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THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 133] Jammu, Sat., the 18th July, 2020/27th Asad., 1942. [No. 16-7

Separate paging is given to this part in order that it may be filed as a separate compilation.

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PART III

Laws, Regulations and Rules passed thereunder.

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JAMMU AND KASHMIR GOVERNMENT, MUNICIPAL COMMITTEE, BANIHAL,

PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Banihal, the 18th of July, 2020.

In exercise of the powers conferred by clause (4) of rule 6 of Plastic Waste Management Rules, 2016, the Authority hereby makes the following bye-laws ; namely :ô

CHAPTER I

1. Short Title and Commencement.ô These bye-laws shall be called the Municipal Committee, Banihal, Plastic Waste Management Bye-laws-2020.

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

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- (ix) **“consent”** means the consent to establish and operate from Jammu and Kashmir State Pollution Control Board granted 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) ;
- (x) **“disintegration”** means the physical breakdown of a material into very small fragments ;
- (xi) **“energy recovery”** means energy recovery from waste that is conversion of waste material into usable heat, electricity or fuel through a variety of processes including combustion, gasification, pyrolisation, anaerobic digestion and landfill gas recovery ;
- (xii) **“event”** means any gathering for the purpose of functions, celebrations, meetings, rallies, processions, open air theatre activities, cinema shootings in public places etc. ;
- (xiii) **“extended producer’s responsibility”** means responsibility of a producer for the environmentally sound management of the product until the end of its life ;
- (xiv) **“food-stuffs”** mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form ;
- (xv) **“facility”** means the premises used for collection, storage, recycling, processing and disposal of plastic waste ;
- (xvi) **“Importer”** means a person who imports or intends to import and holds an Importer-Exporter Code Number, unless otherwise specifically exempted ;
- (xvii) **“Local Body”** for the purpose of these Bye-laws means JMC/SMC and other Local Bodies including Municipal Council/Committees in the Union Territory ;
- (xviii) **“manufacturer”** means and includes a person or unit or agency engaged in production of plastic raw material to be used as raw material by the producer ;
- (xix) **“multilayered packaging”** means any material used or to be used for packaging and having at least one layer of plastic as the main ingredients in combination with one or more

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layers of materials such as paper, paper board, polymeric materials, metalized layers or aluminium foil, either in the form of a laminate or co-extruded structure ;

- (xx) “**Nuisance Detectors**” (NDs) means those employees of the Municipal Committee, Banihal who are appointed by the authorities to detect the acts of public nuisance etc. related to plastic waste management ;
- (xxi) “**plastic**” means material which contains as an essential ingredient a high polymer, such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, polybutylene terephthalate ;
- (xxii) “**plastic sheet**” means sheet made of plastic ; which are banned as per G. O. (Ms) No. 84 Environment and Forests (EC.2) Department dated 25-06-2018 ;
- (xxiii) “**plastic waste**” means any plastic discarded after use or after their intended use is over ;
- (xxiv) “**Prescribed authority**” means the authorities specified in Rule 12 of Plastic Waste Management and Handling Rules, 2016, and Commissioner, Municipal Corporations, Chief Executive Officer/Executive Officer, Urban Local Bodies ;
- (xxv) “**producer**” means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity ;
- (xxvi) “**recycling**” means the process of transforming segregated plastic waste into a new product or raw material for producing new products ;
- (xxvii) “**registration**” means registration with the Jammu and Kashmir Pollution Control Board or Municipal Committee, Banihal or statutory authority concerned, as the case may be ;

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(xxviii) **“street vendor”** shall have the same meaning as assigned to it in clause (1) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) ;

(xxix) **“use and throwaway plastics”** mean items such as plastic carry bags or plastic flags, plastic sheets used for food wrapping, spreading on dining table etc. plastic plates, plastic coated tea cups and plastic tumbler, water pouches and packets, plastic straw irrespective of thickness as defined and banned under G. O. No. 84 Environment and Forests (EC.2) Department dated 25-06-2018 and includeô

(a) The plastic sheets used for the food wrapping, spreading on dining table, etc.ô

- i. Plastic sheet/cling film used for food wrapping ;
- ii. Plastic/plastic coated sheet used for spreading on dining table ;

(b) Plastic platesô

- (i) Plastic thermocol plates ;
- (ii) Plastic coated paper plates ;

(c) Plastic coated tea cups and plastic tumblerô

- (i) Plastic coated paper cups ;
- (ii) Plastic tea cups ÷
- (iii) Plastic tumbler ;
- (iv) Thermocol cups ;

(d) Water pouches and packets,

(e) Plastic straw,

(f) Plastic carry bags and plastic flagsô

- (i) Plastic carry bags of all size and thickness ;
- (ii) Plastic coated carry bags ;
- (iii) Non-woven polypropylene carry bags ;

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(xxx) **“virgin plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste ;

(xxxi) **“waste generator”** means and includes every person or group of persons or institutions, residential, and commercial establishments including Indian Railways, Airport, Port and Harbour and Defense establishments, places of worship which generate plastic waste ;

(xxxii) **“waste management”** means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner ;

(xxxiii) **“Waste pickers”** mean individuals or agencies, groups of individuals voluntarily engaged or authorized for picking of recyclable plastic waste.

4. Conditions. (1) The manufacturer, importer, stocking, distribution, sale and use of plastic carry bags, sheets or like or covers made of plastic sheet and multilayered packing shall be subject to the following conditions, namely :ô

(a) Plastic packaging shall either be in natural shade which is without any pigments or made using only those pigments and colorants which are in conformity with Indian Standard : IS 9833 : 1981 titled as “List of pigments and colorants for use in plastics in contact with food-stuffs, pharmaceuticals and drinking water” as amended from time to time ;

(b) Products made of recycled plastics shall not be used for storing, carrying, dispensing or packaging ready to eat or drink stuffs ;

(c) Plastic sheet or like, which is not an integral part of Multilayered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except whether thickness of such plastic sheets impair the functionality of the product ;

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- (c) Jammu and Kashmir Public Works Department, Municipal Corporations/Urban Local Bodies, Rural Development Departments through BDOs shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines ;
- (d) Thermo set plastic waste shall be processed and disposed of as per the guidelines issued from time to time by the Central Pollution Control Board ; and
- (e) The inert from recycling or processing facilities of plastic waste shall be disposed of in compliance with the Solid Waste Management Rules, 2016 or as amended from time to time.

6. Responsibilities of Municipal Committee Banihal.—

- (i) Municipal Committee, Banihal, shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
- (ii) Municipal Committee, Banihal, shall be responsible for setting up, operationalization and coordination of the waste management system and for performing the associated functions, namely :
 - (a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste ;
 - (b) Ensuring that no damage is caused to the environment during this process ;
 - (c) Ensuring channelization of recyclable plastic waste fraction to recyclers ;
 - (d) Ensuring processing and disposal of non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board ;
 - (e) Creating awareness among all stakeholders about their responsibilities ;
 - (f) Engaging civil societies or groups working with waste pickers ; and

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(c) Not litter or burn the plastic waste, and ensure segregated storage of waste at source and handover segregated waste to Jammu and Kashmir Municipal Corporation/Urban Local Bodies/Gram Panchayats or agencies appointed by them or registered recyclers.

(2) All institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Solid Waste Management Rules, 2016, as amended from time to time and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on its own or through the authorized waste collection agency once in a week on Wednesday or any other designated day or periodically as specified from time to time.

(3) All the waste generator shall pay integrated user fee for plastic waste management, which is included in the solid waste management user fee as per Municipal Committee, Banihal, under the Solid Waste Management Bye-Laws, 2019.

(4) Every person responsible for organizing an event in open space, where service of food stuff is in plastic or multilayered packaging shall segregate and manage the waste generated during such events in accordance with the SWM Rules, 2016, and SWM Bye-Laws, 2019, of Municipal Committee, Banihal. Further, the organizers shall pay the user fee prescribed for events in open public places ; and shall not use single use plastic plates, disposable etc. as same are banned.

(5) All bulk waste generators shall install and maintain Reverse Vending Machine or any other appropriate system of recycling PET bottles as approved by Central Pollution Control Board/Jammu and Kashmir Pollution Control Board. If not, penalty will be levied as per Schedule-I.

8. Responsibilities of Producers, Importers and Brand Owners.ô

(1) Primary responsibility for collection of used multilayered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners, who introduce the products in the market, they need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection is to be submitted to the Jammu and Kashmir Pollution Control Board while applying for consent to Establish or Operate or Renewal. The Brand Owners, whose consent has been renewed before the notification of these rules, shall submit such plan within one year from the date of notification of these Bye-laws.

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11. Registration of producer, recyclers and manufacturers. No person shall manufacture carry bags made from compostable plastics/multilayered packaging without obtaining registration with Jammu and Kashmir Pollution Control Board within Jammu and Srinagar Municipal Committee, Banihal, limits.

12. Responsibilities of retailers and street vendors.

(1) Retailers or street vendors shall not sell or provide commodities to consumer in carry bags made with compostable plastics or multilayered packaging, which are not manufactured and labelled or marked, as prescribed under the Plastic Waste Management Rules, 2016, and Plastic Waste Management Bye-laws, 2020.

(2) Every retailer or street vendor selling or providing commodities in carry bags made with compostable plastics or multilayered packaging which are not manufactured or labelled or marked in accordance with these Bye-laws shall be liable to pay such fines as specified under the Bye-laws listed in Schedule-I.

13. Penalties for contravention of these Bye-laws. (1) On and after the date of Notification of these Bye-laws, there will be a familiarization/awareness period of 30 days, after which, any contravention of these Bye-laws shall be punishable with fines as per the Schedule of Fines (Schedule-I) for every instance of breach of these Bye-laws. Subsequent contravention apart from first time will attract fine amount of minimum two times to maximum ten times for each and every act of offence.

In case of an offender not able to pay the fine as mentioned in Schedule-I, prosecution under the provisions made in City Police Act and District Police Act/Indian Penal Code/and other applicable Acts/Laws will be applicable on the offender.

14. Enforcement mechanism for Municipal Corporation and Urban Local Bodies. (1) The Executive Officer, Municipal Committee, Banihal shall be the authority for enforcement of the provisions of these rules relating to plastic waste management by waste generator.

(2) The Executive Officer, Municipal Committee, Banihal shall take the assistance of the Deputy Commissioner concerned within the territorial limits of the jurisdiction of the Municipal Committee in the enforcement of the provisions of these Bye-laws.

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Evidence and Appellate Authority is convinced that fine is levied wrongly or in excess, it may be rectified immediately and fine levied and paid may be returned ;

- (e) Revision Authority : The concerned Commissioners of Corporations/Directors of concerned ULBs/ACD, Rural Development and District Panchayat Officer, shall serve as the Revision Authority. Further, against the orders of the Appellate Authority, appellants can file review petition with the Revision Authority i. e., respective Deputy Commissioner within 15 days of receipt of orders by Appellate Authority. The Revision Authority shall enquire and dispose the appeal with final orders. If the appellant submits evidence and Revision Authority is convinced that fine is levied wrongly or in excess, it may be rectified immediately and fine levied and paid may be returned forthwith ;
- (f) Penalties : Penalty will be levied as per Jammu and Kashmir Municipal Corporation Act, 2000/Jammu and Kashmir Municipal Act, 2000 and as per Schedule-I in these Bye-laws ;
- (g) Collection of Penalties : The fines shall be deposited in the Municipal Committee, R. S. Pura. A separate budget code shall be established for this purpose.

16. Annual Reports. (1) Every person engaged in recycling or processing of plastic waste shall

- (a) Register with the Public Health and Sanitation Wing of Municipal Committee, Banihal in Registration Form-I along with following fee :

For waste channelizers	- Rs. 300/-
For Recyclers/Processors/Dealers	- Rs. 500/-
- (b) Submit an annual report in Form-II to Municipal Committee, Banihal under intimation to the Jammu and Kashmir Pollution Control Board by the 30th April of every year.

(2) Jammu/Srinagar Municipal Corporation/Council/Committee shall prepare and submit an annual report in Form-III to the concerned Secretary Incharge of the Urban Development Department under intimation to the

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concerned Jammu and Kashmir Pollution Control Board by the 30th June
every year.

17. Jurisdiction of Courts. For filing cases against the
Bye-laws, the jurisdiction is Jammu/Srinagar only.

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2.	Open Burning of Plastic Waste in any Public Place/Private Property/ vacant sites	
	(a) Individuals within their private premises	Rs. 1000/-
	(b) Individuals in Public Places	Rs. 2000/-
	(c) Institutions and Establishments	Rs. 10000/-
3.	Littering, non-segregation of plastic waste at par with Solid Waste Management Bye-laws, 2019	
	(a) Littering of Plastic Waste	Rs. 500/-
	(b) Non-segregation of plastic waste at source by individual household	Rs. 500
	(c) Non-segregation of Plastic Waste at source by apartments and group households	Rs. 1000/-
	(d) Non-segregation of plastic waste at source by bulk generators or institutional waste generators categories	Rs. 5000/-
4.	Non-recycling of PET Bottles by Bulk Waste Generator	
	(a) Residential	Rs. 5000/-
	(b) Commercial	Rs. 15000/-
	(c) Institutional	Rs. 10000/-
5.	Non-registration in Municipal Committee, Banihal Format-I	Rs. 5000/-
6.	Failure to submit Annual Report to Municipal Committee, Banihal by 30th April of every year.	Rs. 5000/-

Executive Officer.

SCHEDULE-II

(See by Law 9)

1. IS/ISO 14851 : 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by measuring the oxygen demand in a closed Respirometer.
2. IS/ISO 14852 : 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium-Method by analysis of evolved carbon dioxide.
3. IS/ISO 14853 : 2005 Plastics-Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system-Method by measurement of biogas production.
4. IS/ISO 14855-1 : 2005 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-1 General Method).
5. IS/ISO 14855-2 : 2007 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions-Method by analysis of evolved carbon dioxide (Part-2 : Gravimetric measurement of carbon dioxide evolved in a laboratory-scale test).
6. IS/ISO 15985 : 2004 Plastics-Determination of the ultimate anaerobic biodegradation and disintegration under high-solids anaerobic digestion conditions-Methods by analysis of released biogas.
7. IS/ISO 16929 : 2002 Plastics-Determination of degree of disintegration of plastic materials under defined composting conditions in a pilot-scale test.
8. IS/ISO 17556 : 2003 Plastics-Determination of ultimate aerobic biodegradability in soil by measuring the oxygen demand in a Respirometer or the amount of carbon dioxide evolved.
9. IS/ISO 20200 : 2004 Plastics-Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory-scale test.

Executive Officer.

FORM I

Registration

Application form for registration of units engaged in processing or recycling of plastic waste at Municipal Committee, Banihal to be submitted to the Public Health and Sanitation Wing, Municipal Corporations/Municipal Councils/Committees and Gram Panchayats. One time registration fees to be paid.

1. Name and Address of the Unit				
2. Contact person with designation, Tel./ Fax/e-mail				
3. Date of commencement				
4. No. of workers (including contract labour)				
5. Waste Management	S. No.	Type	Category	Qty.
(a) Waste generation in processing plastic waste	I			
	II			
(b) Waste collection and transportation (attach details)				
(c) Waste Disposal details	S. No.	Type	Category	Qty.
	I			
(d) Provide details of the disposal facility, whether the facility is authorized by SPCB or PCC				
(e) Please attach analysis report of characterization of waste generated (including leachate test if applicable)				

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6.	Occupational safety and health aspects	Please provide details of facilities
7.	Pollution Control Measures :	
	Whether the unit has adequate pollution control systems or equipment to meet the standards of emission or effluents	If yes, please furnish details
	Whether unit is in compliance with conditions laid down in the said rules	Yes/No
	Whether conditions exist or are likely to exist of the material being handled or processed posing adverse immediate or delayed impacts on the environment	Yes/No
	Whether conditions exist (or are likely to exist) of the material being handled or processed by any means capable of yielding another material (e. g. leachate) which may possess eco-toxicity.	Yes/No
8.	Any other relevant information including fire or accident mitigative measures	
Date :		Name and signature
Place :		Designation

Executive Officer.

FORM-II

[See Rule 16 (1)]

**FORMAT OF ANNUAL REPORT BY OPERATOR OF PLASTIC
WASTE PROCESSING OR RECYCLING FACILITY TO THE
LOCAL BODY**

Period of Reporting :

1. Name and Address of operator of the facility :
2. Name of officer incharge of the facility (Telephone/Fax/Mobile/e-Mail) :
3. Capacity :
4. Technologies used for management of plastic waste :
5. Quantity of plastic waste received during the year being reported upon along with the source :
6. Quantity of plastic waste processed (in tons) : Plastic waste recycled (in tons)-Plastic waste processed (in tons)-Used (in tons) :
7. Quantity of inert or rejects sent for final disposal to landfill sites :
8. Details of landfill facility to which inert or rejects were sent for final disposal : Address-Telephone :
9. Attach status of compliance to environmental conditions, if any, specified during grant of consent or registration :

Date :

Signature of Operator.

Place :

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the details of agencies involved in door
to door collection

- | | |
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| 11. Attach details of infrastructure put in place for management of plastic waste generated in the area under jurisdiction | Nil |
| 12. Attach details of infrastructure required, if any, along with justification | Nil |
| 13. Quantity of Plastic Waste generated during the year from area under jurisdiction (in tons) | 25 tons |
| 14. Quantity of Plastic Waste collected during the year from area under jurisdiction (in tons) | 15 tons |
| 15. Quantity of Plastic Waste channelized for recycling during the year (in tons) | Nil |
| 16. Quantity of Plastic Waste channelized for use during the year (in tons) | Nil |
| 17. Quantity of inert or rejects sent to landfill sites during the year (in tons) | 15 tons |
| 18. Details of each of facilities used for processing and disposal of plastic | |

Facility-I :

- | | |
|--|-----|
| 1. Name of operator | Nil |
| 2. Address with Telephone Number or Mobile | Nil |
| 3. Capacity | |
| 4. Technology Used | Nil |
| 5. Registration Number | Nil |
| 6. Validity of Registration (up to) | Nil |

Executive Officer,
Municipal Committee,
Banihal.