



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

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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, GHOU MANHASAN
SOLID WASTE MANAGEMENT BYE-LAWS, 2019

Notification

Jourian, the 28th of September, 2019.

In exercise of the powers conferred by clause (9) of rule 3 read with clauses (e), (f), (zf) and (zg) of rule 15 of the Solid Waste Management Rule, 2016, the Authority hereby make the following bye-laws ; namely :ô

CHAPTER I

1. *Short Title and Commencement.*ô (1) These bye-laws shall be called the Municipal Committee, Jourian Solid Waste Management Bye-Laws, 2019.

(2) They shall come into force on the date of their publication in the J&K Government Gazette.

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2. *Extent of Application.* These bye-laws shall be applicable within the territorial limits of Municipal Committee, Jourian.

3. *Definitions.* (1) In these bye-laws, unless the context otherwise requires,

- (1) **“Agency”** means Municipal Committee, Jourian ;
- (2) **“Aerobic composting”** means a controlled process involving microbial decomposition of organic matter in the presence of oxygen ;
- (3) **“Anaerobic digestion”** means a controlled process involving microbial decomposition of organic matter in the absence of oxygen ;
- (4) **“Authorization”** means the permission given by the State Pollution Control Board, to the operator of a facility or Urban Local authority, or any other agency responsible for processing and disposal of Solid waste ;
- (5) **“Biodegradable waste”** means any organic material that can be degraded by micro-organism into simpler stable compounds ;
- (6) **“Bio-methanation”** means a process which entails enzymatic decomposition of the organic matter by microbial action to produce methane rich biogas ;
- (7) **“Brand owner”** means a person or company who sells any commodity under a registered brand label ;
- (8) **“Bulk Garden and Parks & Horticultural Waste”** means bulk waste from parks, gardens etc. including grass clippings, weeds, woody brown carbon-rich material such as branches, twigs, wood chipping, straw, dead leaves, tree trimmings, etc. which cannot be accommodated in the daily collection system for bio-degradable waste ;
- (9) **“Bulk Waste Generator”** means bulk waste generator defined under Rule 3(1)(8) of the Solid Waste Management

⁴ The J&K Govt. Gazette, 30th Sept., 2019/8th Asv., 1941. [No. 26-6

Jourian, in the State collectively by owners and or/occupiers of one or more premises for storage of Municipal Solid Waste in a segregated manner in the road side/premises of anyone of such owners/occupiers or in their common premises ;

- (17) **“Composting”** means a controlled process involving microbial decomposition of organic matter ;
- (18) **“Co-processing”** means use of non-biodegradable and non-recyclable solid waste having calorific value exceeding 1500k/cal as raw material or as a source of energy or both to replace or supplement the natural mineral resources and fossil fuels in industrial processes ;
- (19) **“Containerised Hand Cart”** means the hand cart provided by the Municipal Committee, Jourian or the agency/agent appointed by it for point-to-point collection of solid waste ;
- (20) **“Decentralized processing”** means establishment of dispersed facilities for maximizing the processing of biodegradable waste and recovery of recyclables closest to the source of generation so as to minimize transportation of waste for processing or disposal ;
- (21) **“Delivery”** means handing over any category of solid waste to worker of Municipal Committee, Jourian or any other person appointed, authorised or licensed by Municipal Municipal Committee, Jourian for taking delivery of such waste or depositing it in any vehicle provided by Municipal Committee, Jourian, or by any other authorised agency or licensed by Municipal Committee, Jourian, to do so ;
- (22) **“Disposal”** means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds ;
- (23) **“Domestic hazardous waste”** means discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired

medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge, etc., generated at the household level ;

- (24) **“Door to door collection”** means collection of solid waste from the door step of households, shops, commercial establishments, offices, institutional or any other non-residential premises and includes collection of such waste from entry gate or a designated location on the ground floor in a housing society, multistoried building or apartments, large residential, commercial or institutional complex or premises ;
- (25) **“Dry waste”** means waste other than bio-degradable waste and inert street sweepings and includes recyclable and non recyclable waste, combustible waste and sanitary napkin and diapers, etc. ;
- (26) **“Dump sites”** means a land utilized by local body for disposal of solid waste without following the principles of sanitary land filling ;
- (27) **“Event”** means any gatherings for the purpose of functions, celebrations, meetings, rallies, processions, open air theatre activities, cinema shootings in public places.
- (28) **“Extended producer responsibility”** (EPR) means responsibility of any producer of packaging products such as plastic, tin, glass, wrappers and corrugated boxes, etc., for environmentally sound management, till end-of-life of the packaging products ;
- (29) **“E-waste”** shall have the same meaning as defined under Rule 3(l) (r) of the E-Waste (Management) Rules, 2016.
- (30) **“Facility”** means any establishment wherein the solid waste management processes namely segregation, recovery, storage, collection, recycling, processing, treatment or safe disposal are carried out ;
- (31) **“Familiarization/warning period”** means that specific period, during which there is a relaxation in the fines for

contravention of these bye-laws ;

- (32) “**Fine**” means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non- compliance of the directions contained in rules and/or these bye- laws ;
- (33) “**Fixed Compactor Transfer Station (FCTS)**” means a powered machine which is designed to compact segregated solid waste and remains stationary when in operation. The compacts or may also be mobile when in operation, which may be called Mobile Transfer Station (MTS).
- (34) “**Handling**” includes all activities relating to sorting, segregation, material recovery, collection, secondary storage, shredding, baling, crushing, loading, unloading, transportation, processing and disposal of solid wastes ;
- (35) “**Hazardous waste**” means any waste which by reason of any of its physical, chemical, reactive, toxic, causing danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances and all other hazardous wastes as defined in the Hazardous Wastes (Management and Handling) Rules, 1989 as amended to date and the Hazardous and other waste (Management and Transboundary Movement) Rules, 2016.
- (36) “**Horticulture, Parks and Garden Waste**” means waste from parks, gardens traffic island etc. These include grass clipping, annual weeds woody 'brown' carbon-rich material such as branches, twigs, wood chipping, straw, dead leaves, tree trimmings, etc. which cannot be accommodated in the daily collection system for bio-degradable waste ;
- (37) “**House-gully**” means a passage or strip of land, constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filling of other polluted matter by persons employed in the clearing thereof or in the removal of such matter therefrom.

- (38) **“Incineration”** means an engineered process involving burning or combustion of solid waste to thermally degraded waste materials at high temperatures ;

- (39) **“Inerts”** means wastes which are not bio-degradable, recyclable or combustible street sweeping or dust and silt removed from the surface drains ;

- (40) **“Informal waste collector”** includes individuals, associations or waste traders who are involved in sorting, sale and purchase of recyclable materials ;

- (41) **“Leachate”** means the liquid that seeps through solid waste or other medium and has extracts of dissolved or suspended material from it ;

- (42) **“Litter”** means all refuse and includes any other waste material which, if thrown or deposited as prohibited under these Bye-Laws, tends to create uncleanliness or a danger or nuisance to public health, safety or welfare.

- (43) **“Littering”** means putting litter in such a location that it falls, descends, blows, is washed, percolates or otherwise escapes or is likely to fall, descend blow, be washed, percolate or otherwise escape into or onto any public place, or causing, permitting or allowing litter to fall, descend, blow, washed, percolate or otherwise escape into or onto any public place.

- (44) **“Local body”** for the purpose of these bye-laws means JMC/SMC and other Local Bodies including, Municipal Councils, Municipal Committees, Town Area Committees, in the State.

- (45) **“Materials Recovery facility”** (MRF) means a facility where non-compostable solid waste can be temporarily stored by the local body or any other entity or any person or agency authorised by any of them to facilitate segregation, sorting and recovery of recyclables from various components of waste by authorised informal sector of waste pickers, informal recyclers or any other work force engaged by the

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waste shall be disposed off in accordance with the respective rules framed under the Environment (Protection) Act, 1986.

(14) Every owner/occupier of any premises other than designated slaughter houses and markets, who generates poultry, fish and slaughter waste as a result of any commercial activity, shall store the same separately in closed, hygienic condition and deliver it at a specified time, on a daily basis to the Municipal Committee, Jourian collection vehicle provided for this purpose. Depositing of such waste in any community waste bin is strictly prohibited.

(15) Segregated bio-degradable solid waste if not composted by the generators, shall be stored by them within their premises and its delivery shall be ensured to the municipal worker/vehicle/waste picker/waste collector or to the bio-degradable waste collection vehicle provided for specified commercial generators of bulk bio-degradable waste at such times as may be notified from time to time.

CHAPTER III

SOLID WASTE COLLECTION

5. *Collection of Solid Waste.* (1) In compliance with SWM Rules, 2016, door to door collection of segregated solid waste shall be implemented in all areas or Wards of Municipal Committee, Jourian, to collect garbage from every house, including slums and informal settlements on a daily basis by integrating the informal door to door collection system with Municipal Committee, Jourian collection system.

(2) In order to collect garbage from every house, area-wise specific time slot shall be set and published at conspicuous parts of that area and on the website of Municipal Committee, Jourian : Commonly, time for house to house garbage collection shall be set from 5.30 A. M. to 10.30 A. M. for summer and for winter 7:00 A. M. to 11:00 A. M. For collection of garbage from trading establishments, shops in commercial areas or any other institutional waste generators, commonly the time shall be from 7.30 A. M. to 11.00 A. M. However, sweeping can be undertaken twice daily, if required at public and commercial places. The timing for collection of garbage from the trading establishments, shops in commercial areas or any other institutional waste generators shall be decided by the Municipal Committee, Jourian accordingly.

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(3) Arrangements shall be made for collection of residual solid waste from bulk waste generators, which are processing waste *in-situ*.

(4) Residual solid waste from vegetable, fruit, flower, meat, poultry and fish market shall be collected on day to day basis.

(5) Horticulture and garden waste shall be separately collected and disposed off. One or two days in a week shall be specified for this purpose.

(6) To make optimum use of bio-degradable waste from fruits and vegetable markets, meat and fish markets, bulk horticulture and garden waste and to minimize the cost of collection and transportation, such waste shall be processed or treated within the area where waste is generated.

(7) Manual handling of waste in the containers shall be prohibited. If unavoidable due to constraints, manual handling shall be carried out under proper protection with due care for safety of workers.

(8) Waste generators shall be responsible to deposit their segregated waste in the Auto-Tipper/Rickshaws etc. deployed by Municipal Committee, Jaurian. Segregated waste from multistoried buildings, apartments, housing complexes may be collected from the entry gate or any other designated location.

(9) Changing needs and advances in technology shall be taken into consideration for selection of collection equipment and vehicles. Auto-Tippers or vehicles of specific capacity with hydraulically operated hopper covering mechanism from top having two compartments for carrying biodegradable and non-biodegradable waste separately with a hooter shall be deployed for collection of waste.

(10) Automatic voice recorded device, bell or horn having sound not more than the permissible noise level shall be installed on every garbage collection vehicle used by waste collectors.

(11) Route plans for each primary collection and transportation vehicle shall be provided by Municipal Committee, Jaurian or by the

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 notified authorised waste collector. These plans in tabular as well as GIS
 map form, duly approved by Municipal Committee, Jaurian shall mention
 starting point, start time, waiting points, waiting time on route, end point
 and end time of the specified route. Municipal Committee, Jaurian or the
 notified authorised waste collector shall provide a 'Board' at each street
 to display time-table of primary collection and transportation vehicles to
 allow residents avail the facility at prescribed time. Such information shall
 also be uploaded on the website of Municipal Committee, Jaurian and
 published in the local leading newspaper periodically for the information
 of General Public.

(12) In narrow streets that cannot be serviced by auto tipper or
 the vehicle, a 3-Wheeler or smaller motorized vehicle with hydraulically
 operated hopper covering mechanism from top having two compartments
 for carrying wet and dry waste separately with a hooter, compatible with
 mobile transfer station shall be deployed.

(13) In congested and narrower streets that cannot even be
 serviced by 3-Wheeler or smaller vehicle, cycle rickshaws or any other
 type of suitable equipment shall be deployed.

(14) Smaller, narrow and congested streets/lanes where even a
 3-wheeler/ rickshaw etc. cannot operate, vantage points shall be designated
 at the start of the locality/street where the collection vehicle shall be
 parked and the helper/driver of vehicle shall carry a whistle and walk in
 the locality to announce arrival of vehicle for collecting solid waste. Time
 table for such collection system shall be displayed at the notice board and
 uploaded on the website of Municipal Committee, Jaurian.

(15) Auto tippers, 3-wheelers, rickshaws and any other type of
 collection vehicles engaged in this service shall collect waste only from
 households and not from any other source viz. dhalaos, open sites, ground,
 bins and drains etc.

(16) Municipal Committee, Jaurian or its notified authorised waste
 collectors shall be responsible to cover all the streets/lanes of each zone
 for the primary collection.

CHAPTER IV

SECONDARY STORAGE OF SOLID WASTE

6. *Storage of solid waste in the secondary storage points.*ô

(1) Segregated solid waste collected from doorsteps shall be taken to waste storage depots, community storage bins or fixed or mobile transfer stations or the locations specified by Municipal Committee, Jourian for secondary storage of waste.

(2) Such secondary storage points shall have covered containers (of specified colour) for separate storage of :ô

- (a) non-biodegradable or dry waste ;
- (b) biodegradable or wet waste ;
- (c) domestic hazardous waste ;

(3) Different containers shall be used in the areas demarcated by Municipal Committee, Jourian to keep segregated waste in the following manner :ô

- (a) green- for biodegradable waste ;
- (b) blue - for non-biodegradable ;
- (c) black - for domestic hazardous waste ;

Municipal Committee, Jourian shall separately notify, from time to time, mandatory colour coding and other specifications of receptacles prescribed for storage and delivery of different types of solid waste to enable safe and easy collection without any mixing or spillage of waste, which generators of different types of solid waste shall have to adhere to.

(4) Municipal Committee, Jourian on its own or through outsourcing agencies shall maintain the storage facilities for solid waste in a manner that does not create unhygienic and unsanitary conditions around it.

(5) Containers of various sizes in the secondary storage depots shall be provided by Municipal Committee, Jaurian or any assigned agencies in different colours as mentioned in these bye-laws.

(6) Storage facilities shall be created and established by taking into account quantities of waste generation in a given area and the density of population.

(7) Storage facilities shall be user friendly and shall be so designed that it ensures compaction of waste and that the waste stored is not exposed to open atmosphere.

(8) All the housing cooperative societies, associations, residential and commercial establishments and gated communities etc. shall have the responsibility to put coloured bins as prescribed by these bye-laws and to keep adequate number of containers in appropriate places in their own complexes, so that the daily waste generated there can be properly deposited.

(9) Municipal Committee, Jaurian or its specified agency shall carry out washing and disinfection of all the bins on a weekly basis.

(10) Recycling Centers for Dry Waste (Non-Biodegradable Waste)ô

(a) Municipal Committee, Jaurian shall convert its existing Dhalaos or identify specific location as per requirement, as 'Recycling Centersø which shall be used for segregation of dry waste received through street/door to door waste collection service. Recycling centers may be increased depending on the quantity of dry waste received.

(b) Dry (non-biodegradable) waste from street/door-to-door collection system and from commercial establishments shall be transferred only to these designated recycling centersø These designated centers shall receive only dry waste.

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waste disposal system within six months after first notice issued to them,
the Municipal Committee, Jaurian are empowered to seal such erring bulk
waste generating business establishments.

(3) Municipal Committee, Jaurian shall enforce that markets dealing with vegetables, fruits, flowers, meat, poultry and fish waste while processing bio-degradable waste ensure hygienic conditions.

(4) Municipal Committee, Jaurian shall enforce processing of horticulture, parks and garden waste separately in the parks and gardens by the generators.

(5) Municipal Committee, Jaurian shall involve communities in waste management and promote home composting, bio gas generation, decentralized processing of waste at community level, subject to control of odour and maintenance of hygienic conditions around the facility.

(6) The waste generator has to pay user charges/sanitation fee to the local bodies inspite of the fact if they process their waste at their institutional level.

CHAPTER VII

DISPOSAL OF SOLID WASTE

10. *Disposal of Solid waste.* Municipal Committee, Jaurian shall undertake on its own or through any other agency, the construction, operation and maintenance of sanitary landfill and associated infrastructure for disposal of residual waste and inert street sweepings and silt from surface drains in a manner prescribed under SWM Rules and any other obligation imposed by any other law for the time being in force.

CHAPTER VIII

USER FEE AND LEVYING OF SPOT FINE/PENALTY

11. *User fee for collection, transportation, disposal of solid waste.* (1) User fee shall be fixed for providing services for garbage collection, transportation and disposal from waste generators by Municipal

(2) The user fee so fixed shall be collected from waste generators by Municipal Committee, Jaurian or the authorised agency or person as may be authorised by Director of Urban Local Bodies, Jammu in this behalf.

(3) Municipal Committee, Jaurian shall prepare the database of all the waste generators for the purpose of levying user fee, and evolve appropriate mechanism for billing/collection/recovery of user charges, within three months from the date of notification of these bye-laws. The database shall be updated regularly.

(4) Municipal Committee, Jaurian shall adopt different methods for collection of user fee including online payment.

(5) Special days in a month, preferably in first week of each month, shall be fixed for collection of user fee.

(6) There shall also be a system of yearly or half yearly payment. If the user fee is paid in advance for the entire year, then amount for ten months will be charged instead of twelve months. Similarly, for six months advance payment, five and half months demand amount will be charged instead of six months.

(7) The user fee mentioned in Schedule-I shall stand automatically increased by 5% after every 3 years with effect from 1st January of the year.

(8) The user fee shall be collected only by the institution/person authorised by the competent authority by a general or special order in this behalf.

(9) In case of default of payment of user fee/fine, the competent authority may recover the same from the defaulter as an arrear of land revenue as per the provision of Land Revenue Act, 1996. However, Municipal Corporation, Jammu/Srinagar shall be allowed to effect the recovery under the provisions of Jammu and Kashmir Municipal Corporation Act, 2000.

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officials on daily basis prescribed as per directions.

(6) Municipal Committee, Jaurian, shall employ latest road/street cleaning machines, mechanical sweepers or other equipments which improves the efficiency of sweeping and drainage cleaning.

(7) Municipal Committee, Jaurian shall create awareness and sensitization through Information, Education and Communication (IEC) campaign and educate the waste generators and other stakeholders about the various provisions of Solid Waste Management Rules and these by-laws with special emphasis on user fee and fines/penalties.

(8) Municipal Committee, Jaurian shall encourage waste generators to treat wet waste at source. It may consider creating systems for incentives for adoption of decentralized technologies such as bio-methanation, composting etc. Incentives may be like awarding and recognizing the households. RWAs and institutions etc. by giving certificates by publishing their names on respective websites or rebate in property tax etc.

(9) Municipal Committee, Jaurian shall ensure that the authorities of Agriculture Department, Floriculture Department, Horticulture, SKAUST are supplied with sufficient quantity of compost generated out of organic waste to phase out the use of chemical fertilizers and use compost in all parks, gardens maintained by them and wherever possible in other places under its jurisdiction. Incentives may be provided to recycling initiatives by informal waste recycling sector and shall take up with the Directorate of Horticulture, Agriculture and Floriculture for use of compost.

(10) Municipal Committee, Jaurian shall make efforts to streamline and formalize solid waste management systems and endeavour that the informal sector workers in waste management (waste pickers) are given priority to upgrade their work conditions and are enumerated and integrated into the formal system of solid waste management.

(11) Municipal Committee, Jaurian shall ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce.

(12) Municipal Committee, Jaurian shall ensure occupational safety of its own staff and staff of outsourced agency involved in collection

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transport and handling of waste by providing appropriate and adequate
personal protective equipments.

(13) In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the officer-in-charge of the facility shall report to Municipal Committee, Jaurian immediately which shall review and issue instructions, if any, to the in-charge of the facility.

(14) Regular checks : Chief Executive Officer/Executive Officer/ Assistant Sanitation Officer, Municipal Committee, Jaurian shall conduct regular checks in various parts of the wards and other places of collection, transportation, processing and disposal of solid waste to supervise compliance of various provisions of SWM Rules and these bye-laws.

(15) Municipal Committee, Jaurian shall develop a public grievance redressal system (PGRS) by setting up of call centre at its headquarter. The PGRS may include SMS based service mobile application or web based services.

(16) Municipal Committee, Jaurian shall install bio-metric/smart card technologies/ICT System for tracking and recording attendance of employees associated with the working of SWM Rules and these bye-laws at Hq./all zones/ward offices etc. and shall make an endeavour to integrate such system with the salary/wages/remuneration.

(17) Transparency and Public Accessibility : To ensure greater transparency and public accessibility, Municipal Committee, Jaurian, shall provide all necessary information through its website.

(18) Municipal Committee, Jaurian shall perform all other duties mentioned in SWM Rules, which have not been specifically mentioned in these bye-laws.

CHAPTER-X

MISCELLANEOUS

15. If any doubt or difficulty arises in the interpretation or implementation of these bye-laws the same shall be placed before

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Administrative Secretary of Housing and Urban Development Department,
whose decision in the matter shall be final.

16. *Co-ordination with Government Bodies.*—Municipal Committee, Jaurian shall co-ordinate with other government agencies and authorities, to ensure compliance of these bye-laws within areas under the jurisdiction or control of such bodies. In case of any difficulty matter shall be placed before Chief Secretary of Government of J&K.

17. The Competent Authority may issue general or special orders from time to time for proper implementation of Solid Waste Management Rules, 2016 and these bye-laws.

18. *Right to Appeal.* Any person aggrieved or affected by Jammu and Kashmir Solid Waste Management Bye-Laws, 2018 shall have the right to appeal before Director, Urban Local Bodies, Jammu within 30 days and in case he is not satisfied with the disposal of Director concerned, the second appellate authority shall be Administrative Secretary of Housing and Urban Development Department whose decision shall be final and binding.

(19) *Jurisdiction.*—For filing cases against the Bye-Laws the Jurisdiction is Jammu and Srinagar only.

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13.	Small and cottage industry, workshop (only non-hazardous waste)	1000	500
14.	Godowns, cold storages (only non-hazardous waste)	2000	1000
15.	Automobiles, showrooms	2000	1000
16.	Service Stations, Automobile Workshops	1000	500
17.	Marriage/Party Halls, Festivals Halls, Party Lawns, exhibition and fairs.	2000	1000
18.	Clubs, cinemas halls, pubs, multiplexes and other such places.	2000	1000
19.	Any other non-commercial, commercial, religious or charitable institution not covered in any of above categories.	500	500
20.	Dairies & Kennels	1000	500
21.	Other places/activity not marked as above.	As decided by the Concerned CEO/EO Municipal Councils by general or special order	As decided by the Concerned CEO/EO Municipal Committees by general or special order.

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3.	Rule 4 (1) (c) of SWM Rules	Failure to deal with construction and demolition waste in accordance with the Rule	Residential Non-Residential	2000 5000
4.	Rule 4 (2) of SWM Rules	Open burning of solid waste	Violator	5000
5.	Rule 4 (4) of SWM Rules	Organizing an event or gathering of more than one hundred person at any unlicensed place without following the prescribed procedure	Person(s), who has/ve organised such event or gathering or, on whose behalf such event or gathering has been organized and the event manager(s), if any, who has/ve organized such event or gathering	5000
6.	Rule 4 (5) of SWM Rules	Street vendor failing to deal with waste in accordance with the Rule	Violator	500
7.	Bye-Law 13 (i) read with Rule 15 (g) of SWM Rules	Littering	Offender	500

