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

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PART III

Laws, Regulations and Rules passed thereunder.

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JAMMU AND KASHMIR GOVERNMENT,
MUNICIPAL COMMITTEE, DODA,

PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Doda, the 23rd 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, Doda, 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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2. Extent of application. These Bye-Laws shall be applicable within the territorial limits of Municipal Committee, Doda.

3. Definition. In these Bye-laws, unless the context otherwise requires,

- (i) **“Act”** means the Environment (Protection) Act, 1986 (29 of 1986) ;
- (ii) **“alternate use”** means use of a material for a purpose other than for which it was conceived, which is beneficial because it promotes resource efficiency ;
- (iii) **“brand owner”** means a person or company who sells any commodity under a registered brand label ;
- (iv) **“bulk/institutional waste generator”** means and includes buildings occupied by the Central Government Departments or undertakings, State Government Departments or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadia and sports complexes having an average waste generation rate exceeding 100 kg. per day ;
- (v) **“Bye-laws”** means Plastic Waste Management Bye-laws-2020 of Jammu and Kashmir ;
- (vi) **“carry bags”** means bags made from compostable plastic material, used for the purpose of carrying or dispensing commodities which have a self-carrying feature but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use, duly approved by Central Pollution Control Board ;
- (vii) **“commodity”** means tangible item that may be bought or sold and includes all marketable goods or wares ;
- (viii) **“compostable plastics”** mean plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue ;

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- (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 ;
- (xix) **“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

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layers of materials such as paper, paper board, polymeric materials, metalized layers or aluminium foil, either in the form of a laminate or co-extruded structure ;

- (xx) “**Nuisance Detectors**” (NDs) means those employees of the Municipal Committee, Doda who are appointed by the authorities to detect the acts of public nuisance etc. related to plastic waste management ;
- (xxi) “**plastic**” means material which contains as an essential ingredient a high polymer, such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, polybutylene terephthalate ;
- (xxii) “**plastic sheet**” means sheet made of plastic ; which are banned as per G. O. (Ms) No. 84 Environment and Forests (EC.2) Department dated 25-06-2018 ;
- (xxiii) “**plastic waste**” means any plastic discarded after use or after their intended use is over ;
- (xxiv) “**Prescribed authority**” means the authorities specified in Rule 12 of Plastic Waste Management and Handling Rules, 2016, and Commissioner, Municipal Corporations, Chief Executive Officer/Executive Officer, Urban Local Bodies ;
- (xxv) “**producer**” means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity ;
- (xxvi) “**recycling**” means the process of transforming segregated plastic waste into a new product or raw material for producing new products ;
- (xxvii) “**registration**” means registration with the Jammu and Kashmir Pollution Control Board or Municipal Committee, Doda 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

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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 include

- (a) The plastic sheets used for the food wrapping, spreading on dining table, etc.
 - i. Plastic sheet/cling film used for food wrapping ;
 - ii. Plastic/plastic coated sheet used for spreading on dining table ;
 - (b) Plastic plates
 - (i) Plastic thermocol plates ;
 - (ii) Plastic coated paper plates ;
 - (c) Plastic coated tea cups and plastic tumbler
 - (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 ;

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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 ;
- (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

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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.—

- (i) Municipal Committee, Doda, 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) Municipal Committee, Doda, 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.

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

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

(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

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Committee, Doda 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 Committee, Doda 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.

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

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person shall manufacture carry bags made from compostable plastics/
multilayered packaging without obtaining registration with Jammu and
Kashmir Pollution Control Board within Jammu and Srinagar Municipal
Committee, Doda, 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 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, Doda 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, Doda 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

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Committee, Doda 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
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.

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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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FORM I

Registration

Application form for registration of units engaged in processing or recycling of plastic waste at Municipal Committee, Doda to be submitted to the Public Health and Sanitation Wing, Municipal Corporations/Municipal Councils/Committees and Gram Panchayats. One time registration fees to be paid.

1. Name and Address of the Unit					
2. Contact person with designation, Tel./ Fax/e-mail					
3. Date of commencement					
4. No. of workers (including contract labour)					
5. Waste Management	S. No.	Type	Category	Qty.	
(a) Waste generation in processing plastic waste	I				
	II				
(b) Waste collection and transportation (attach details)					
(c) Waste Disposal details	S. No.	Type	Category	Qty.	
	I				
(d) Provide details of the disposal facility, whether the facility is authorized by SPCB or PCC					
(e) Please attach analysis report of characterization of waste generated (including leachate test if applicable)					

FORM-II

[See Rule 16 (1)]

**FORMAT OF ANNUAL REPORT BY OPERATOR OF PLASTIC
WASTE PROCESSING OR RECYCLING FACILITY TO THE
LOCAL BODY**

Period of Reporting :

1. Name and Address of operator of the facility :
2. Name of officer incharge of the facility (Telephone/Fax/Mobile/e-Mail) :
3. Capacity :
4. Technologies used for management of plastic waste :
5. Quantity of plastic waste received during the year being reported upon along with the source :
6. Quantity of plastic waste processed (in tons) : Plastic waste recycled (in tons)-Plastic waste processed (in tons)-Used (in tons) :
7. Quantity of inert or rejects sent for final disposal to landfill sites :
8. Details of landfill facility to which inert or rejects were sent for final disposal : Address-Telephone :
9. Attach status of compliance to environmental conditions, if any, specified during grant of consent or registration :

Date :

Signature of Operator.

Place :
