

# **BERHAMPUR MUNICIPAL CORPORATION**

L.No. 16016

Date: 01/10/2018

## **ORDER**

Whereas, plastics are non-biodegradable and cause threat to the ecological system as they reduce the fertility of soil and thereby hamper the growth of plants, choke drains and sewer resulting in overflowing gutters and if swallowed by cattle, they may cause death by obstructing their intestine;

And whereas, the colour pigments contaminate food products wrapped in them and cause health hazards and some of it are even carcinogenic;

And whereas, plastic products take hundreds of years for degradation, as they are not biodegradable like paper bags, they also block the rainwater infiltrating into the soil hindering recharge of ground water;

And whereas, the plastic bags when discarded can get filled with rainwater offering ideal breeding ground for vector borne diseases like malaria and burning of plastics also releases most carcinogenic and toxic substances like dioxins, furans and hydrogen cyanide, which pollute air as well as cause severe and chronic health problems;

And whereas, Government of India in the Ministry of Environment, Forest & Climate Change have made the Plastic Waste Management Rules, 2016 under the Environment (Protection) Act, 1986 (29 of 1986) vide Notification No G.S.R 320(E), dated the 18th March, 2016 restricting the use of certain plastic carry bags and containers and its management;

And whereas, in the past, State Pollution Control Board and the State Environment Department also took certain steps to restrict the indiscriminate use and littering of polythene carry bags;

And whereas, it is felt necessary that certain stringent steps are needed not only in regard to regulating the use of polythene bags but also restricting the use of thermocol and similar plastic products;

And whereas, the State Government have decided to restrict the indiscriminate use of certain types of plastic products in the territorial jurisdiction of 5 Municipalities and Municipal Corporations like; Bhubaneswar, Cuttack, Berhampur, Rourkela and Sambalpur and in famous place of pilgrimage and tourist destination at Puri with effect from the 2<sup>nd</sup> October, 2018;

And whereas, the draft of certain directions which BeMC proposed to issue in exercise of the powers conferred under OMC Act 2003, read with Section 5 of the Environment Protection Act, 1986(29 of 1986), read with the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wild Life) No. SO-152 (E), dated the 10<sup>th</sup> February, 1988 and rule 4 of the Environment (Protection) Rules, 1986, was published vide L.No. 14879 dtd 12.09.2018 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of 15 days from the date of publication of said order in BeMC website([www.berhampur.gov.in](http://www.berhampur.gov.in)).

And whereas copies of the said order were made available to the public on 12.09.2018 on BeMC website([www.berhampur.gov.in](http://www.berhampur.gov.in)).

And the objections and suggestions received during the period so specified above from the public in respect of the said draft order have been duly considered by the Corporation.

Now therefore, in exercise of the powers conferred under OMC Act 2003, read with Order No. 21103 dtd 29.09.2018 of Govt. of Odisha on Plastic Ban, Section 5 of the Environment Protection Act, 1986(29 of 1986), read with the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wild Life) No. SO-152 (E), dated the 10th February, 1988 and rule 4 of the Environment (Protection) Rules, 1986, the Corporation do hereby issue the following directions, namely:

1. (a) No person, by himself or through another, shall knowingly or otherwise, sell, trade, manufacture, import, store, carry, transport, use or distribute the following within the municipal limits or as the case may be within the Municipal Corporation Limits of Bhubaneswar, Cuttack, Berhampur, Rourkela, Sambalpur and Puri, namely:-
  - (i) Polythene carry bags of any shape, thickness and size (excluding compostable);
  - (ii) Bottled drinking water Polyethylene Terephthalate (PET/PETE) bottles of less than 200 ml. capacity;
  - (iii) Single use disposable cutleries made up of thermocol (polystyrene) or plastic such as dish, spoon, cup, plate, glass, fork, bowl, straw, pouch to store liquid and container etc. of any size and shape excepting for packing and selling of milk and other ancillary milk products; and
  - (iv) Thermocol decorative materials (flowers and the like);

Note: Compostable plastics shall conform to the Indian Standard: IS 17088:2008. The manufacturers or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling.

(b) Vendors shall not be allowed to use polythene sheets of less than 50 micron thickness for storing, transporting, dispensing or packaging of any article or commodity or food items, consumables including drinking water, mineral water, packaging of milk and milk products and edible oil in sealed manner. This excludes any plastic for carrying and transporting garbage and containers like cup for Milk products including Curd and Ice-cream etc., polythene packaging materials used in plant nurseries, horticulture, agriculture and healthcare sector like medicines, blood transportation bags, syringe, sample or specimen bags, re-sealable bags, medical instruments and accessories etc. and packing materials used for wrapping of any item at manufacturing stage.

Note: The expression 'vendor' shall mean any person who sells articles or commodities specified under this Order.

- (c) No person shall knowingly or otherwise, litter any public place with any plastic item allowed under this Order.
2. The authorities or owners of places of religious worship or institutions, hotels and restaurants, café, mobile food counters or vans, caterers and other such places like marriage or party halls, offices or institutions and the outdoor event managers located at the places mentioned in sub-Para (a) of para 1 shall be responsible for ensuring strict compliance of the aforesaid directions and they shall provide space for collection of plastic waste within their campus and returning the same to the concerned manufacturer or retailers or supplier.
  3. Manufacturers or Producers of Bottled drinking water Polyethylene Terephthalate (PET/PETE) bottles for bottled drinking water and soft drinks shall take back the Polyethylene Terephthalate (PET/PETE) bottles and plastic waste respectively through the same retail sales network under mutually agreed terms and conditions based on Extended Producer's Responsibility.
  4. The Municipal Commissioners and other concerned officers or agencies as nominated by Commissioner shall make wide publicity of all provisions of this Order through Press and electronic media.
  5. The Municipal Commissioner shall take adequate steps to implement the restrictions specified under this Order and shall make suitable arrangements for collection and disposal or recycling of any type of plastics item within Berhampur Municipal Corporation area.

6. The Cinema Hall owners or proprietors shall exhibit slides in their halls regarding the restriction of plastic use in the State for a period of one year from the date of issue of this Order.
7. Commissioner, Berhampur Municipal Corporation shall make necessary public awareness campaign regarding consequences of indiscriminate use and littering of plastics and restrictions imposed under this Order through Non-Government Organizations and Eco clubs.
8. Commissioner or any other officer authorized by him shall have the power to seize the materials prohibited under this order and impose fine.
9. A warning along with seizer will be issued on 1<sup>st</sup> instance of violation, a fine of Rs.1000/- will be imposed for the 2nd violation by the same person/Agency, a fine of Rs. 2000/- will be imposed for 3<sup>rd</sup> violation by the same person/agency, and Rs. 5000/- will be imposed as fine for subsequent violation.
10. In cases where bulk storage (1000 or more pieces) of banned items are found, the material can be seized by ceiling the building, till transport and disposal of the material is arranged.
11. Commissioner, Berhampur Municipal Corporation is empowered to suspend or cancel the trade license of repeated violators (5 or more instances) after giving a notice of hearing.
12. Lease of lease holders of Municipal stall will be cancelled in case of repeated violations(5 or more instances) by the lease holders.

By order of the Administrator



Commissioner  
Berhampur Municipal Corporation