APPOINTMENTS AND DELEGATIONS

Shimla-2, the 19th December, 1998

**No. STV (Env.) A(10)-2/92-1.-** In continuation of earlier notification of even no. dated 13.11.98 and in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh, Non-Biodegradable

Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh is pleased to authorise the following officers within their jurisdictions, with effect from 01.01.1999, to compound any offences punishable under Act ibid before the institution of the prosecution, on payment of such sum as such officer may specify in his order-

- (i) Assistant Commissioner, Sanitary Inspector, Shimla Municipal Corporation.
- (ii) Secretaries of all Nagar Panchayats in the State.
- (iii) Sanitary Inspectors in Municipal Councils.

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(R.H.P. dated 16.1.99, p. 84).

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Shimla-2, the 24<sup>th</sup> December, 1998

**No. STV (Env.) A(10)-4/92-I.** In continuation of earlier notifications of even No. dated 13.11.98 & 19.12.98 and in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh is further pleased to authorise the following Officers of the Food and Supplies Department with effect from 01-01-1999, to compound any offence punishable under the Act, ibid, within their respective jurisdictions, before the institution of the prosecution, on payment of such sum as such officer may specify in his order:-

- (i) All Districts Food and Supplies Controllers in the State.
- (ii) All Districts Inspectors (F & S) in the State.
- (iii) All Inspectors (F & S) both grade-I and grade-II, in the State.
- (iv) All weights and Measures Inspectors in the State.

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(R.H.P., dated 16.1.99, p. 84).

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(Issued and published in R.H.P. dated 16.6.2001, P. 491-492)

Shimla-2, the 21<sup>st</sup> May, 2001.

**No. EDN (S&T) A (3) 5/98.** In continuation of this Department notification No. STV (Env.) A (10) 4/92-I dated 13-11-98, 19.12.1998, 24-12-98, 9-7-99 and 19-7-2000 and in exercise of the powers conferred by sub-section(1) section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (Act No.15 of 1995), the Governor, Himachal Pradesh, is pleased to authorise the following Officers to compound any offence punishable under the Act ibid within their respective jurisdictions with immediate effect:-

1. All District Magistrates in Himachal Pradesh.
2. All Addl. Deputy Commissioners in Himachal Pradesh.
3. All Addl. District Magistrates in Himachal Pradesh.
4. All Superintendents of Police in Himachal Pradesh.
5. All Addl. Superintendents of Police in Himachal Pradesh.
6. All Deputy Superintendents of Police in Himachal Pradesh.
7. All Divisional Forest Officers in Himachal Pradesh.
8. All Tehsildars in Himachal Pradesh.
9. All District Tourism Officers in Himachal Pradesh.
10. All Assistant Conservator of Forests in Himachal Pradesh.
11. All Naib Tehsildars in Himachal Pradesh.
12. All Assistant District Tourism Officers in Himachal Pradesh.
13. All Forest Rangers in Himachal Pradesh.
14. All Tourism Inspectors in Himachal Pradesh.

2. All the Officers mentioned at SI. No. 2 to 14 and all the other officers who have been delegated powers of compounding vide this department Notifications mentioned above shall submit a monthly return to the concerned District Magistrate on the proforma enclosed as Annexure-A.

3. All the District Magistrates will send a consolidated monthly return to this Department on the proforma enclosed as Annexure-B.

**MONTHLY RETURN OF THE OFFENCES COMPOUNDED UNDER  
HIMACHAL PRADESH NON- BIODEGRADABLE GARBAGE  
CONTROL ACT, 1995**

To

The District Magistrate,  
District.....

Return for the Month of..... 01.

Name and Designation of.....

the Compounding Authority.....

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SI No	Charges to be notified to the Court	No. of cases forwarded	Compounded
1	2	3.	4.

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Composition fee realised	Treasury Voucher No. and Date, vide which deposited	Remarks if any
5	6	7

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Place : \_\_\_\_\_ Signature of the Compounding Authority  
 Date : \_\_\_\_\_ with seal.

**ANNEXURE-B**

**MONTHLY RETURN OF THE OFFENCES COMPOUNDED  
 UNDER HIMACHAL PRADESH NON-BIODEGRADABLE  
 GARBAGE (CONTROL) ACT, 1995 IN DISTRICT..... HIMACHAL  
 PRADESH**

To  
 The Secretary (S & T) to the  
 Government of Himachal Pradesh,  
 H.P. Secretariat,  
 Shimla-171002.  
 Return for the Month.....

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SI.No.	Name & Designation of the Compounding Authority	No. of cases Challaned	No. of cases forwarded to the Court with date
1.	2.	3.	4.

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No. of cases compounded	Composition fee realised	Treasury Voucher No. & date	Remarks if any
5.	6.	7	8

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(Issued and published in Hindi in R.H.P. Extra., dated, 11-6-04.p. 819)

Shimla-2, the 4<sup>th</sup> June, 2004

**No. STE-A(3)-4/2003.**-Whereas the State Government vide its notification No. EDN(S&T)A(3) 5/98 dated 26-11-1998, imposed prohibition on the traders, relations and vendors in the State of Himachal Pradesh for using the coloured polythenes bag manufactured from recycled plastic, for packing the goods traded/sold by him, with effect from 1<sup>st</sup> 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 unsanitary 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 upon 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 stockiest, traders, retailers and vendors, of all kind of commodities, with in 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-Degradable Garbage (Control) Act, 1995, having thickness less than 70 microns and size less than 12"x 18".

And 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 14<sup>th</sup> June, 2004 in the entire State of Himachal Pradesh, in the public interest.

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(R.H.P. Extra., dated 11-6-2004, p. 820)

(Issued and published in Hindi in R.H.P. Extra dated, 18-12-2004.p 2767)

Shimla-2, the 14<sup>th</sup> December, 2004.

**No. STE-A(3)-4/2004.**Whereas the State Government has issued Notification No. STE-A(3)-4/2003, dated 4-6-2004 under clause (h) of section 7 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 to impose a requirement that stockiests, traders, retailers and vendors of all kind 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 Act having thickness less than 70 microns and size less than 12"x18";

And whereas, the State Government has deleted clause (h) of section 7 of the Act *ibid* by the Himachal Pradesh Non-Biodegradable Garbage (Control) Amendment Act, 2004 (Act No. 17 of 2004) and similar provision has simultaneously been added in sub-section (2) of section 3-A enacting Section 4 of the Amendment Act No. 17 of 2004;

And whereas, as per law laid down by the Hon'ble Supreme Court in case, Commissioner of Income Tax Versus Venkateswara Hatceries(P) Ltd., (AIR 1999 SC. 1225), it has been held that where a provision of an Act omitted by an Act and the said Act simultaneously re-enacts a similar provision which substantially cares the filled occupied by repealed provision , in that event such re-enactment is regarded as having force continuously.

Now, therefore, the Governor of Himachal Pradesh, in exercise of the powers conferred by section 20 of the Himachal Pradesh General Clauses Act, 1968 read with sub-section(2) of section 3-A of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, as amended by Act No. 17 of 2004, is pleased to substitute the words, signs and figure” Clause(h) of section 7” appearing in second line of para-IV of the Notification dated 4-6-2004 by the words, signs and figures “ sub-section (2) of section 3-A” and further orders that the Notification dated 4-6-2004 shall be deemed to have force continuously.

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(R.H.P.Extra., dated 18-12-2004, p. 2768).

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Shimla-2, the 4<sup>th</sup> June, 2004

**No. STE-A(3)-4/2003.**-In exercise of powers vested in him under sub-section (1) of section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control)Act, 1995, the Governor, Himachal Pradesh is pleased to authorize the following officers to compound any offence punishable under section 8 of the Act *ibid* for contravening the provisions of the notification number EDN (S&T) A(3)5/98, dated 26-11-1998 and notification of even number dated 4-6-2004 issued under section 7(h) of the Act aforesaid :-

1. All District Magistrates in Himachal Pradesh
2. The Commissioner, Municipal Corporation, Shimla
3. All Additional Deputy Commissioner in Himachal Pradesh
4. All Additional District Magistrate in Himachal Pradesh
5. All Sub-Divisional Magistrate in Himachal Pradesh
6. All Superintendents of Police in Himachal Pradesh
7. All Chief Medical Officers in Himachal Pradesh
8. The Assistant Commissioner, Municipal Corporation, Shimla.
9. All Deputy/Assistant Excise and Taxation Officers in Himachal

## Pradesh and Excise and Taxation Officer, Kinnaur

10. All Sub-Divisional Police officers and Deputy Superintendents of Police posted in the S.P's Office.
11. All Territorial Divisional Forest Officers in Himachal Pradesh.
12. All Tehsildars in Himachal.
13. All Environmental Engineers Assistant Environment Engineers Himachal Pradesh State Environment Protection and Pollution Control Board.
14. All District Assistant Tourism Development Officers in Himachal Pradesh posted in the Districts.
15. All Districts Food and Supplies Controllers in Himachal Pradesh.
16. All Tehsildars in Himachal Pradesh.
17. All Naib-Tehsildars in Himachal Pradesh posted in the Districts.
18. All Executive Officers, Municipal Councils in Himachal Pradesh.
19. All Secretaries of all Nagar Panchayats in Himachal Pradesh.

The above mentioned officers shall exercise these powers within their respective jurisdiction.

The Governor, Himachal Pradesh is further pleased to order that the aforesaid authorized officers while compounding of offences committed under the notifications referred to above may specify the sum for compounding on the following criteria:-

Sl.No.	Quality of prohibited variety of carry-bags	Amount in Rupees
1	2	3
1.	Upto 100 gms	500
2.	101-500 gms	1,500
3.	501gms-1Kg.	3000
4.	Above 1kg. to 5 Kg.	10000
5.	Above 5 Kg to 10 Kg.	20000
6.	More than 10 Kg.	25000

The Governor, Himachal Pradesh is further pleased to order that this notification shall come into force with effect from 14<sup>th</sup> June, 2004.

(R.H.P.Extra., dated 14-6-2004, p. 847-848).

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**THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE  
(CONTROL) RULE, 1996**

**ARRANGEMENT OF RULE**

Rules:

1. Short title and commencement
2. Definition
3. Garbage management Zone
4. Garbage/waste management committee
5. Public garbage receptacle dustbins
6. Color and inscription on receptacles/dustbins
7. Safeguard to be taken by owner and occupants for deposit of garbage/waste generated from their buildings and lands
8. Prohibition to through non-biodegradable waste
9. Litter control
10. Disposal of garbage/waste
11. Inspections
12. Assistance to officer

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**THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE  
(CONTROL) RULES, 1996**

**No. STV (Env.) A (10)-4/92.-** In exercise of the powers conferred by Section 17 of the Himachal Pradesh , Non-Biodegradable Garbage (Control) Act,1995 (Act No. 15 of 1995), the Governor of Himachal Pradesh is pleased to make the following rules, the same having been previously published in the Rajpatra, Himachal Pradesh, (Extra-Ordinary), dated the 18<sup>th</sup> July,1996 vide notification of even number dated 17-7-1996, namely :-

**1. Short title and commencement-**(1) These rules, may be called the Himachal Pradesh Non-Biodegradable Garbage Controls Rules, 1996.

(2) These shall come into force from such date<sup>1</sup> as the State Government may, by notification, appoint.

**2. Definitions.-** (1) In these rule unless the context otherwise require,-

- (a) "Act" means the Himachal Pradesh Non-Biodegradable Garbage (Controls) Act,1995;

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<sup>1</sup>The rules come into force w.e.f. 1.1.1999 vide No. STV (ENV)A (10)4/92-1, dated 10<sup>th</sup> December, 1998 published in R.H.P. dated 16.1.99, p. 84.

- (b) “Bio-medical/clinical waste” means the waste generated in the Hospital, dispensaries, private clinics, Laboratories and slaughter houses and shall includes
- (i) human or animal anatomical wastes ;
  - (ii) blood, body fluids and blood soaked bandages ;
  - (iii) microbiological wastes ;
  - (iv) discarded medicines ;
  - (v) disposables, waste sharps (needles, syringes, scaple, blades);
  - (vi) highly infections wastes ;
  - (vii) slaughter houses wastes ;
  - (viii) incineration wastes (ash from incineration of any bio-medical waste);
  - (ix) bio-technological waste
- (c) “ Garbage Management Committee” means the garbage/waste management committee constituted under rule 4 of these rules.;
- (d) “Garbage Management Zone” means the zone constituted under rule 3;
- (e) “Section” means the section of the Act; and
- (f) “State Government” means the Government of Himachal Pradesh.

(2) all other words and expressions used in these rules but not defined therein shall have the same meaning as have been assigned to them under the Act.

**(3) Garbage Management Zone.** - (1) For the garbage clearance, scavenging and cleaning the local authority shall divide area, falling within its territorial jurisdiction, into garbage collection/waste management zone.

(2) Every Garbage Management Zone set up under sub-rule (1) shall be under the change of a Sanitary Inspector (by whatever name called) and a Sanitary Inspector may hold charge of one or more such zone.

**4. Garbage/Waste Management Committee.**-(1) To assist and devise the means for the efficient collection and disposal of the garbage in a Garbage Management Zone, set up under sub-rule (1) of rule 3, a Garbage Management Committee shall be constituted and it shall comprise of :-

- (a) the public representative of the area in local body concerned;
- (b) two responsible person of the locality nominated by local body;
- (c) the Sanitary Inspector of the area .

(2) The functions of Garbage Management Committee constituted under sub rule (1), shall be to render assistance of the local authority of the

area

- (a) for selection or earmarking the places where public receptacles are to be provided for temporary deposit of Garbage/waste generated from various sources in the Garbage Management Area Zone;
- (b) for fixation of intervals within which the contents of receptacles, deposit and accumulation at all places, designated under rule 5 may be removed/cleared;
- (c) for providing safeguard to be taken while depositing the garbage /waste in public receptacles/dustbins and its removals to dumping ground for the places fixed for bio-conversion, dumping incineration or recycling;
- (d) for arranging the awareness, programmes to ensure reduction, reuse and recycling of garbage /waste ,especially the non-biodegradable waste;
- (e) for encouraging residents for the area to explore the social and economic/feasibility or separation of house hold waste, at the source for its reuse and recycling; and
- (f) for devising steps to be taken for the maintenance of ecology and reduction of environmental pollution in the area.

**5. Public Garbage receptacles dustbins** –(1) The local Authority in consultation with the Garbage Management Committee constituted under rule 4, shall for temporary deposit or collection of non-biodegradable garbage/waste generated in the area provide or place, in proper place and convenient situation, separate receptacles/dustbins other than those kept and maintained for deposit of biodegradable garbage.

(2) In Hospital, dispensaries, private clinics, laboratories and slaughter houses, the person managing such institution shall provide and place at convenient places separate receptacles/dustbins for the collection and deposit garbage and bio-medical/clinical waste generated there from.

(3) The local authority and Management referred in sub rule (2) while providing/placing the receptacles and dustbins under this rule shall take every possible precaution to ensure that those are kept beyond the approach /reach dogs and stray animals.

**6. Color and inscription on receptacles/dustbins.**- the public receptacles and dustbins shall be painted in colour and shall carry inscription as under :-

1. Biodegradable-in black colour with inscription “for degradable waste only” ;
2. Non-biodegradable –in green colour with inscription “ For Non – Biodegradable waste only”; or
3. Bio-medical/Clinical Waste –in yellow colour with inscription “For

bio-medical clinical waste only”;

**7. Safeguard to be taken by owner and occupants for deposit of garbage/waste generated from their buildings and lands.-** The owners and occupants of all lands and building shall collect or cause to be collected the garbage/waste generated from their respective lands /buildings and deposit it or cause to be deposited in public receptacles/dustbins provided under rule 5, for temporary deposit or collection of garbage by the local authority of the area ensuring that :

- (a) the garbage is deposited in a location designated by local authority; .
- (b) the garbage is placed in a garbage receptacles/ dustbins ;
- (c) the bio-degradable garbage is deposited in the receptacle/ dustbin /dumper designated for that purpose ; and
- (d) the non-biodegradable garbage is not mixed either with biodegradable garbage or bio-medical/clinical waste and is deposited in the receptacles / dustbins designated for that purpose.

**8. Prohibition to through Non-Biodegradable Waste –** as person himself, or through another shall knowingly or otherwise,-

- (a) through or cause to be thrown any non-biodegradable garbage in place other than the garbage receptacles dustbins designated for the purpose under rule 5; and
- (b) mix the bio-medical/clinical waste with other non-biodegradable waste/garbage.

**9. Litter Controls.-** The local authority or its officer may, order to clean up any non-biodegradable litter which has been disposed of contrary to the provision of the Act and these rules.

**10. Disposal of garbage/waste.- (1)** The Garbage/waste generated from various sources and deposited in the receptacles/ dustbins, provide under rule 5, shall be got collected and removed by the local authority, either through its employees or through the private agencies engaged by it for this purpose, to the dumping grounds or suitable disposal site.

(2) The non-biodegradable garbage/ waste (other than the bio-medical/clinical waste, whether comprised of biodegradable or non-biodegradable matter ) collected from receptacles/dustbins and carried to dumping ground or disposal site under sub-rule (1), shall be further carried to the recycling centers arranged by local authority through its own officers or through private agencies or the rag-pickers/ kabaries;

(3) Subject to the provision contained in any other law, for time being in force, and the term and conditions which may be imposed by a local authority, and person responsible for the management of a hospital, dispensary, clinic, laboratory and slaughter house, shall dispose of the bio-

medical/clinical waste (including other garbage generated there from) by the process of incineration or other non- incineration technology.

Provided that where incineration facilities are not available or economically viable, the local authority, shall, in the absence of the agreement to the contrary, arrange for the removal and disposal of the bio-medical/clinical waste by the process of incineration or other non-incineration technology.

(4) Subject to the sub-rule (3), the bio-degradable waste shall be get disposed of by the local authority, as it may deem fit, be the process of bio-conversion, dumping or incineration or an other scientific method.

(5) Each site for Bio-conversion, dumping and processing of garbage /waste generated from all sources within the territorial limits of the local authority should be located at sufficient distance from the residential habitats.

**11. Inspections .-** (1) For the purpose of implementation of the provision of these rules ,an officer or employee of the local authority or the members of the Garbage Management Committee constituted under rule 4, may, at any reasonable time do any or all the following :-

- (a) enter and inspect any place to determine :-
  - (i) the extents, if any , to which a garbage may cause , is causing or has caused any adverse effect ;
  - (ii) the cause of any adverse effect that may occur , is occurring or has occurred ;
  - (iii) now an adverse effect may, be prevented , eliminated reduced or ameliorated and the environment conserved or reclaimed ;
- (b) enter and inspect any place in which such officer or employee or member, as the case may be ,reasonably believe that the waste can be found;
- (c) when such officer, employee or member, as the case may be, reasonably believes that any garbage /waste may release, is releasing or has released into the environment or a place open to public view, or that garbage/waste may cause, is causing or has caused any adverse effect, require the person having charge management of control of the garbage /waste to remove the garbage /waste or cause it to be removed from where is found and deposited in a place designated for that purpose under rule 5.

(2) No entry in any private premises under sub-rule (1) shall be made after the sun-set and before the sun-rise.

**12.Assistance of officers .-** The owner of and every person found in , any place in respect of which an officer or employee of the local authority or the member of the Garbage Management Committee constituted under

rule 4 is exercising powers and carrying out duties under the Act and these rule shall :-

- (a) Give such officer, employee or member all reasonable assistance to enable him to exercise those powers and carry out those duties.
  - (b) Furnish all information relative to exercising of those powers and carrying out those duties that such officer, employee or member may reasonably require.
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