



THE

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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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UNION TERRITORY JAMMU AND KASHMIR
GOVERNMENT,
MUNICIPAL COMMITTEE, SURNKOTE,

PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Surnkote, the 7th 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, Surnkote, Plastic Waste Management Bye-laws-2020.

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

- (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 Municipal Committees, Municipal Councils, Municipal Corporations and Village Panchyats ;
- (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 ;

- (ii) Plastic coated carry bags ;
- (iii) Non-woven polypropylene carry bags ;
- (dd) **“virgin plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste ;
- (ee) **“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 ;
- (ff) **“waste management”** means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally safe manner ;
- (gg) **“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 ;
- (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 ;

No. 14-3] The J&K Govt. Gazette, 7 July, 2020/16th Asad., 1942. 7
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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 Committees/Councils/Corporations/ Village Panchyats 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 ;

8 The J&K Govt. Gazette, 7th July, 2020/16th Asad., 1942. [No. 14-3
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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 Corporation/Urban Local Bodies/Village Panchyats.—

- (i) Jammu/Srinagar Municipal Corporations, Municipal Council/Committee and Village Panchyats 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 Corporationm Urban Local Bodies and Gram Panchyats shall be responsible for setting up, operationalization and coordination of the waste management system and for performing the associated functions, namely :ô
 - (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 Corporation Urban Local Bodies, Village Panchyats 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) The Municipal Corporation and Urban Local Bodies 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 Corporation and Urban Local Bodies 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 Corporations Local Bodies and Village Panchyats 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.

No. 14-3] The J&K Govt. Gazette, 7 July, 2020/16th Asad., 1942. 11
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.

(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.

(2) The producers shall work out modalities for waste collection system based on Extended Producers Responsibility and inform Municipal Corporations, Urban Local Bodies and Village Panchyats accordingly within 6 months from the notification of Plastic Waste Management Bye-Laws, 2020.

(3) Multilayered plastic which is non-recyclable or non-energy recoverable or with no alternate use of plastic shall not be used in Municipal Corporation/Urban Local Bodies/Village Panchyats limits.

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

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

(6) 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.

No. 14-3] The J&K Govt. Gazette, 7 July, 2020/16th Asad., 1942. 13
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 Commissioner, Jammu/Srinagar Municipal
Corporations and Chief Executive Officer/Executive Officer, Urban Local
Bodies shall be the authority for enforcement of the provisions of these
rules relating to plastic waste management by waste generator.

(2) The Commissioner, Jammu/Srinagar Municipal Corporations and
Chief Executive Officer/Executive Officer, Urban Local Bodies shall
take the assistance of the Deputy Commissioner within the territorial
limits of the jurisdiction of the Municipal Corporation in the enforcement
of the provisions of these Bye-laws.

(3) Periodical and Surprise checks : The Commissioner, Jammu/
Srinagar Municipal Corporations and Chief Executive Officer/Executive
Officer, Urban Local Bodies or any other officer as authorized by the
Commissioner/Chief Executive Officer/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 the Bye-laws shall attract a
fine as per Schedule-I of the Bye-laws.

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 ;

No. 14-3] The J&K Govt. Gazette, 7 July, 2020/16th Asad., 1942. 15
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The fine levying authority shall deposit the fine amount (i. e. 1st/2nd/3rd instances) in GTC 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), with Chief Sanitation Officer/Assistant Sanitation Officer, Chief Enforcement Officer, Anti-polythene Officer, and Chief Revenue Officer as its members for Municipal Corporations. The Urban Local bodies shall be represented by concerned CEOs/EOs while as for Gram Panchyats concerned BDOs and Panchyat Officers shall be 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 ;

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	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	NIL
Date :		Name and signature :
Place :		Designation

