



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, KHOUR,

PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020.

Notification

Khour, 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, Khour, Plastic Waste Management Bye-laws-2020.



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consistent with other known compostable materials, excluding conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue ;

- (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, pyrolysis, 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 ;



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(xxvii) **“registration”** means registration with the Jammu and Kashmir Pollution Control Board or Municipal Committee, Khour or statutory authority concerned, as the case may be ;

(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 flags

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

(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 :

(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 ;

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- (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 ;
- (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 Councils/Committees 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 ;

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- (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 ;
- (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, Khour.—**

- (i) 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) The Municipal Committee, Khour, 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
  - (g) Ensuring that open burning of plastic waste does not take place.
- (iii) The Municipal Committee, Khour 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, Khour shall endeavour and encourageô
- 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, Khour, 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, Khour 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 in the Slum Adoption Program.





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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, Khour 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

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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, Khour 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, Khour, 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, Khour, 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 exempted.

(c) The plastic carry bags, manufactured exclusively for export



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Khaur. 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, Khaur. A separate budget code shall be established for this purpose.







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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, Khour Format-1  | Rs. 5000/-  |
| 6. | Failure to submit Annual Report to Municipal Committee, Khour, by 30th April of every year.                    | Rs. 5000/-  |

Executive Officer,  
Municipal Committee, Khour.

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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,  
Municipal Committee, Khour.

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