

MADHYA PRADESH ACT  
No. 20 of 2004.

THE MADHYA PRADESH JAIV ANAASHYA APASHISHTA (NIYANTRAN)  
ADHINIYAM, 2004.

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An Act to regulate the management and usage of the non-biodegradable products and to prevent throwing or depositing of non-biodegradable garbage in or on public drains, roads and places open to public view in the State of Madhya Pradesh, and for matters of public health and sanitation and matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-fifth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Madhya Pradesh Jaiv Anaashya Apashishta (Niyantaran) Adhinyam, 2004.

Short title ,  
extent and  
commencement.

(2) It extends to the whole of the State of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, in the official Gazette appoint.

**Definitions.****2. In this Act, unless the context otherwise requires,—**

- (a) "biodegradable garbage" means the garbage or waste material capable of being degraded by an action of living organisms;
- (b) "Board" means the Madhya Pradesh Pollution Control Board established under Section 4 of the Water (Prevention and control of pollution) Act, 1974 (No. 6 of 1974);
- (c) "local authority" means any body of persons for the time being invested by law with the control and administration of matters within a specified local area and includes.—
- (i) a Municipal Corporation constituted by or under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956);
- (ii) a Municipal Council or a Nagar Panchayat constituted by or under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);
- (iii) a Gram Panchayat constituted under the Madhya Pradesh Panchayat Raj Evam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994);
- (d) "market" includes any place where persons assemble for exposing for the sale of articles for human use or consumption, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation for the concourse of the buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting the market by the owner of the place or by any other person;
- (e) "non-biodegradable garbage" means the waste, garbage or material which is not biodegradable and having the substances like polyethylene, nylon and other plastic materials such as polyvinyl chloride, polypropylene, polystyrene and variations thereof which are not capable of being degraded by an action of living organisms and are more specifically included in the Schedule to this Act;
- (f) "occupier" includes—
- (i) any person who, for the time being, is paying or is liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
- (ii) an owner in occupation of or otherwise using his land or building;
- (iii) a rent free tenant or licensee of any land or building; and
- (iv) any person who is liable to pay to the owner, damages or compensation for the use and occupation of any land or building;
- (g) "owner" includes a person who, for the time being, is receiving or is entitled to receive the rent of any land or building whether on his own account or on behalf of or for the benefit of any other person or as a trustee, guardian, or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if the land or building or part thereof were let to a tenant and includes every person not being a tenant who from time to time derives title as an owner;

- (h) "place" means any land or building or part of a building and includes the garden, ground and outhouse, if any, pertaining to building or part of a building and also includes apartments and common areas and facilities provided in a building;
- (i) "place open to public view" includes any private place or building, monument, fence or balcony, visible to a person being in or passing along any public place;
- (j) " public Analyst" means the person appointed or recognized to be the Government Analyst in relation to any environmental laboratory established or recognized by the Board;
- (k) "public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street market, park, house gully or way whether a thoroughfare or not and landing place to which public are granted access or have a right to resort or over which they have a right to pass.

3. No person shall use carry bags or containers made of plastics for storing, carrying, packing and selling the articles for human use or consumption unless the thickness of carry bags made of recycled plastic is not less than 25 microns and in case of virgin plastic is not less than 20 microns.

**Prohibition on usages of carry bags.**

4. No person, by himself or through another, shall knowingly or otherwise, throw or cause to be thrown in any drain, ventilation, shaft, pipe and fittings connected with the private or public drainage works, in any river, water course (whether flowing or for the time being dry), park, or public place or any place open to public view, any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container:

**Prohibition on throwing of non-biodegradable garbage in public drains, sewage etc.**

Provided that any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container may be placed or be permitted to be placed in a garbage receptacle and be deposited in a location designated by a local authority, having jurisdiction on an area, for the disposal of the garbage.

5. It shall be the duty of the local authority, or any officer authorised by it to,—

- (a) place or provided or place in proper and convenient locations in adequate numbers public receptacles, depots or places for temporary deposit or collection of non-biodegradable garbage, other than those kept and maintained for deposit of biodegradable garbage;
- (b) provide for the removal of contents of receptacles, depots and of the accumulation at all places provided or appointed by it under clause (a) of this Section; and
- (c) arrange for disposal of the non-biodegradable garbage collected under this Act in such manner as may be prescribed.

**Placement of receptacles and places for depositing of non-biodegradable garbage.**

6. It shall be the duty of the occupiers of all lands and buildings (including the individual occupier of apartments in a building),—

- (i) to collect or cause to be collected from their respective land and buildings all non-biodegradable garbage and to deposit or cause it to be deposited in public receptacles, depots or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;
- (ii) to provided separate receptacles or dustbins, other than those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority or its officers, for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles or dustbins in good condition and repair.

**Duty of owners and occupiers to collect and deposit non-biodegradable garbage etc.**

**Power of local authority for removal of non-biodegradable garbage.**

7. The local authority may, by notice in writing require the owner or occupier or co-owner or person claiming to be the owner or co-owner of any land or building, which has become a place of unauthorised stacking or deposit of non-biodegradable garbage and is likely to cause a nuisance, to remove or cause to be removed the said garbage stacked or collected and if in its opinion such stacking or collection of non-biodegradable waste is likely to injure the drainage and sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

**Assistance in implementation of the provisions of the Act.**

8. (1) The owner of, and every person found in any place in respect of which a person empowered by the local authority is exercising powers and carrying out duties under the Act, shall give such person all reasonable assistance to enable him to exercise those powers and carry out those duties and shall be bound to furnish all relevant information requisitioned by such person.

(2) All officers of police shall, when required by the local authority or any person authorised by it, aid in preventing the violation of the provisions of this Act.

(3) Any officer of the local authority, failing to perform the duties imposed upon him by this Act, shall be punished with fine not exceeding one thousand rupees.

**Penalties.**

9. (1) whoever is guilty of any act of intentional omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both.

(2) Whoever, having been convicted of an offence under the Act is again convicted of any offence under this Act, shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to five thousand rupees for the later offence.

(3) Whoever, in any manner aids, abets or is accessory to the commission of an offence under this Act shall be punishable with the penalty prescribed for the offence.

(4) Whoever willfully disobeys any directions, lawfully given by any person or authority empowered under this Act to give such directions, or obstructs any person or authority in the discharge of any function which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to one thousand rupees.

(5) Whoever being required by or under this Act, to supply any information, wilfully withholds such informations or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to five hundred rupees.

**Offences by companies.**

10. (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against any punished accordingly.

**Explanation.**—For the purposes of this Section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director” in relation to a company, includes any person occupying the position of director, by whatever name called.

11. (1) Where an offence under this Act has been committed by any department of Government, the head of the office shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

**Offences by Government Departments.**

Provided that nothing contained in this Section shall render such head of office liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer other than the head of the office such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

12. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or other employee of the State Government or the Board or the local authority or any member, officer or other employee of the Board or such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

**Protection for action taken in good faith.**

13. No court shall take cognizance of any offence under this Act except on a complaint made by any authority or officer including officers of local authority authorised in this behalf by the State Government.

**Cognizance of offences.**

14. (1) Any offence punishable under this Act may either before or after the institution of prosecution be compounded by such officers on payment of such amount as the State Government may, by notification, in the office Gazette specify in this behalf.

**Compounding of offences.**

(2) Where any offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

15. (1) The court taking cognizance of any offence under this Act, shall state upon the summons to be served on the accused person that he,—

**Summary disposal of cases.**

(a) may appear by pleader or in person; or

(b) may be a specified date, prior to the hearing of the charge, plead guilty to the charge and remit to the court by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the court may specify, and the plea of guilt indicated in the money order coupon itself.

(2) Where an accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him, nor shall he be liable for any other punishment by reason of his having pleaded guilty.

**Powers of State Government to invest officers with certain powers.**

16. The State Government may invest any of its officers or any officer of the local authority with all or any of the following powers:—

(a) power to enter upon any land or building;

(b) power to hold an inquiry into any offence under this Act, and in the course of such inquiry, to receive and record evidence.

**Directions by the State Government.**

17. The local authority shall carry out such directions as may be issued to it, from time to time by the State Government for the efficient administration of this Act.

**Power to amend the Schedule.**

18. (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the Board by notification in the official gazette, add to or omit from the schedule any item and thereafter the schedule shall be deemed to be amended accordingly.

(2) Every notification under sub-section (1) shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly.

**Power to make rules.**

19. (1) The State Government may, by notification in the official gazette and subject to the condition of previous publication make rules for carrying out the provisions of this Act.

(2) All rules made under this Act shall be laid on the table of the Legislative Assembly.

**Power to remove difficulties.**

20. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act remove difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

**Act not in derogation of any other law.**

21. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

## THE SCHEDULE

[See Section 2(e)]

### SUBSTANCES OF NON-BIODEGRADABLE NATURE

1. Polyethylene
2. Poly-carbonate
3. Polypropylene
4. Polystyrene
5. Polyvinyl Chloride (PVC)
6. ABS
7. Acetal
8. Acrylic
9. Cellulose Acetate
10. Cellulose Actuate Butyrate
11. Nylon.