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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, BASOHLI,
PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Basohli, the 28th 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, Basohli, 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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- (i) **“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) ;
- (j) **“disintegration”** means the physical breakdown of a material into very small fragments ;
- (k) **“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, pyrolysis, anaerobic digestion and landfill gas recovery ;
- (l) **“event”** means any gathering for the purpose of functions, celebrations, meetings, rallies, processions, open air theatre activities, cinema shootings in public places etc. ;
- (m) **“extended producer’s responsibility”** means responsibility of a producer for the environmentally sound management of the product until the end of its life ;
- (n) **“food-stuffs”** mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form ;
- (o) **“facility”** means the premises used for collection, storage, recycling, processing and disposal of plastic waste ;
- (p) **“Importer”** means a person who imports or intends to import and holds an Importer-Exporter Code Number, unless otherwise specifically exempted ;
- (q) **“Local Body”** for the purpose of these Bye-laws means JMC/SMC and other Local Bodies including Municipal Council/ Committees in the Union Territory ;
- (r) **“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 ;
- (s) **“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 layers

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(bb) **“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) ;

(cc) **“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

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

(b) Plastic platesô

- Plastic thermocol plates ;
- Plastic coated paper plates ;

(c) Plastic coated tea cups and plastic tumblerô

- Plastic coated paper cups ;
- Plastic tea cups ÷
- Plastic tumbler ;
- Thermocol cups ;

(d) Water pouches and packets,

(e) Plastic straw,

(f) Plastic carry bags and plastic flagsô

- Plastic carry bags of all size and thickness ;
- Plastic coated carry bags ;
- Non-woven polypropylene carry bags ;

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- (d) The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from Jammu and Kashmir Pollution Control Board ;
- (e) Sachets using plastic material shall not be used for storing, packing or selling gutkha, pan masala and tobacco ;
- (f) Plastic material, in any form including Vinyl Acetate-Maleic Acid-Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms ;
- (g) Recycling of plastic waste shall conform to the Indian Standard : IS 14534 : 1998 titled as "Guidelines for Recycling of Plastics", as amended from time to time ;
- (h) The provision of thickness shall not be applicable to carry bags made up of compostable plastics. Carry bags made from compostable plastics bearing a label "compostable" shall conform to the Indian Standard : IS 17088 : 2008 titled as Specifications for "Compostable Plastics". The manufacturer or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board/Jammu and Kashmir Pollution Control Board as applicable before marketing or selling.

5. Plastic waste management. (1) The plastic waste management by Municipal/Committee/Councils/Corporation/Village Panchayats in its jurisdiction shall be as under :

- (a) Plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard : IS 14534 : 1998 titled as Guidelines for Recycling of Plastics, as amended from time to time ;
- (b) Plastic waste, which cannot be recycled, shall be channelized to Refuse Derived Fuel (RDF) plants/cement plants/pyrolysis plants or any other technologies. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with ;

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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 exempted :

- (a) 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) ;
- (b) The plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units ;
- (c) The plastic bags and sheets used in Forestry and Horticulture nurseries against the orders from the Government Departments ;
- (d) The plastic used for packing of milk and milk products (dairy products), oil, medicine and medical equipments.

