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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 COUNCIL, SAMBA,

MODEL PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Samba, the 30th 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, Samba, 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 ;

- (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 Councils, Municipal Municipal/Committees, 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 ;

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- (s) **“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 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 ;
- (t) **“Nuisance Detectors”** (NDs) means those employees of the Municipal Corporations or local bodies who are appointed by the authorities to detect the acts of public nuisance etc. related to plastic waste management ;
- (u) **“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 ;
- (v) **“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 ;
- (w) **“plastic waste”** means any plastic discarded after use or after their intended use is over ;
- (x) **“Prescribed authority”** means the authorities specified in Rule 12 of Plastic Waste Management and Handling Rules, 2016, and Chief Executive Officer/Executive Officer, Urban Local Bodies ;
- (y) **“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 ;
- (z) **“recycling”** means the process of transforming segregated plastic waste into a new product or raw material for producing new products ;

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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, Samba 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 Council/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 Council/Urban Local Bodies/
Village Panchayats :—**

- (i) The Municipal Council, Samba 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 Council, Samba 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 Council, Samba 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 Council 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 Council, 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 and Village Panchayats 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 Council 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 Council Village Panchayats limits ;

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

(5) No producer shall use any plastic or Multilayered packing 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

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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/Council/ 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. 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.

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(2) 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 Chief Executive Officer/Executive Officer, Municipal Council, Samba, shall be the authority for enforcement of the provisions of these rules relating to plastic waste management by waste generator.

(2) The Chief Executive Officer/Executive Officer, Municipal Council Samba, 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 Chief Executive Officer/ Executive Officer, Municipal Council, Samba, or any other officer as authorized by the Chief Executive Officer/Executive Officer will conduct surprise checks in various parts of the wards in the coporation 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 Chief Executive Officer/Executive Officer, Municipal Council, Samba, 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 :

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Inspector as its members for Municipal Council. The Urban Local bodies shall be represented by concerned CEOs/EOs while as for Gram Panchayats concerned BDOs and Panchayat Officers shall be members 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 Council Samba. A separate budget code shall be established for this purpose.

SCHEDULE-I

SCHEDULE OF FINES

S. No.	Description of Bye-law	Amount of fine applicable for breach for By-law*
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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, 2020.	
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(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/-
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(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/-
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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 Council Samba Format-I | Rs. 5000/- |
| 6. | Failure to submit Annual Report to Municipal Council Samba/Urban Local Bodies, by 30th April of every year. | Rs. 5000/- |

Executive Officer,
Municipal Council, Samba.

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