

 सत्यमेव जयते	राजस्थान राजपत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
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भाग 4 (ग)

उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

**DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE
NOTIFICATION**

Jaipur, December 31, 2021

G.S.R.397 .-WHEREAS, a draft notification of amendment in notification number F.8(1) Env./99-pt. dated 21.07.2010, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986), delegated to the State Government by the Government of India, Ministry of Environment & Forest (Department of Environment, Forest and Wildlife), by its notification number S.O. 152 (E) dated 10-02-1988, issued under section 23 of the said Act, read with rule 4 of the Environment (Protection) Rules, 1986 was published in Rajasthan Gazette for information of all persons likely to be affected thereby and inviting objections or suggestions within a period of thirty days from the date on which copies of the said notification were made available to the public;

AND WHEREAS, copies of the said notification were made available to the public on the 20th September, 2021;

AND WHEREAS no objection and suggestion were received on the said notification by the State Government;

NOW, THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986), delegated to the State Government by the Government of India, Ministry of Environment & Forest (Department of Environment, Forest and Wildlife), by its notification number S.O. 152 (E) dated 10-02-1988, issued under section 23 of the said Act, read with rule 4 of the Environment (Protection) Rules, 1986, the State Government hereby makes the following amendment in the said notification, namely :-.

Amendment

In the said notification, for the existing expression “State of Rajasthan with effect from 1st August, 2010.”, the expression “State of Rajasthan with effect from 1st August, 2010, except carry bags made from biodegradable/ compostable plastic as per Provisions of Plastic Waste Management Rules, 2016 and conforming to Indian Standards, IS 17088 2008, as amended from time to time.” shall be substituted.

[No. F.8(1) Env./99-pt]

By order of the Governor,

SREYA GUHA,

PRINCIPAL SECRETARY TO THE GOVERNMENT.

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Government Central Press, Jaipur.

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भाग-1(ख)

महत्वपूर्ण सरकारी आज्ञायें।

DEPARTMENT OF ENVIRONMENT

NOTIFICATION

Jaipur, September 15, 2021

No. F.8(1) Env/99-Pt. – The following amendment in this department's notification number F.8(1)Env./99-pt. dated 21.07.2010, which the State Government proposes to issue in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986), delegated to the State Government by the Government of India, Ministry of Environment & Forest (Department of Environment, Forest and Wildlife) by its notification number S.O. 152 (E) dated 10-02-1988 issued under section 23 of the said Act read with rule 4 of the Environment (Protection) Rules, 1986 is hereby published for information of all persons likely to be affected thereby and notice is hereby given to them that the said draft would be taken into consideration after the expiry of a period of thirty days from the date on which the copies of this notification as published in the official Gazette are made available to the public.

Any objection or suggestions which may be received from any person with respect to the said draft notification before the expiry of the period as specified above shall be considered by the State Government.

Such objections or suggestions to this draft notification may be addressed to the Principal Secretary, Environment & Forests, Secretariat, Jaipur.

AMENDMENT

In the said notification, for the existing expression “State of Rajasthan with effect from 1st August, 2010.”, the expression “State of Rajasthan with effect from 1st August, 2010, except carry bags made from biodegradable/ compostable plastic as per Provisions of Plastic Waste Management Rules, 2016 and conforming to Indian Standards, IS 17088 2008, as amended from time to time.” shall be substituted.

By order of the Governor,
SREYA GUHA,
PRINCIPAL SECRETARY TO THE GOVERNMENT.

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राज्य केन्द्रीय मुद्रणालय, जयपुर।

Government of Rajasthan
Department of Environment

No. F.8(1)Env/99 Part

Jaipur, dated:

13 SEP 2010

All District Collectors

All Regional Officers,

Rajasthan State Pollution Control Board

Sub: Notification dated 21.7.10 banning Plastic Carry Bags – Clarification regarding.

Sir,

With reference to the subject cited above, I am directed to say that vide Notification No.F.8(1)Env/99/Part dated 21.7.10, Plastic Carry Bags have been banned in the State w.e.f. 1st August, 2010. It has been clarified in notification in form of Explanation that:

For the purpose of this Notification the carry bags shall have the same meaning as defined The Plastic Manufacture, Sale & Usage Rules, 1999. The containers used for packaging food material, milk and raising plants in the nurseries are not carry bags.

This Department is getting reports that the plastic containers, which are used for the packaging of the commodities, have now replaced plastic carry bags in the market. Shopkeepers and Thelawalas are filling the commodities in the plastic containers partly and tie it with thread or rope. Thus, un-filled portion of the container is being used for carrying. By this method the shopkeepers/thelawalas are using the plastic container as plastic carry bags.

The definition of plastic carry bag given in - The Plastic Manufacture, Sale & Usage Rules, 1999, is as under:-

"Carry bags" means plastic bags which have a self carrying feature commonly known as vest type bags or any other feature used to carry commodities such as "D" punched bags; as illustrated in the Annexure to these rules;

Obviously, partly filled plastic containers tied with thread or rope or stapled, have the self carrying feature and hence, will come under the definition of carry bags.

It has also been observed that shopkeepers are keeping plastic containers at the sale points saying that they will use it for packaging when checked but actually they are using it as carry bag in the manner explained above. Hence, to make the ban effective, the following clarifications are issued:-

1. Plastic Containers being used as partly filled and tied with threads or rope or stapled comes under the definition of **Carry Bags and hence, are banned.**
2. Only sealed plastic packages filled fully with commodities are allowed but loose plastic containers found at the shops or selling points will be treated as plastic carry bags.

Yours faithfully,

h>
 (M.S. Tewari)
 Director-Cum-Deputy Secretary,
 Environment

Copy to: The Member Secretary, Rajasthan State Pollution Control Board for information & necessary action.

Director-Cum-Deputy Secretary,
 Environment

 सत्यमेव जयते	राजस्थान राज—पत्र विशेषांक साधिकार प्रकाशिता	RAJASTHAN GAZETTE Extraordinary Published by Authority
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भाग 1 (ख)

नहत्वपूर्ण सरकारी आज्ञायें।

पर्यावरण विभाग

अधिसूचना

जयपुर, जुलाई 21, 2010

संख्या प. 8 (1)/पर्या/99/पार्ट—यतः प्लास्टिक अल्पकालिक और दीर्घकालिक पर्यावरणीय नुकसान और स्वास्थ्य परिसंकट कारित करते हैं,

और यतः भारत के संविधान का अनुच्छेद 48—के अन्य बांतों के साथ परिकल्पित करता है कि राज्य पर्यावरण के संरक्षण और सुधार के लिए प्रयास करेगा;

और यतः राज्य सरकार की राय है कि प्लास्टिक बैग का उपयोग गम्भीर क्षति कारित करता है और पर्यावरण और पशुओं के स्वास्थ्य के लिए हानिकारक है;

और यतः यह देखा गया है कि प्लास्टिक कैरी बैग गटर, मलनालियों और नालियों को भी निरुद्ध करते हैं, परिणामस्वरूप गंभीर पर्यावरणीय समस्याएं होती हैं;

और यतः ऐसी समस्या के होने को शोकने की दृष्टि से सरकार ने राजस्थान राज्य के सम्पूर्ण क्षेत्र को “प्लास्टिक कैरी बैग मुक्त क्षेत्र” के रूप में घोषित करने का विनियोग किया है;

और यतः भारत सरकार, पर्यावरण और वन मंत्रालय (पर्यावरण, वन और वन्य जीव विभाग) द्वारा पर्यावरण (संरक्षण) नियम, 1986 के नियम 4 के साथ पंठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का केन्द्रीय अधिनियम संख्या 29) की धारा 23 के अधीन जारी उसकी अधिसूचना सं. एस.ओ. 152(ई), दिनांक 10—02—1988 द्वारा राज्य सरकार को प्रत्यायोजित उक्त अधिनियम की धारा 5 द्वारा प्रदत्त शक्तियों के प्रयोग करते हुए अधिसूचना का प्रारूप राज—पत्र में इस अधिसूचना के प्रकाशन की तारीख से 30 दिन की कालावधि के भीतर उससे सम्बन्धित प्रभावित होने वाले सभी व्यक्तियों की सूचनार्थ और आक्षेप/सुझाव आमंत्रित करते हुए सं. एफ 8(1) पर्या/99 पार्ट दिनांक 14—05—10 द्वारा राजस्थान के राज—पत्र विशेषांक में प्रकाशित किया गया था;

और यतः उपर वर्णित अधिसूचना के प्रारूप के जवाब में उक्त कालावधि के भीतर प्राप्त समस्त आक्षेपों और सुझावों पर राज्य सरकार द्वारा सम्यक रूप से विचार कर लिया गया है।

यतः अब भारत सरकार, पर्यावरण और वन मंत्रालय (पर्यावरण, वन और वन्य जीव विभाग) द्वारा उक्त अधिनियम की धारा 23 के अधीन जारी उसकी अधिसूचना संख्या एस.ओ. 152(ई), दिनांक 10—02—1988 द्वारा राज्य सरकार को प्रत्यायोजित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का केन्द्रीय अधिनियम सं. 29) की धारा 5 द्वारा प्रदत्त शक्तियों के प्रयोग में इसके द्वारा निर्देश देती है कि—

कोई व्यक्ति जिसमें कोई दुकानदार, विक्रेता, थोक विक्रेता या फुटकर विक्रेता, व्यापारी, फरी लगाने वाला या रेडी वाला सम्मिलित है, माल के प्रदाय के लिए प्लास्टिक कैरी बैग का उपयोग नहीं करेगा और यह और निर्देश देती है कि कोई व्यक्ति 1 अगस्त, 2010 से राजस्थान राज्य में प्लास्टिक कैरी बैग का विनिर्माण, भंडारण, आयात, विक्रय या परिवहन नहीं करेगा।

स्पष्टीकरण—इस अधिसूचना के प्रयोजन के लिए प्लास्टिक कैरी बैग का वहीं अर्थ होगा जो प्लास्टिक विनिर्माण, विक्रय और उपयोग नियम, 1999 में परिभाषित है। खाद्य सामग्री, दूध और नसरी में के उन्नत पौधों की पैकेजिंग के लिए प्रयुक्त आधान कैरी बैग नहीं हैं।

राज्य सरकार इसके द्वारा यह और निदेश देती है कि निम्नलिखित अधिकारी इन निदेशों को क्रियान्वित करेंगे और अधिसूचना संख्या 394(ई) दिनांक 16-04-87 द्वारा भारत सरकार, पर्यावरण और वन मंत्रालय (प.व.म.) द्वारा उन्हें प्रत्यायोजित शवित का प्रयोग करते हुए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन परिवाद फाइल करेंगे :—

1. जिला कलक्टर।
2. राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड के क्षेत्रीय अधिकारी।

राज्यपाल के आदेश से,
पी.एस. सिंह,
प्रमुख शासन सचिव, पर्यावरण

DEPARTMENT OF ENVIRONMENT

NOTIFICATION

Jaipur, July 21, 2010

No.F.8(1)Env/99-Pt.—Whereas, plastics cause short term and long term environmental damage and health hazard;

And whereas, Article 48-A of the Constitution of India, inter alia, envisages that the State shall endeavour to protect and improve the environment;

And whereas, the Government of Rajasthan is of the opinion that, the use of plastic carry bags is causing grave injury and is detrimental to the environment and animal health;

And whereas, it is observed that the plastic carry bags are also causing blockage of gutters, sewers and drains, resulting in serious environmental problems;

And whereas, with a view to prevent the occurrence of such problem the Government has decided to declare the entire area of the State of Rajasthan as “the Plastic Carry Bag Free Area”;

And whereas, a draft notification, in exercise of powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986,) delegated to the State Government by the Government of India, Ministry of Environment & Forests (Department of Environment, Forests and Wildlife), by its Notification No.S.O.152 (E) dated 10-2-1988, issued under section 23 of the said Act, read with rule 4 of the Environment (Protection) Rules, 1986, was published in the extra-ordinary gazette of Rajasthan vide No. F.8(1)Env/99-Pt dated 14-5-10 for information of all persons likely to be affected thereby and inviting objections/suggestions within a period of 30 days from the date of publication of this Notification in the Official Gazette;

And whereas, all the objections or suggestions received within the said period in response to the above mentioned draft notification have been duly considered by the State Government;

Now, therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986,) delegated to the State Government of Rajasthan by the Government of India, Ministry of Environment & Forests (Department of Environment, Forests and Wildlife), by its Notification No. S.O.152 (E) dated 10-2-1988, issued under section 23 of the said Act, the State Government hereby, directs that—

No person including a shopkeeper, vendor, wholesaler or retailer, trader, hawker or rehriwala etc. shall use plastic carry bags for supply of goods, and further directs that no person shall manufacture, store, import, sell or transport plastic carry bags in State of Rajasthan with effect from 1st August, 2010.

Explanation: For the purpose of this Notification the carry bags shall have the same meaning as defined in The Plastics Manufacture, Sale and Usage Rules, 1999. The containers used for packaging food material, milk and raising plants in the nurseries are not carry bags.

भाग 1 (ख)

राजस्थान राज्य-पत्र, जुलाई 21, 2010

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The State Government hereby further directs that the following Officers shall implement these directions and file complaints under section 19 of the Environment (Protection) Act, 1986 using the power delegated to them by Government of India, Ministry of Environment & Forests (MoEF), vide Notification No. S.O. 394(E) dated 16-4-87.

1. District Collectors.
2. Regional Officers of the Rajasthan State Pollution Control Board.

By Order of Governor

वी.एस. सिंह,
Principal Secretary,
Environment.

Government Central Press, Jaipur.