



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 133] Jammu, Fri., the 31st July, 2020/9th Srav., 1942. [No. 18-7

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

PART III

Laws, Regulations and Rules passed thereunder.

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JAMMU AND KASHMIR GOVERNMENT,
MUNICIPAL COMMITTEE, BARI BRAHAMANA,
PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Bari Brahamana, the 31st 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, Bari Brahamana, Plastic Waste Management Bye-laws-2020.

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
 - (g) Ensuring that open burning of plastic waste does not take place.
- (iii) The Municipal Committee, Bari Brahamana shall seek assistance of producers and setup a system of plastic waste management as per of Plastic Waste Management Rules, 2016, or any other relevant law amended from time to time.
- (iv) Municipal Committee, Bari Brahamana shall endeavour and encourage
- a. Civil society organizations involved in plastic eradication in order to implement Plastic Waste Management Rules, 2016 and these Bye-laws ;
 - b. Self Help Groups (SHG) involved for segregation of waste processing. It may be encouraged for the purpose of technical guidance as well as implementation through appropriate organizations.
- (v) Municipal Committee, Bari Brahamana, shall extend the Slum Adoption Program to the uncovered areas within their wards for solid waste management and plastic waste management, with the possible assistance of qualified Community Based Organizations (CBOs)/Non-Government Organizations (NGOs)/Voluntary Service Organizations (VSOs)/Self Help Groups (SHG) or other organizations holding statutory validations ;
- (vi) Cleanliness drives will be conducted by the Municipal Committee, Bari Brahamana in association with public representatives, citizen organizations, Government bodies, corporates, NGOs for the cleanliness of areas inside the slums, from time to time, in association with CBOs participating

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in the Slum Adoption Program.

7. Responsibilities of waste generator. (1) The waste generator shall,

- (a) Not use plastic items banned under G. O. No. 84 Environment and Forests (EC.2) Department ;
- (b) Take steps to minimize generation of plastic waste and segregate plastic waste at source in accordance with the Plastic Waste Management Rules, 2016, and amendments made in these rules from time to time ;
- (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, Bari Brahamana 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, Bari Brahamana. 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

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Pollution Control Board. If not, penalty will be levied as per Schedule-I.

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

The producers shall work out modalities for waste collection system based on Extended Producers Responsibility and inform Municipal Committee, Bari Brahamana accordingly within 6 months from the notification of Plastic Waste Management Bye-Laws, 2020.

(2) Multilayered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic shall not be used in Municipal Committee, Bari Brahamana limits.

(3) All producers shall submit an application to the Jammu and Kashmir Pollution Control Board for grant of registration, for production of plastics.

(4) No producer shall use any plastic or multilayered packaging for packaging of commodities without registration from the Jammu and Kashmir Pollution Control Board.

(5) All marketing companies, manufacturers, brand owners shall educate masses for disposal of plastic waste.

9. Protocols for compostable plastic materials. Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in Schedule-II of these Bye-laws.

10. Marking and/or labelling. (1) Each carry bag made from compostable plastics should be as per Plastic Management Rules, and

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multilayered packaging shall have the following information printed
in **English mandatorily** and any number of other languages as optional,
namely :

- (a) Name and registration number of the manufacturer in case of multilayered packaging ; and
- (b) Name of the manufacturer and certificate number [4(g) of these Bye-laws] in case of carry bags made from compostable plastics.

(2) Each carry bag made from compostable plastics shall bear a label "compostable" and shall conform to the Indian Standard : IS or ISO 17088 : 2008 titled as Specifications for "Compostable Plastics" and also the Central Pollution Control Board License Number shall be mentioned.

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 Municipal Committee, Bari Brahamana 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

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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, Bari Brahamana 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, Bari Brahamana, 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.

(3) Periodical and Surprise checks : The Executive Officer, Municipal Committee, Bari Brahamana, or any other officer as authorized by the Executive Officer will conduct surprise checks in various parts of the wards in the Committee limits at any point of time to enforce compliance of the Bye-laws. Any contravention of any clause of this Bye-law shall attract a fine as per Schedule-I of the Bye-laws.

(4) Enforcement Squads in each ward : The Nuisance Detectors defined in the Solid Waste Management Bye-laws, 2018 shall enforce the Plastic Waste Management Bye-laws, 2020.

15. Ban on one time use and throwaway plastics. (1) As per G. O. (Ms) No. 84 Environment and Forests (EC.2) Department dated 25-06-2018, the Commissioner, Jammu/Srinagar Municipal Corporations and Chief Executive Officer/Executive Officer, Urban Local Bodies, shall enforce the direction of one time use throwaway plastic ban in exercise of power conferred on him/her by, law in their jurisdiction. The notification will come into effect on 1st January, 2020 :

- (a) No industry or person shall manufacture, store, supply, transport, sale or distribute, use and throwaway plastics as described in the definition ;
- (b) No person including shopkeeper, vendor, wholesaler, retailer, trader, hawker or salesmen shall use, use and throwaway plastics:

Provided that the plastic used for the following purposes are

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exempted.

- (c) The plastic carry bags, manufactured exclusively for export purpose against any export order in a plastic industry located in Special Economic Zone (SEZ) and Export Oriented Units (EOU) ;
- (d) The plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units ;
- (e) The plastic bags and sheets used in Forestry and Horticulture nurseries against the orders from the Government Departments ;
- (f) The plastic used for packing of milk and milk products (dairy products), oil, medicine and medical equipments.

(2) Enforcement mechanism for ban on one time use and throwaway plastics is as follows :

- (a) Periodical and Surprise checks : Executive Officer, Municipal Committee, Bari Brahamana, or any other Officer as authorized by the Executive Officer, will conduct surprise checks in various parts of the wards in the corporation limits at any point of time to enforce compliance of G. O. 84. Any contravention of any clause of this Bye-law shall attract a penalty as per Schedule-I of the Bye-laws ;
- (b) Inspection Authority : Sanitary Inspector shall serve in the capacity of Inspection Authority. Fine levying authorities i. e., the concerned Sanitary Inspector is, hereby, authorized to levy fines for violation of G. O. and notification cited in Schedule-I of the Bye-laws in their respective jurisdictions. The fine levying authority shall maintain a register mentioning details of commercial establishment name, offence number, fine amount, Corporation/Council/Committee trade license number and for street vendors, street vending ID card number. The fine levying authority shall deposit the fine amount (i. e. 1st/2nd/3rd instances) in GCC Treasury through challan within 24 hours/next working day ;
- (c) Zonal Level Committee for monitoring : Zonal Level Committee will be headed by Health Officer (Head)/Assistant Sanitation

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Officer, with/Enforcement Officer, Anti-polythene Officer, and Revenue Officer as its members for Municipal Committee, Bari Brahamana. The Urban Local bodies shall be represented by concerned CEOs/EOs as the member of the Committee. The Committee shall periodically monitor the implementation ;

- (d) Appellate Authority : The Zonal Officers shall serve in the capacity of "Appellate Authority". If the violator has any grievances related to the fines levied by the Inspection Authority, the violator after payment of fine may appeal to the Appellate authority i. e., Zonal Officer within 15 days of receipt of fine imposition challan from Inspection Authority. Upon receipt of such appeals, the Appellate Authority shall enquire and dispose the appeal by passing speaking orders. If the appellant submits 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, Bari Brahamana. A separate budget

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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, Bari Brahamana 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, Bari Brahamana 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 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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6.	Occupational safety and health aspects	Please provide details of facilities
7.	Pollution Control Measures :	NIL
	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	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	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.	No
8.	Any other relevant information including fire or accident mitigative measures	NIL
Date :		Name and signature : Naresh Singh
Place :		Designation : Kh. Inspector

Executive Officer,
Municipal Committee, Bari Brahamana.
