

Chandigarh Municipal Corporation (Ban on Manufacture and Usage of Polythene Bags and Containers) Bye-Laws, 2002

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No. SAE-II/MC/2002/5436. - With reference to the Municipal Corporation, Chandigarh. Notification bearing No. SAE- II/MCC/2002/4490, dated the 17th January, 2002 and in exercise of the powers conferred by sub-section (6) of Section 399 of the Punjab Municipal Corporation Act, 1976 as extended to Union Territory, Chandigarh by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 (Act No. 45 of 1994), the Municipal Corporation, Chandigarh, hereby makes the following bye-laws after having the same approved from the Administrator, Union Territory, Chandigarh, -vide communication bearing No. 4398-FII(8)-2002/435, dated the 16th January, 2002, namely :-

BYELAWS

1. Short Title and Commencement. - (i) These bye-laws may be called the Chandigarh Municipal Corporation (Ban on Manufacture and Usage of Polythene Bags and Containers) Bye-Laws, 2002.

(ii) They shall come into force from the date of their publication in the official Gazette.

2. Definitions. - In these bye-laws, unless the context otherwise requires:-

(i) "Act" means the Punjab Municipal Corporation Act, 1976, as extended to the Union Territory, Chandigarh, by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 (Act No. 45 of 1994).

(ii) Authorised Officer. - Authorised Officer means a officer so appointed by the Commissioner, Municipal Corporation, Chandigarh, to perform functions and duties under these bye-laws.

(iii) "Section" means a Section of the Act.

3. Prohibition of manufacture and use of polythene bags/containers. -

(i) No Trader or vender shall use carry bags or containers made of recycled plastic irrespective of the thickness of carry bags or container for the purposes of storing, carrying, dispensing or packaging of foodstuffs.

(ii) No person shall manufacture or no trader or vender shall sell or use any carry bags or containers made of virgin plastic or recycled plastic if the thickness of the said carry bag or container is less than 20 microns.

4. Prosecution. - (i) Whosoever is found guilty of contravening any of the provisions of these bye-laws, shall on conviction by a Magistrate, be punishable with imprisonment for a term of one month or fine which may extend to Rs. 1,000 or with both.

(ii) Whosoever having been convicted of an offence under these bye-laws is subsequently convicted of any offence shall be punishable with double the penalty provided for the later offence.

5. Confiscation of banned material. - (i) The Commissioner or the authorised officer shall be competent to confiscate the banned material under proper inventory.

(ii) The banned/seized material shall not be returnable.

(iii) It shall be lawful for the Commissioner or authorized officer to get banned/seized material destroyed to avoid recirculation.

(iv) Any person aggrieved by the decision of the authorised officer regarding seizure/confiscation of his material, may make the representation to the Commissioner, Municipal Corporation, Chandigarh, within 5 days of such seizure/confiscation and the Commissioner shall decide the representation after affording opportunity to the said person to prove that his seized/confiscated material is up to the required standard as also in accordance with these bye-laws. The seized/confiscated material of such a person shall not be destroyed until his representation is decided.

(v) The decision of the Commissioner, Municipal Corporation, Chandigarh, shall be final.

6. Duties and functions of the Commissioner. - (i) The Commissioner, Municipal Corporation, Chandigarh, shall be competent to appoint such number of authorized officers for carrying out the purposes of these bye-laws.

(ii) The Commissioner, Municipal Corporation, Chandigarh, shall be competent to allot areas to particular authorized officers for inspection, with a view to carry out the aims and objects of these bye-laws.

7. Inspection. - For implementing the provisions of these bye-laws; the Commissioner or the authorized officer may at any reasonable time enter and inspect any place/premises where he may reasonably believe that the banned material is being manufactured, stored, used or sold.

Provided that no entry in the private premises shall be made after the sun set and before the sun rise.

8. Assistance to Officers. - The traders, vendors, manufacturers and their employees shall be duty bound to render all assistance and information to the Commissioner or his authorised officer for carrying out their duties under these bye-laws.
