

**Bill No. 285 of 2019**

THE PLASTIC MANUFACTURING (REGULATION) BILL, 2019

By

SHRI JASBIR SINGH GILL, M.P.

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BILL

*to provide for a framework to enable India to ban plastic manufacturing to  
safeguard the environment*

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

1. (1) This Act may be called the Plastic Manufacturing (Regulation) Act, 2019.

Short title,  
extent and  
commencement.

(2) It extends to 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" means in the case of a State, the Government of  
that State and in all other cases, the Central Government;

(b) "fund" means the Extended Producer Responsibility Fund constituted under  
10 section 6;

(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, polyphenylene oxide, polycarbonate or polybutylene terephthalate;

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(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;

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(f) "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 cup, lids, plastic water bottles, styrofoam, plastic take out containers and plastic straws.

Plastic target setting.

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

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(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

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

Phasing out of existent plastic.

**4.** The appropriate Government shall take measures to ensure—

(a) elimination of the production and use of plastics including plastic packaging single-use plastic.

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**(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.

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Ban on single use plastic items.

**5.** 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.

Constitution of Extended Producer Responsibility Fund.

**6. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be called the Extended Producer Responsibility Fund for improving the plastic waste treatment system.**

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**(2) There shall be credited to the fund—**

**(a) any grants and loans made by the Central Government or any State Government;**

**(b) any voluntary donations or contributions, whether or not for any specific purpose as may be decided upon by the Central Government;**

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**(c) any fine recovered as penalty for the commission of an offence punishable under this Act;**

**(d) portion of the Corporate Social Responsibility (CSR) fund received from any company as notified by the Central Government in the Official Gazette; and**

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**(e) such other sums as may be received.**

(3) The Extended Producer Responsibility Fund shall be utilized under this Act by the Central Government for—

(i) funding of any national or State level research study or project for development of innovative and efficient methods of treatment of plastic waste;

5 (ii) raising awareness regarding the impact of plastic waste and the benefits of recycling plastic waste and its substitution with bio-degradable alternatives;

(iii) funding of small scale recycling or waste to energy plants on a district level; and

10 (iv) any other activity that may be required for effective implementation of this Act.

**7. (1) The Central Government may appoint such number of officers with such designation as it deems fit for the purpose of this Act and may entrust to them such powers and functions under this Act as may be prescribed.**

Central Government to appoint Officer and Staff.

15 (2) Any person who is appointed as an officer under sub-section (1) and is empowered by the Central Government in this behalf, if he has reason to believe that plastic packaging or plastic items as stated under section are being manufactured, stored, transported or distributed in any premises contrary to section 4, may enter into and search such place, premise or vehicle.

20 (3) Where, as a result of the search made under sub-section (2), any plastic packaging item in contravention of section 4 are found, the authorized officer may seize such item and any other item which he may consider necessary under the provisions of this Act.

4 of 1974.

(4) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

25 **8.** 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 rupees five lakhs.

Penalty.

**9. 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.

**10. (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.

30 (2) Every rule made under this section 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 rule should not be made, the rule shall thereafter have effect only in such modified form or be  
35 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

Plastic waste is not managed effectively in the world and especially in India. Further only nine per cent of nine billion metric tons of plastic ever produced has been recycled and that most plastic ends its life in landfills, dumps and the environment. If current patterns of consumption and waste management practices are not altered, by 2050 there will approximately 12 billion metric ton of plastic litter in the environment. India's 1.3 billion population currently produces 25,940 metric tonnes of plastic waste per day.

While plastic plays an important role in the economy, plastic packaging accounts for about half the plastic waste in the world, and that the poor management of that waste affects the environment. The serious environmental, social and economic impact of plastic waste and pollution including the clogging of sewers and blocking of waterways, leading to breeding of mosquitoes and other pests and the blocking of airways and stomachs of animals. This makes plastic waste management absolutely essential.

India thus needs to develop and implement national or regional actions, as appropriate, to address the environmental impacts of single-use plastic products. We also need to promote the identification and development of environmentally friendly alternatives to single-use plastic products, after taking into account the full life-cycle implications of those alternatives. It is essential to promote improved waste management that will contribute to reducing the discharge of plastic waste into the environment. We also need to work together with industries to encourage the private sector to innovate and find affordable and environmentally friendly alternatives to single-use plastic products and to promote business models that take into account the full environmental impact of their products. The Government and the private sector together must promote the more resource-efficient design, production, and use and sound management of plastic across their life cycle.

Hence this Bill.

NEW DELHI;  
*October 31, 2019.*

JASBIR SINGH GILL

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall take measures to increase in recycling, reuse and other forms of waste recovery in relation to plastics. Clause 6 provides for constitution of an Extended Producer Responsibility Fund for improving the plastic waste treatment system in the country. Clause 8 provides that the Central Government shall provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred and fifty crores would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees sixty crores is also 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 detail only, the delegation of legislative power is of a normal character.

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