

Bill No. 180 of 2019

THE BAN ON SINGLE-USE PLASTIC BILL, 2019

By

DR. SHRIKANT EKNATH SHINDE, M.P.

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BILL

to provide for a complete ban on single-use plastic materials and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Ban on Single-Use Plastic Act, 2019.

Short title,
extent and
commencement.

(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 Official Gazette, appoint.

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

Definitions.

(a) "appropriate Government" in relation to a Union territory means the Central Government and (ii) in relation to a State, means the Government of that State;

(b) "exigent reasons" include reasons pertaining to medical or health concerns, for defence or military purposes, national, emergency, catastrophe or any similar situation for which no other alternative is available for the time being;

(c) "plastic" means a synthetic material with high polymer as an essential ingredient such as polyethylene terephthalate (PET), high density polyethylene, vinyl, low density polyethylene, polypropylene, polystyrene resins or multi-materials like acrylonitrile butadiene styrene, polyethylene oxide, polycarbonate or polybutylene terephthalate;

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

(e) "recycle" means the process of recovering scrap or waste plastic and reprocessing the material into useful products; and

(f) "single-use plastic" means any disposable plastic item which is made for a single use and is either thrown out or recycled.

Ban on single use plastic. **3.** Notwithstanding anything contained in any other law for the time being in force, no person shall use, stock, distribute, manufacture, sell or trade in any single-use plastic item except for such exigent reasons as may be prescribed.

Temporary Exception. **4.** Notwithstanding anything contained in section 3,—
(a) the polyethylene PET bottles of drinking water having liquid holding capacity of one liter or more shall be allowed to be used temporarily for a period of one year from the date of commencement of this Act; and

(b) packaging materials for food and medicinal packaging made up of more than fifty micron thickness plastic and of twenty per cent. recyclable plastic material with manufacturer's details elaborately printed on it shall be allowed to be used for a period of one year from the date of commencement of this Act or until notified otherwise by the Central Pollution Control Board.

Appropriate Government to promoting reuse of existing plastic. **5.** The appropriate Government shall take measures to ensure—
(a) complete ban on the production and use of plastics except for exigent reasons; and
(b) increase recycling and reuse of single-use plastic items already in the environment to as the possible extent.

Promotion of sustainable alternatives to plastic. **6. The appropriate Government shall take necessary measures to promote sustainable alternatives to single-use plastic by,—**
(a) **providing conducive environment for research and development of bio and renewable resources as a sustainable alternative to plastic usage; and**
(b) **organizing public awareness programs to avoid usage of single-use plastic items.**

Appropriate Government to appoint manpower. **7.** The appropriate Government shall appoint or hire required manpower and utilise other materials or services, from time to time, for carrying out the purposes of this Act.

Penalty. **8.** Whoever violates the provisions of this Act shall be punished with a fine which shall not be less than,—

(a) rupees five hundred for using plastic items for the first time;

(b) rupees five hundred but which may extend upto rupees five thousand for littering plastic items for the first time;

(c) rupees ten thousand for using or littering plastic items for second time;

(d) rupees twenty five thousand and imprisonment for a term which may extend upto three months for third time;

5 (e) rupees five lakh but which may extend upto rupees fifty lakh for producing plastic material in addition to sealing of the manufacturing unit at once and imprisonment for a term which shall not be less than five years but which may extend upto fifteen years; and

(f) rupees five lakh but which may extend upto rupees fifty lakh for using plastic as a packaging or wrapping material and imprisonment for a term which shall not be less than five years but which may extend upto fifteen years.

10 **9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act.**

Central Government to provide funds.

15 **10.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of any other law for the time being in force.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

20 (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 the Houses agree that the
25 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

A 2018 United Nation Environment Report on single-use plastics defines them as plastic "items intended to be used only once before they are thrown away or recycled". The U.N. Environment reports just nine per cent. of the world's nine *Bn tonnes* of plastic has been recycled. Most of our plastic ends up in landfills, oceans and waterways, and the environment. Plastics do not biodegrade. Instead they slowly break down into smaller pieces of plastic called micro-plastics. It can take up to thousand of years for plastic bags and styrofoam containers to decompose. In the meantime, it contaminates our soil and water. The toxic chemicals used to manufacture plastic get transferred to animal tissue, eventually entering the human food chain. Styrofoam products are toxic if ingested and can damage nervous systems, lungs and reproductive organs. For many animal species, plastic waste is simply a nightmare. Plastic items like bags and straws *choke wildlife* and block animals' stomachs. Turtles and dolphins, for example often mistake plastic bags for food. A recent video of a sea turtle with a plastic straw stuck in its nostril went viral globally drawing immediate attention of the environmentalists as well as the commoners.

According to a report by the 'Global Citizen' plastic production has more than tripled since the 90s and half the world's plastic was made after the year 2003. The World Economic Forum reports "about 150 *Mn tons* of plastic is floating in our oceans". If this continues. plastics could outweigh fish in our oceans by the year 2050. Unless we take drastic action now, it's expected that the amount of plastic littering the world's oceans will triple within a decade. India alone, currently produces 25,940 metric tonnes of plastic per day. About ninety-four per cent. of this comprises thermoplastic, such as PET (Polyethylene terephthalate) and PVC (polyvinylchloride), which is recyclable. The remaining belongs to thermoset and other categories of plastics, such as Sheet Molding Compound (SMC), Fiber Reinforced Plastic (FRP) and multi-layer thermocol, which are non-recyclable. One report says that the plastic waste generated across the country is close to 1.6 million tonnes a year, with almost half of it coming from the States of Maharashtra and Gujarat alone. According to FICCI, forty-three per cent. of India's plastics are used in packaging and are single-use plastic. While an estimate by FICCI puts the number of recycling units in the country at seven thousand and five hundred more than half of these are unorganised units. The non-profitability of single use plastics means that much of India's discarded plastics end up in landfills and drains and rivers that ultimately flow into the sea. A recent study shows over ninety per cent. of the total plastics that end up in the ocean comes from rivers in Asia and China. It identifies the Ganga and Indus river as the major sources of plastic pollution in the sea in South Asia.

The world's plastic disaster sounds downright scary, but we can still change our fate. If we simply start looking for an alternative to plastic in our neighbourhood. Some small steps like use of cloth or reusable shopping bags instead of plastic bags; avoiding using non-recycled plastic bottles and plastic straws; stop littering and instead recycling-can be start of a new beginning. Effort to reduce our dependence on single-use plastics; is the only solution.

The Bill thus aims at a complete ban on the manufacture, use, distribution, selling or trading of single use plastic items.

The Bill seeks to achieve the above-mentioned objectives.

NEW DELHI;

SHRIKANT EKNATH SHINDE

June 26, 2019

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for research and development of bio and renewable sources as a sustainable alternatives to single-use plastic. It also provides for organising public awareness and programs to avoid usage of single-use plastic items. Clause 7 provides for appointment of manpower, materials and other services for carrying out the purposes of the Act. Clause 9 provides that the Central Government shall provide requisite funds for carrying out the purposes of this Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 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 detail only, the delegation of legislative power is of a normal character.

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(Dr. Shrikant Eknath Shinde, M.P.)