

(2) राज्य स्तरीय निगरानी समिति छह महीने में कम से कम एक बार बैठक करेगी और यदि आवश्यक समझे तो विशेषज्ञों को आमंत्रित कर सकती है।”

11. उक्त नियमों की अनुसूची II में, -

(क) पैरा 6 में, खंड (6.3) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात्:-

“(6.3) खंड (6.1) के अधीन रजिस्ट्रीकरण करने के लिए बाध्य संस्थाएं केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित ऑन-लाइन केंद्रीकृत पोर्टल के माध्यम से खंड (6.1) के अधीन रजिस्ट्रीकरण करने की बाध्यता रखने वाली किसी भी गैर-रजिस्ट्रीकृत इकाई से संव्यवहार नहीं करेगी।”;

(ख) पैरा 10 में, खंड (10.6) में, परंतुक में, "31 अक्टूबर 2023" शब्दों और अंकों के स्थान पर निम्नलिखित शब्द और अंक रखे जाएंगी, अर्थात्:-

"30 नवंबर 2023”;

(ग) पैरा 12 में, खंड (12.8) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किए जाएंगे, अर्थात्:-

“(12.9) केंद्रीय सरकार उत्पादकों, आयातकों और ब्राण्ड स्वामियों को खंड 10.6 के अधीन और प्लास्टिक अपशिष्ट प्रसंस्करणकर्ताओं को खंड 11.2 के अधीन नौ महीने से अधिक की अवधि के लिए वार्षिक विवरणी प्रस्तुत करने की अनुमति प्रदान कर सकती है।”

(घ) पैराग्राफ 15 के पश्चात्, निम्नलिखित पैराग्राफ अंतःस्थापित किया जाएगा, अर्थात्:-

“15क विभिन्न श्रेणियों से विस्तारित उत्पादक उत्तरदायित्व प्रमाण पत्र की खरीद.-

(1) केन्द्रीय प्रदूषण नियंत्रण बोर्ड उन श्रेणियों के लिए विस्तारित उत्पादक उत्तरदायित्व प्रमाण-पत्र खरीदने की अनुमति दे सकता है जहाँ उस श्रेणी के विस्तारित उत्पादक उत्तरदायित्व दायित्व पर अधिशेष विद्यमान है जिससे ऐसी श्रेणी के विस्तारित उत्पादक उत्तरदायित्व दायित्व को पूरा किया जा सके जहाँ कमी है।

(2) ऐसे मामलों में, केन्द्रीय प्रदूषण नियंत्रण बोर्ड प्लास्टिक पैकेजिंग अपशिष्ट की विभिन्न श्रेणियों के संग्रह, पृथक्करण और प्रसंस्करण की उपलब्धता और लागत के आधार पर उस श्रेणी के विस्तारित उत्पादक उत्तरदायित्व दायित्व को पूरा करने के लिए जहाँ अधिशेष विद्यमान है, उस श्रेणी के विस्तारित उत्पादक उत्तरदायित्व प्रमाणपत्रों की मात्रा निर्धारित करेगा, जहाँ अधिशेष विद्यमान है।

(3) इस पैरा का उपबंध वर्ष 2025-2026 की समाप्ति पर लागू नहीं होगा।”

[मि. सं 12/31/2023 –एचएसएम]

नरेश पाल गंगवार, अतिरिक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, सा.का.नि. 320(अ). तारीख 18 मार्च, 2016 द्वारा प्रकाशित किए गए थे और तत्पश्चात् इनमें अधिसूचना संख्या सा.का.नि. 285(अ) तारीख 27 मार्च, 2018, अधिसूचना संख्या सा.का.नि. 571(अ) तारीख 12 अगस्त, 2021, अधिसूचना संख्या सा.का.नि. 647(अ) तारीख 17 अगस्त, 2021, अधिसूचना संख्या सा.का.नि. 133(अ) तारीख 16 फरवरी, 2022, और अधिसूचना संख्या सा.का.नि. 522(अ) तारीख 6 जुलाई, 2022., और अंत में अधिसूचना संख्या सा.का.नि. 318(अ) तारीख 27 अप्रैल, 2023 के द्वारा संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 30th October, 2023

G.S.R. 807(E).—WHEREAS the Plastic Waste Management Rules, 2016 (hereinafter referred to as the “said rules”) were notified by the Central Government in the Ministry of Environment, Forest and Climate Change vide G.S.R. 320 (E), dated the 18th March, 2016 to provide statutory framework for plastic waste management in the country in an environmentally sound manner;

AND WHEREAS in order to further strengthen the effective implementation of rules amendments are being proposed inter alia including use of information technology tools for online reporting replacing multi-step manual reporting and capturing of data at various stages of waste management at state and local authority level; provide for online electronic trading platform for trading of certificates generated by registered plastic waste processors for price discovery;

AND WHEREAS the Central Government is of the opinion that it is necessary and expedient in public interest to amend the said rules;

NOW, THEREFORE, in exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Plastic Waste Management Rules, 2016, namely:-

1. (1) These rules may be called Plastic Waste Management (Second Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 2 after sub-rule (2), the following sub-rule shall be inserted, namely:-

“(3) Sub-rule (1) of rule 9 shall not apply to the export oriented units or units in special economic zones, notified by the Central Government under the Special Economic Zones Act, 2005 (28 of 2005), and to other units manufacturing plastic packaging or on plastic packaging used for packaging products for export against an order for export:

Provided that this sub-rule shall not apply to pre-consumer plastic packaging waste generated by such units.”.

3. In rule 3 of the said rules, -

(i) for clause (c), the following clause shall be substituted, namely:-

‘(c) “carry bags” mean bags made from plastic material or compostable plastic or biodegradable plastic, used for the purpose of carrying or dispensing, commodities, which have a self-carrying feature but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use”;

(ii) for clause (s), the following clause shall be substituted, namely:-

‘(s) “producer” means persons engaged in manufacture of plastic packaging”;

4. In rule 4 of the said rules, in sub-rule (1), for the words “multi-layered packaging”, the words “plastic packaging” shall be substituted.

5. In rule 5 of the said rules, in sub-rule (1), for the words “urban local bodies” the words “local bodies” shall be substituted.

6. In rule 9 of the said rules, in sub-rule (6), for the words “multilayered packaging” the words “plastic packaging” shall be substituted.

7. In rule 11, of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely: -

“(1) Each plastic packaging shall contain the following information, printed in English, namely:-

(a) name and registration certificate number for producer or importer or brand owner generated through centralized online portal specified in Schedule II for plastic packaging, in case of, rigid plastic packaging with effect from 1 July,2024, multilayer flexible plastic packaging having more than one layer with different types of plastics, including plastic sachet or pouches, and multi-layered plastic packaging;

(b) name and registration certificate number for producer or importer or brand owner generated through centralized online portal specified in Schedule II for plastic packaging and thickness in case of flexible plastic packaging of single layer including plastic sachet or pouches (if single layer), plastic sheets or like and covers made of plastic sheet, carry bags;

(c) name and registration certificate number for producer or importer or brand owner generated through centralized online portal specified in Schedule II for plastic packaging with effect from 1 January, 2025 and number of certificate issued under clause (h) of sub-rule (4) in case of plastic sheet or like used for packaging and plastic packaging as well as carry bags commodities made of compostable plastic, as applicable;

(d) name and certificate number issued under clause (h) of sub-rule 4 in case of plastic sheet or like used for packaging and plastic packaging as well as carry bags and commodities made of biodegradable plastic;

Provided that the provisions of this sub-rule shall not apply to plastic packaging covered under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, and in respect of plastic packaging cases where it is technically not feasible to print the requisite information, as per specifications given in the Guidelines for use of Standard Mark and labelling requirements under BIS Compulsory Registration Scheme for Electronic and IT Products;

Provided further that the plastic packaging under the first proviso shall be approved by the Central Pollution Control Board:

Provided also that the relevant information in respect of plastic packaging under the first and second proviso shall be printed on the packaging that holds together individual units of goods or the individual units of packaging.”.

8. In rule 12 of the said rules , -

(a) for sub-rule (1), the following sub-rule shall be substituted, namely :-

“(1) The Central Pollution Control Board, State Pollution Control Board and Pollution Control Committee in respect of a Union territory shall be the authority for enforcement of the provisions of these rules;

(b) for sub-rule (2) the following sub-rule shall be substituted, namely: -

“(2) The concerned Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or a Union territory Administration responsible for municipal administration shall be the authority for enforcement of the provisions of these rules relating to waste management by waste generator, restriction or prohibition on use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and plastic packaging and items prohibited under rule 4 of these rules in the urban areas of the State or a Union territory.”;

(c) for sub-rule (3), the following sub-rule shall be substituted, namely: -

“(3) The concerned Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or a Union territory Administration responsible for Panchayati Raj Institutions shall be the authority for enforcement of the provisions of these rules relating to waste management by the waste generator, restriction or prohibition on use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and plastic packaging and items prohibited under rule 4 of these rules in the rural area of the State or a Union territory.”;

(d) for sub-rule (4), the following sub-rule shall be substituted, namely: -

“(4) The authorities referred to in sub-rule (1), (2) and (3) shall take the assistance of the District Magistrate or the Deputy Commissioner and executive Head of Municipal Body for urban areas or Chief Executive Officer of the District level Panchayats for rural areas within the territorial limits of the jurisdiction of the concerned district in respect of the enforcement of the provisions of these rules”.

9. In rule 13 of the said rules,-

(a) for sub rule (2), the following sub-rule shall be substituted, namely:-

“(2) Every producer or importer or brand-owner shall for the purpose of one –time registration make an application in Form I through the centralized online portal specified in Schedule II , to -

(i) the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, if operating in one or two States or Union territories; or

(ii) the Central Pollution Control Board, if operating in more than two States or Union territories.”;

(b) for sub rule (3), the following sub-rule shall be substituted, namely:-

“(3) Every person recycling or processing waste or proposing to recycle or process plastic waste shall for the purpose of one-time registration make an application to the concerned State Pollution Control Board or the Pollution Control Committee in Form II through Centralized online portal specified in Schedule –II.”;

(c) for sub-rule (5), the following sub-rule shall be substituted, namely:-

“(5) The State Pollution Control Board or the Pollution Control Committee shall not grant registration to plastic waste recycling or processing units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and a certificate of registration issued by the District Industries Centre or any other Government agency authorised in this regard.”;

(d) Sub-rule (9) shall be omitted.

(e) Sub-rule (11) shall be omitted.

10. For rule 16 of the said rules, the following rule shall be substituted, namely: -

“16. State Level Monitoring Committee.- (1) The State Government or the Union territory Administration shall, for the purpose of effective monitoring of implementation of these rules, constitute a State Level Monitoring Committee, consisting of the following persons, namely:-

- | | | |
|-----|--|-------------------|
| (a) | Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or Union territory Administration responsible for municipal administration | Chairman; |
| (b) | Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or Union territory Administration responsible of Panchayati Raj Institutions | Co- Chairman; |
| (c) | Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or Union territory Administration responsible of Urban Development or his nominee | Member; |
| (d) | Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or Union territory Administration responsible of Rural Development or his nominee | Member; |
| (e) | Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or Union territory Administration responsible of Environment or his nominee | Member; |
| (f) | Member Secretary of the State Pollution Control Board or Pollution Control Committee | Member; |
| (g) | Municipal Commissioners of cities having population of one million or more | Member; |
| (h) | One Municipal Commissioner from cities other than cities having population of one million or more | Member; |
| (i) | One Chief Executive Officer of the District Level Panchayats | Member; |
| (j) | One expert from Non-Governmental Organisation involved in Waste management to be nominated by the State Government or Union territory Administration | Member; |
| (k) | One representative of an industry association to be nominated by the State Government or Union territory Administration | Member; |
| (l) | One expert from the field of Industry to be nominated by the State Government or Union territory Administration | Member; |
| (m) | One expert from academia to be nominated by the State Government or Union territory Administration | Member; |
| (n) | Director in charge, Department of the State Government or a Union territory administration responsible for Panchayati Raj Institutions | Member |
| (o) | Director in charge, Department of the State Government or a Union territory administration responsible for municipal administration | Member Secretary. |

(2) The State Level Monitoring Committee shall meet at least once in six months and may invite experts, if it considers necessary.”

11. In schedule II to the said rules, -

- (a) in paragraph 6, for clause (6.3) the following clause shall be substituted, namely:-

“(6.3)The entities obligated to register under clause (6.1) shall not deal with any un-registered entity having obligation to register under clause (6.1) through on-line centralized portal developed by the Central Pollution Control Board”;

(b) in paragraph 10, in clause (10.6), in the proviso, for the words and numbers “31st October 2023”, the following words and numbers shall be substituted, namely:-

“30th November 2023”;

(c) in paragraph 12, after clause (12.8), the following clauses shall be inserted, namely:-

“(12.9) The Central Government may permit filing of annual returns by Producers, Importers and Brand owners under clause 10.6 and by Plastic Waste Processors under clause 11.2 for a period not exceeding nine months for the reasons to be recorded in writing.”

(d) after paragraph 15, the following paragraph shall be inserted, namely:-

“ 15A Purchase of extended producer responsibility certificate from different categories.-

(1) The Central Pollution Control Board may allow purchase of extended producer responsibility certificates for those categories where surplus exists over the extended producer responsibility obligation of that category for fulfilment of extended producer responsibility obligation of such category where deficit exists.

(2) In such cases, the Central Pollution Control Board shall prescribe the quantum of extended producer responsibility certificates of the category required to be procured, where surplus exists, for fulfilment of extended producer responsibility obligation of the category where deficit is present, based on the availability and cost of collection, segregation and processing for different categories of plastic packaging waste.

(3) The provision of this paragraph shall cease to apply at the end of 2025-2026.”.

[F. No. 12/31/2023 –HSM]

Naresh Pal Gangawar, Addl. Secy.

Note : The principal rules were published in the Gazette of India, *vide* number G.S.R. 320(E), dated the 18th March, 2016 and subsequently amended *vide* notification number G.S.R. 285(E), dated the 27th March, 2018, *vide* notification number G.S.R. 571(E), dated the 12th August, 2021, *vide* notification number G.S.R. 647(E), dated the 17th August, 2021, *vide* notification number G.S.R. 133(E) , dated the 16th February 2022, *vide* notification number G.S.R. 522(E) , dated the 6th July 2022 and lastly amended *vide* notification number G.S.R. 318(E) , dated the 27th April 2023.