



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 133] Jammu, Tue., the 7th July, 2020/16th Asad., 1942. [No. 14-2

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.

ô ô ô ó

JAMMU AND KASHMIR GOVERNMENT,
MUNICIPAL COUNCIL, RAJOURI,

PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Rajouri, 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 Council, Rajouri, Plastic Waste Management Bye-laws-2020.

No. 14-2] The J&K Govt. Gazette, 7th July, 2020/16th Asad., 1942. 3
oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

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 Council, Municipal Committees, Municipal Corporations and Village Panchayats ;
- (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 ;

8 The J&K Govt. Gazette, 7th July, 2020/16th Asad., 1942. [No. 14-2
oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

- (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 BDs 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 Panchayats.—

- (i) The Jammu/Srinagar, Municipal Corporations, Municipal Council/Committee and Village Panchayats 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 Corporations, Urban Local Bodies and Gram Panchayats, 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 Corporations, Urban Local Bodies and Village Panchayats 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 Corporation, Urban Local Bodies 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 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 Council, Rajouri 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.

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 Panchayats 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 Panchayat 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

12 The J&K Govt. Gazette, 7th July, 2020/16th Asad., 1942. [No. 14-2
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 person shall manufacture carry bags made from compostable plastics/ multilayered packaging without obtaining registration with Jammu and Kashmir Pollution Control Board with Jammu and Srinagar Municipal Corporation/Urban Local Bodies/Village Panchayats 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.

14 The J&K Govt. Gazette, 7th July, 2020/16th Asad., 1942. [No. 14-2
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.

(2) Enforcement mechanism for ban on one time use and throwaway plastics is as follows :

- (a) 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/CEO/EO, will conduct surprise checks in various parts of the wards in the corporation limits at any point of time to enforce compliance of G. O. 84. Any contravention of any clause of this Bye-law shall attract a penalty as per Schedule-I of the Bye-laws ;
- (b) Inspection Authority : Sanitary Inspector shall serve in the capacity of Inspection Authority. Fine levying authorities i. e., the concerned Sanitary Inspector is, hereby, authorized

No. 14-2] The J&K Govt. Gazette, 7th July, 2020/16th Asad., 1942. 17

SCHEDULE-I

Schedule of Fines

S. No.	Description of Bye-law	Amount of fine applicable for breach for By-law
---------------	-------------------------------	------------------------------------------------------------

1	2	3
---	---	---

1. Retailers, Street Vendors and Commercial establishments selling or providing commodities to consumer in compostable carry bags, carry bags made of compostable plastics, and multilayered packaging which are NOT MARKED AND LABELLED as per norms prescribed in Plastic Waste Management By-laws, 2019.

(a) Name, Registration Number of manufacturer and thickness in case of Multilayered packaging and should be labeled as “Recyclable” or “ compostable ” printed in English mandatorily and any number of other languages as optional,-Any breach of this.	Rs. 1000/-
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------

(b) Name of the manufacturer and certificate number (Bye-law 4h) in case of carry bag made from compostable plastics with ISO Code as approved by Central Pollution Control Board/J&K Pollution Control Board and should be labeled as “compostable” printed in English mandatorily and any number of other languages as optional,-Any breach of this.	Rs. 1000/-
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------

