



Registered No. N.E.-771

The Gazette of Meghalaya

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 44

Shillong, Monday, April 23, 2001, 3rd Vaisakha, 1923 (S.E.)

PART - IV

GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 23rd April, 2001

No.LL(B).16/99/13.—The Meghalaya Prohibition of Manufacture, Sale, Use and Throwing of Low Density Plastic Bags Act, 2001 (Act No. 4 of 2001), is hereby published for general information.

MEGHALAYA ACT NO. 4 OF 2001

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 19th April, 2001

Published in the Gazette of Meghalaya *Extra-Ordinary* issue dated 23rd April, 2001

THE MEGHALAYA PROHIBITION OF MANUFACTURE, SALE, USE AND THROWING OF LOW DENSITY PLASTIC BAGS ACT, 2001

An

Act.

to provide for prohibiting manufacture, sale, use and throwing of low density plastic bags in Meghalaya and to make provisions for other matters connected therewith.

Be it enacted by the Legislature of the State of Meghalaya in the Fifty-second Year of the Republic of India as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Meghalaya Prohibition of Manufacture, Sale, Use and Throwing of Low Density Plastic Bags Act, 2001.

(2) It extends to the whole State of Meghalaya.

(3) It shall come into force on such date as this State Government may by a notification in the Official Gazette appoint :

Provided that the State Government, may appoint different dates for different places or areas.

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

(a) "Act" means the Meghalaya Prohibition of Manufacture, Sale, Use and Throwing of Low Density Plastic Bags Act, 2001;

(b) "Code" means the Code of Criminal Procedure 1973 (Act 2 of 1974) ;

(c) "Low Density Plastic Bag" means a bag, in whatever form may be, made of plastic the thickness of which is less than twenty microns and includes any other such low density plastic container for carrying things; and

- Prohibition of manufacture, sale use and throwing of low density plastic bag.
3. No person shall—
- manufacture bags made of low density plastic;
 - sell or use bags made of such low density plastic for storing, carrying, dispensing or packing of food stuff and other articles; and
 - throw, or discard low density plastic bags in public places including roads, drains and parks.
- Power of Government to authorise officers to act under this Act.
4. (1) The State Government may by notification in the Official Gazette authorise one or more persons who will be competent to act under this Act.
- (2) Every person authorised under Clause (1) shall deem to be public servant within the meaning of Section 21 of the Indian Penal Code.
- Penalties.
5. Any person who contravenes the provision of the Act shall be punishable with fine which may extend to rupees one hundred and in case of second and subsequent offence with a minimum fine of rupees two hundred which may extend to rupees five hundred.
- Court competent to try offence under this Act and take cognizance of offence.
6. (1) No court other than the Court of Judicial Magistrate of the First Class shall take cognizance of any offences under this Act.
- (2) No court shall take cognizance of any offence under this Act, except on a complaint in writing by an authorised Officers.
- Offences to be cognizable and bailable.
7. Notwithstanding anything contained in the Code, offences under this Act shall be cognizable and bailable.
- Offences under the Act to be tried summarily.
8. All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code.
- Compounding of offences.
9. The State Government or any person authorised by it by general or special order in this behalf may either before or after the institution of the proceedings compound any offences made punishable by or under this Act.
- Power to make rules.
10. (1) The State Government may, subject to previous publication, make rules to carry out the purpose of this Act.
- (2) Every rule made under this Act shall be laid before the Legislative Assembly.

L. M. SANGMA,
Deputy Secretary to the Government of Meghalaya,
Law (B) Department.



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.50 Shillong, Thursday, April 4, 2002, 14th Chaitra, 1924 (S. E.)

PART IIA

GOVERNMENT OF MEGHALAYA

URBAN AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 4th April 2002

No UAM.70/2000/37.—In exercise of the powers conferred by sub-section (1) & (2) of Section 10 of the Meghalaya Prohibition of Manufacture, Sale, use and Throwing of Low Density Plastic Bags Act, 2001 (Act No.4 of 2001), the State Government hereby, make the following rules, namely—

1. **Short title and commencement.**—(i) These rules may be called the Meghalaya Prohibition of Manufacture, Sales, Use and Throwing of Low Density Plastic Bags Rules, 2001.

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

Definitions.—In these rules, unless the context requires,

(a) "Act" means the Meghalaya Prohibition of Manufacture, Sales, Use and Throwing of Low Density Plastic Bags Act, 2001 (Act No.4 of 2001).

(b) "Prescribed Authority":

(i) The Prescribed authority for enforcement of the provision of the Act related to "manufacture" shall be the Meghalaya Pollution Control Board and the General Manager, District Industry Centre of concerned District.

(ii) The prescribed authority for enforcement of the provision of the Act related to "sale" shall be the Deputy Commissioner of the concerned District outside the Municipal jurisdiction and the Chief Executive Officer of the concerned Municipal Board within the Municipal area.

(iii) The prescribed authority for enforcement of the provision of the Act related to "use and throwing" shall be the concerned Municipal Boards and/or any other authority or person to be authorised by the State Government, and

(iv) Any other Officer/Person/Authority as may be notified by the State Government.

3. **Self regulation by all persons.**—Without prejudice, all persons residing in the State and other persons entering for any specific or general purpose shall undertake self-regulatory measures.

4. **Complaint of Offence.**—Any person or Organisation may inform or lodge a complaint in writing to the prescribed authority against any individual or firm manufacturing, storing, selling, using and throwing low density plastic bags. Upon receipts of such information or complaint, the prescribed authority shall make an enquiry and if satisfied may proceed against and impose penalties as per provisions of the Act.

5. **Inspection.**—The prescribed authority for the purpose of implementation of these rules, may enter and inspect any premises of a building between 6.00 a.m. to 6.00 p.m.

Provided that nothing herein before contained shall authorize any entry into any residential building or building used for religious purposes, unless prior notice in writing not less than 4 (four) hours is given.

6. **Seizure of Low Density Plastic bags.**—The prescribed authority may seize the low-density plastic bags and retain such bags until such time the case is disposed of finally according to the Act and these Rules.

7. **Prevention of transport of Low Density Plastic Bags in the State.**—The prescribed authority or any Officer authorized by the State Government may prevent or seize the low-density plastic bags from being carried in to the State at the entry points.

8. **Protection of action taken in good faith.**—No suit, prosecution or other Legal proceeding shall lie against the State Government or the prescribed authority or any officer authorized by the State Government for anything which is done or intended to be done in good faith under the Act or rules made herein.

9. **Deposition of fine/penalty.**—The fine/penalty collected by the prescribed authorities in rule above shall be deposited under Head of Account as may be notified by the Government.



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.85

Shillong, Wednesday, July, 28, 2004

6th Shrawana 1926 (S.E.)

PART — IV

GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 28th July 2004

No.LL(B).16/99/42.—The Meghalaya Prohibition of Manufacture, Sale, Use and Throwing of Low Density Plastic Bag (Amendment) Act, 2004 (Act No.6 of 2004) is hereby published for general information.
Meghalaya Act No.6 of 2004

As passed by the Meghalaya Legislative Assembly, Received the assent of the Governor on the 23rd July, 2004, published in the Gazette of Meghalaya Extra-Ordinary issue dated 28th July, 2004.

THE MEGHALAYA PROHIBITION OF MANUFACTURE, SALE, USE AND THROWING OF LOW DENSITY PLASTIC BAGS (AMENDMENT) ACT, 2004

An
Act

to amend the Meghalaya Prohibition of Manufacture, Sale, Use and throwing of Low Density Plastic bags Acts, 2001,

Be it enacted by the legislature of the State of Meghalaya in the fifty five year of the Republic of India as follows;—

Short title and commencement.—1. (1) This Act may be called the Meghalaya Prohibition of Manufacture, Sale, Use and throwing of Low Density Plastic Bags (Amendment) Act 2004.

(2) It shall come into force at once.

Amendment of Section 2(c) of Act 4 of 2004.—2. In the Meghalaya Prohibition of Manufacture, Sale, Use and throwing of Low Density Plastic Bags Act, 2001, for clause (c) of Section 2, the following new Clause shall be substituted, namely,—

“(c) “Low Density Plastic Bags” means a bags, in whatever form it may be made of plastic, the thickness of which is less than 40 (forty) microns and includes any other such low density plastic container for carrying things and”

L. M. SANGMA,
Deputy Secy. to the Govt. of Meghalaya,
Law (B) Deptt.