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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, BISHNAH,

PLASTIC WASTE MANAGEMENT BYE-LAWS, 2020

Notification

Bishnah, the 10th 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, Bishnah, 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 ;

- (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 ;

6 The J&K Govt. Gazette, 10th July, 2020/19th Asad., 1942. [No. 15-6

(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 ;

(xxxii) **“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 ;

(xxxiii) **“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 ;

12 The J&K Govt. Gazette, 10th July, 2020/19th Asad., 1942. [No. 15-6
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, Bishnah, 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.

No. 15-6] The J&K Govt. Gazette, 10th July, 2020/19th Asad., 1942. 13
oo

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, Bishnah, 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, Bishnah,, 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, Bishnah,, 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.

No. 15-6] The J&K Govt. Gazette, 10th July, 2020/19th Asad., 1942. 15
oo

Revenue Officer as its members for Municipal Committee, Bishnah,. 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, Bishnah,. A separate budget code shall be established for this purpose.

