

Bill No. 104 of 2020

THE SINGLE USE PLASTIC (REGULATION) BILL, 2020

By

DR. NISHIKANT DUBEY, M.P.

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to provide for a framework to enable the country to achieve its goal of eliminating single use plastic by the year 2022 and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Single-use Plastic (Regulation) Act, 2020.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "higher education institution" includes institutions imparting education on completion of senior secondary level;

(c) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins or multimaterials like acrylonitrile butadiene styrene, polyephyllene oxide, polycarbonate or polybutylene terephthalate;

(d) "plastic packaging" means all products which are—

(i) used for the containment, protection handling, delivery and presentation of goods; and

(ii) partly or wholly composed of plastic;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "recycle" means the reprocessing in a production process of the waste materials of a plastic product for the original purpose or for other purposes;

(g) "reuse" means any operation by which a plastic product, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived; and

(h) "single-use plastic" means any disposable plastic item which is designed to be used only once before it is thrown out or recycled and includes plastic forks and knives, plastic shopping bags, plastic coffee cups, lids, plastic water bottles, styrofoam, plastic take out containers and plastic straws.

Plastic target setting.

3. The Central Government shall, within six months from the commencement of this Act,—

(a) prescribe a target of complete elimination of plastic waste by the year 2050 in accordance with international obligations, if any, agreed to by India;

(b) specify the year 2022 as target year to implement a complete ban on single-use plastic and the proportion of reduction of single-use plastic during each year following the date of fixing of target year 2022; and

(c) formulate and implement a National Plastic Control Strategy for carrying out the purposes of this Act.

Promote sustainable alternatives to plastic.

4. The appropriate Government shall take necessary measures to promote sustainable alternatives to single-use plastic including,—

(a) research by higher education institutions and others into sustainable alternatives to plastic packaging; and

(b) the use of sustainable alternatives to plastic packaging.

Phasing out of existent plastic.

5. The appropriate Government shall take measures to ensure—

(a) elimination of the production and use of plastics;

(b) increase in recycling, reuse and other forms of waste recovery in relation to plastics; and

(c) removing plastics already in the environment for the purpose of recycling, reusing or applying another form of waste recovery to the plastics.

6. Notwithstanding anything contained in any other law for the time being in force, no person shall, after the target year 2022, use, stock, distribute, manufacture, sell or trade in any single-use plastic item. Ban on single use plastic items.
7. Whoever violates the provision of this Act shall be punished with a fine which shall not be less than rupees one lakh but which may extend upto five lakhs. Penalty.
8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act. Central Government to provide requisite funds
9. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act. Power to make rules.
- 10 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have 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.

STATEMENT OF OBJECTS AND REASONS

India generates close to 26000 tonnes of plastic a day. A little over 10000 tonnes of plastic waste remains uncollected and these uncollected waste eventually ends up in the natural environment in our seas and oceans piling up on our lands. By 2050 the amount of plastic in seas and oceans across the world will weigh more than all the marginal creatures. At less than 11 kg India's per capita plastic consumption is nearly a tenth of the United States, at 109 kg. Nearly one sixth of the plastic waste is generated by 60 cities and half of this comes from Delhi, Mumbai, Bengaluru, Chennai and Kolkata. The National Green Tribunal has also rapped 25 cities in U.P. for not following its order on submitting a plan on how they would comply with the plastic waste management.

Plastic is highly non-biodegradable causing permanent damage to the environment by disrupting ecosystems. Single-use plastic can block waterways and exacerbate natural disasters. By clogging sewers and providing breeding grounds for mosquitoes and pests, plastic bags can increase the transmission of vector borne diseases like Malaria. Troubles with single use plastic came to the fore during floods in various parts of the country on the source of pollution as addition to landfills is adversely impacting the already frail ecological balance. Heaps of plastic wastes were washed ashore highlighting the lack of awareness and infrastructure to effectively deal with the product.

Efforts to ban single-use plastic and promote sustainable alternatives to it can help in mitigating the ill-effects on human life and environment. India's commitment towards sustainable development can only be realized through concerted efforts to reduce pollution caused by plastic.

NEW DELHI;
January 16, 2020.

NISHIKANT DUBEY.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for research by higher education institutions and other into sustainable alternatives to plastic packaging. Clause 5 provides that the appropriate Government shall take measures to recycling, reuse and other forms of waste recovery in relation to plastic. Clause 8 of the Bill provides that the Central Government shall provide requisite funds for carrying out the purpose of this Act. The Bill, therefore, if enacted will involve expenditure out of the Consolidated Fund of India and at this stage it is not possible to estimate that figures. No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only the delegation of legislative power is of a normal character.

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