

F. No. 11-9/2010-HSMD
Government of India
Ministry of Environment, Forest and Climate Change
HSM Division

2nd Floor, Jal Block
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110 003

Date: 29th September, 2016

Subject: **Directions under Section 5 of the Environment (Protection) Act, 1986 regarding implementation of the Plastic waste Management Rules, 2016 by the manufacturers of Gutkha, Tobacco and Pan Masala.**

WHEREAS, the Hon'ble Supreme Court of India in the SLP(C) 16308 of 2007 in the matter of Ankur Gutkha *versus* India Asthma Care Society & Others vide its order dated 10th December, 2010 has, *inter-alia*, restrained the *manufacturers of Gutkha, Tobacco and Pan Masala from using plastic material in the sachets of Gutkha, Tobacco and Pan Masala; and*

WHEREAS, the Hon'ble Court in the Contempt Petition (C) No. 237 of 2011 filed regarding alleged disobedience of the order of the court by Centre for Public Interest Litigation (CPIL) in SLP 16308 of 2007, with a view to ensure that no attempt is made by anyone to circumvent the aforesaid court's order dated 7.12.2010, has further clarified that manufacturers of Gutkha, Tobacco and Pan Masala shall not use plastic material in any form in any package for packing their products i.e. Gutkha Tobacco and Pan Masala; and

WHEREAS, the Hon'ble Court vide its aforesaid orders has directed the Government of India, Ministry of Environment, Forest and Climate Change and all concerned agencies to ensure that orders dated 7.12.2010 and 11.05.2011 are faithfully implemented by all the manufacturers throughout the country and any body found violating the directions of this Court shall be proceeded against in accordance with law; and

WHEREAS, the Central Government in the Ministry of Environment, Forest and Climate Change has also notified the Plastic Waste Management Rules, 2016 (herein after referred PWM Rules, 2016) under the Environment (Protection) Act, 1986, for proper handling and management of plastic waste in the country; and

WHEREAS, the Rule 4(i) and Rule 4(f), *inter-alia*, prohibit the use of plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, for packaging Gutkha, Tobacco and Pan Masala and in all forms; and

WHEREAS, the use of plastic packaging material has been found in the Gutkha, Tobacco and Pan Masala being sold in the market; and

WHEREAS, the concerned manufacturers have failed to ensure the compliance to the directions of the Hon'ble Supreme Court as well as the provisions of PWM Rules, 2016, and there is indiscriminate use of the plastic for packaging of Gutkha, Tobacco and Pan Masala; and


WHEREAS, littered plastic sachets/pouches are posing an environmental threat, and the manufacturers of Gutkha, Tobacco and Pan Masala have not taken effective action to prevent use of plastic in packaging of Gutkha, Tobacco and Pan Masala ; and

NOW, THEREFORE, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 and keeping in view the gravity of pollution being caused by littered plastic sachets/pouches of Gutkha, Tobacco and Pan Masala, the Ministry hereby directs your company to stop using plastic material in any form including Vinyl Acetate- Maleic Acid-Vinyl Chloride copolymer for packaging of Gutkha, Tobacco and Pan Masala, and observe strict compliance to the directions of the Hon'ble Supreme Court and provisions of the PWM Rules, 2016.

The brand owners of the units manufacturing Gutkha, Tobacco and Pan Masala shall have the overall responsibility for implementation of these directions. The compliance report for the aforesaid directions and the provisions of the rules shall be submitted to the Joint Secretary (HSMD), Ministry of Environment, Forest and Climate Change within 30 days from the date of receipt of these directions.

These directions shall come into force with immediate effect and remain in force till further orders.

This issues with approval of the Competent Authority.


(Sharath Kumar Pallerla)
Director

To

All manufacturers of Gutkha, Tobacco and Pan Masala as per the list attached

Copy to:-

- (i) Chairman, Central Pollution Control Board, Delhi.
- (ii) PS to MOS (I/C) for E,F&CC/ PPS to Secretary (E,F&CC)/ PPS to AS (MMK)/ PS to JS (BS).
- (iii) Website of MoEFCC

List of Gutkha, Pan Masala, Tobacco Companies

S.No.	Name of the Company
1	Vimal Pan Masasa, R-749, New Rajinder Nagar, New Delhi
2	RajShree Pan Masala, 6/3, East Patel Nagar, 71, Paschimi Marg, Vasant Vihar, New Delhi
3	Pan Bahar Pan Masala, 20, Shivaji Marg, Najafgarh Road, New Delhi-110015
4	Dharampal Satyapal Group, C6-10, Sector-67, Opp Haldiram's Factory Dharampal Satyapal Road, Sector 68, Noida, Uttar Pradesh 201307,
5	Shikhar Pan Masala, Patparganj Industrial Area, Delhi 110092
6	Goa Pan Masala, JMJ House, Orchard Avenue, Hirandani Garden Powai, Mumbai 400 076, Tel: +91 22 67112233, Fax: + 91 22 6711 22 34
7	Manickchand Pan Malala, Manickchand House, 100-101, D. Kennedy Road, Pune-411001, Tel: 91 20 26056099, Fax: 91 20 26051377
8	Ankur Gutka, Proprietor, A.M. Industries, Jaipur-4
9	Mahak Gutka, Proprietor, H.B. Industries, Delhi-110041
10	Natkhat Gutka Proprietor, Ashok Puuches(P) Ltd, New Delhi
11	Jayanti Gutka, Proprietor, Tarachand Naresh Chand, B.R. Street, Alwar-301001
12	Ganesh Khaini, Proprietor, Tej Ram Dharam Paul, Zarda Factory, Maur Mandi, Punjab
13	Natraj Zarda, Proprietor, Arora Products, 668/2, Pushkar Road, Ajmer
14	Kuber Khaini Proprietor, Kuber Khaini (P) Ltd, Delhi-110042
15	Tulsi/Rajni Gandha, Proprietor, Dharampal Satyapal Ltd 4828/24, Ansari Aoad, New Delhi-110002
16	Vimal Gutka, Proprietor, Vishnu & Co, Pvt. Ltd. Rama Road, New Delhi-110015
17	Laxmi Brand, Proprietor, Goyal Tobacco Co. Pvt. Ltd, Jaipur-2
18	Mewari Gutka, Proprietor, H.B. Industries, Delhi-110041
19	Manik Chand Gupta, Proprietor, Dhariwal Industries Ltd Dealing Chamber J.M.Road, Pune And Factory N.H. No.8, Farapur, Baroda
20	Pan Parag / Pan Masala, Kothari Products Ltd, Kanpur-208001