



बादामीबाग छावनी परिषद  
BADAMIBAGH CANTONMENT BOARD

भारत सरकार, रक्षा मंत्रालय  
GOVT. OF INDIA, MINISTRY OF DEFENCE



श्रीनगर (जम्मू व कश्मीर) - १९०००४ / Srinagar (Jammu & Kashmir) - 190004

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No. 11/1/3228/CB/BB/१६१

Dated- 23<sup>rd</sup> Aug' 2022.

**PUBLIC NOTICE**

General Public of Badamibagh Cantonment Board is hereby made aware that Badamibagh Cantonment Board has drafted Solid Waste Management Bye Laws in respect of this Board. The draft Bye-Laws shall be available on the official website of Badamibagh Cantonment Board (<https://badamibagh.cantt.gov.in>). Therefore a notice is hereby given for the information of all persons likely to be affected, that the said draft bye laws will be taken into consideration by the Badamibagh Cantonment Board, Srinagar after 8 days from the date of publication of this notice.

Objections or suggestions, if any, to these draft bye-laws may be addressed to the Chief Executive Officer, Badamibagh Cantonment Board, Srinagar by or before 31<sup>st</sup> August 2022.

Chief Executive Officer  
Badamibagh Cantt. Srinagar



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संख्या: 11/1/3228/सीबी/बीबी/769

दिनांक: 23 अगस्त, 2022

**सार्वजनिक सूचना**

बादामीबाग छावनी बोर्ड की आम जनता को इसके द्वारा अवगत कराया जाता है कि बादामीबाग छावनी बोर्ड ने इस बोर्ड के संबंध में ठोस अपशिष्ट प्रबंधन उपनियमों का मसौदा तैयार किया है। मसौदा उप-नियम बादामीबाग छावनी बोर्ड की आधिकारिक वेबसाइट (<https://badamibagh.cantt.gov.in>) पर उपलब्ध होंगे। अतः प्रभावित होने वाले सभी व्यक्तियों की सूचना के लिए एतद्वारा एक नोटिस दिया जाता है कि बादामीबाग छावनी बोर्ड, श्रीनगर द्वारा उक्त मसौदा उपनियमों पर इस नोटिस के प्रकाशन की तारीख से 8 दिनों के बाद विचार किया जाएगा।

इन मसौदे उप-नियमों पर आपत्ति या सुझाव, यदि कोई हो, तो 31 अगस्त 2022 तक या उससे पहले मुख्य कार्यकारी अधिकारी, बादामीबाग छावनी बोर्ड, श्रीनगर को संबोधित किया जा सकता है।

मुख्य अधिशासी अधिकारी  
बादामीबाग छावनी, श्रीनगर

1. अमर उजाला

Genuine advertising and marketing srinagar

# **BADAMIBAGH CANTONMENT BOARD**

Government of India, Ministry of Defence



## **DRAFT BADAMIBAGH CANTONMENT BOARD MUNICIPAL SOLID WASTE MANAGEMENT BYE-LAWS-2022 (BCBMSW BYE-LAWS 2022)**

(To be framed/ notified by the Badamibagh Cantonment Board under the sections 15 of the Solid Waste Management Rules 2016 and under sections 348 and 350 of the Cantonments Act 2006)

# Badamibagh Cantonment Board Solid Waste Management Bye-laws, 2022

## CHAPTER I GENERAL

**1. Short Title and Commencement.**—(1) These bye-laws may be called the Badamibagh Cantonment Board Solid Waste Management Bye-laws, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Applicability.**—These bye-laws shall be applicable within the territorial limits of the Badamibagh Cantonment.

**3. Definitions.**— (1) In these bye-laws, unless the context otherwise requires,—

(a) **“Board”** means the Badamibagh Cantonment Board;

(b) **“bulk garden and horticultural waste”** means bulk waste from parks and gardens including grass clippings, weeds, woody brown carbon-rich material such as pruning, branches, twigs, wood chipping, straw, dead leaves, tree trimmings and such other waste, which cannot be accommodated in the daily collection system for bio-degradable waste;

(c) **“bulk waste generator”** means the bulk waste generator as defined under clause (8) of sub-rule (1) of rule 3 of the Solid Waste Management Rules, 2016 (hereafter referred to as the SWM Rules) and any other waste generator notified by the Chief Executive Officer from time to time;

(d) **“collection”** means lifting and removal of solid waste from source of waste generation, collection points or any other location;

(e) **“competent authority”** means the Chief Executive Officer of the Board or any other person authorised by him;

(f) **“construction and demolition waste”** shall have the same meaning as assigned to it under clause (c) of sub-rule (1) of rule 3 of the Construction and Demolition Waste Rules, 2016;

(g) **“clean area”** means the public place in front of and all around or adjacent to any premises extending to the kerb side and including the drain, foot path and kerb cleaned and so maintained in accordance with these bye-laws;

(h) **“community waste storage bin”** means any storage facility set up and maintained by the Board or collectively by owners or occupiers, as the case may be, of one or more premises for storage of solid waste in a segregated manner on the roadside or in the premises of any one of such owners or occupiers or in their common premises as authorised by the competent authority (hereafter referred to as the dhalao);

(i) **“containerised hand cart”** means the hand cart provided by the Board or the agency or the agent appointed by it for point-to-point collection of solid waste;

(j) **“delivery”** means handing over any category of solid waste to worker of the

Board or any other person appointed, authorised or licensed by the Board for taking delivery of such waste or depositing the same in any vehicle provided by it or by any other authorised agency or licensed by the Board to do so;

(k) **“e-waste”** shall have the same meaning as assigned to it under clause (r) of sub-rule (1) of rule 3 of the E-Waste (Management) Rules, 2016;

(l) **“fixed compactor transfer station” (FCTS)** means a powered machine which is designed to compact segregated solid waste and remains stationary when in operation and the compactor may also be mobile when in operation, which may be called mobile transfer station (hereafter referred to as the MTS);

(m) **“litter”** means all refuse and includes any other waste material which, if thrown or deposited as prohibited under these bye-laws, tends to create nuisance or danger to any person, animal, environment or public health, safety and welfare;

(n) **“littering”** means causing, putting, burying, permitting or allowing litter in such a location that it falls, descends, blows, is washed, percolates or otherwise escapes or is likely to fall, descend, blow, be washed, percolate or otherwise escape into or onto any open or public place;

(o) **“owner”** means any person who exercises the rights of an owner of any building, or land, or part thereof;

(p) **“occupier or occupant”** means any person who is in occupation of or in possession and includes any person who for the time being is using, any land or building or part thereof, for any purpose whatsoever;

(q) **“pelletisation”** means a process whereby pellets are prepared which are small cubes or cylindrical pieces made out of solid waste and includes fuel pellets which are also referred as refuse derived fuel;

(r) **“prescribed”** means prescribed by the SWM Rules or in these bye-laws;

(s) **“public place”** means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(t) **“storage”** means the temporary containment of solid waste in a manner so as to prevent littering, attraction to vectors, stray animals and excessive foul odor;

(u) **“sanitary worker”** means a person employed by the Board or the agency authorised by it for collecting or removing solid waste or cleansing the drains in the Badamibagh Cantonment areas;

(v) **“Schedule”** means the Schedule appended to these bye-laws;

(w) **“user fee or charges”** means fees or charges imposed by the Board, through general or special order of the competent authority from time-to-time, on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services;

(x) **“vacant plot”** means any land or open space, belonging to or under the

management of any person or private agency or government agency or government department or public undertaking, which is not occupied;

(2) The words and expressions used but not defined herein shall have the same meaning as respectively assigned to them in the Solid Waste Management Rules, 2016 and the Construction and Demolition Waste Management Rules, 2016.

## **CHAPTER II**

### **SEGREGATION AND PRIMARY STORAGE OF SOLID WASTE**

**4. Segregation and storage of solid waste at source.**— (1) It shall be the duty of all waste generators to separate and store the solid waste coming out of their respective places regularly into three streams, namely:—

(a) non-biodegradable or dry waste;

(b) biodegradable or wet waste;

(c) domestic hazardous waste and deposit it into covered waste bins, and handover segregated waste to designated waste collectors as directed by the Board from time to time.

(2) Every bulk waste generator is to separate and store the solid waste coming out of their own places into three streams, namely:—

(a) non-biodegradable or dry waste;

(b) biodegradable or wet waste;

(c) hazardous waste in suitable bins and handover segregated waste to authorised waste processing or disposal facilities or deposition centres through the authorised waste collection agency by paying the carrying charges specified by Board from time to time.

(3) The colour of bins for storage of segregated waste shall be green for biodegradable waste, blue for non-biodegradable or dry waste and black for domestic hazardous waste.

(4) All resident welfare and market associations shall, in partnership with the Board, ensure segregation of waste at source by the generators, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The biodegradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible and the residual waste shall be given to the waste collectors or agency as directed by the Board.

(5) All gated communities and institutions with more than 5,000 sq. mtrs area shall, in partnership with the Board, ensure segregation of waste at source by the generators; facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The biodegradable waste shall be processed, treated and disposed off through composting or bio- methanation within the premises as far as possible and the residual waste shall be given to the waste collectors or

agency as directed by the Board.

(6) All hotels and restaurants shall, in partnership with the Board, ensure segregation of waste at source, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The biodegradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible and the residual waste shall be given to the waste collectors or agency as directed by the Board.

(7) No person shall organize an event or gathering of more than one hundred persons at any unlicensed place without intimating the Board, either by physically or through online, along with payment of user fee as specified in Schedule-I, at least three working days in advance and such person or the organizer of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as directed by the Board.

(8) Used sanitary waste are to be securely wrapped as and when generated in the pouches provided by the manufacturers or brand owners of these products or in a news paper or suitable biodegradable wrapping material and place the same in the bin meant for non-biodegradable waste or dry waste.

(9) Every street vendor shall keep suitable containers for storage of segregated waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables or fruits, and shall deposit such waste at waste storage depot or container or vehicle as notified by the Board.

(10) Waste generator of garden and horticulture waste generated from his premises shall store such waste separately in his own premises and dispose of the same as per the directions of the Board from time to time.

(11) Domestic hazardous waste shall be stored and delivered by every waste generator to the collection vehicle which shall be provided periodically by the Board or any other agency authorised by it or Government of Jammu and Kashmir or the Jammu and Kashmir Pollution Central Committee (JKPCC) for collection of such waste, or to a centre designed for collection of such waste for disposal in such manner as may be directed by the Government of Jammu and Kashmir or the JKPCC.

(12) Construction and demolition waste shall be stored and delivered separately as provided under the Construction and Demolition Waste Management Rules, 2016.

(13) No untreated bio-medical waste, e-waste, hazardous chemicals and industrial waste shall be mixed with solid waste. Such waste shall be disposed of in accordance with the provisions of the Environment (Protection) Act, 1986 and the rules or regulations made thereunder.

(14) Every owner or occupier of any premises other than designated slaughter houses and markets, who generates poultry, fish and slaughter waste as a result of any commercial activity, shall store the same separately in closed, hygienic condition and deliver it at a specified time, on a daily basis to the collection vehicle provided by the Board for this

purpose:

Provided that there shall not be any depositing of such waste in any community waste bin and such deposition is strictly prohibited.

(15) Segregated bio-degradable solid waste if not composted by the generators, shall be stored by them within their premises and its delivery shall be ensured to the worker of the Board or vehicle; or waste picker or waste collector or to the waste collection vehicle provided for specified commercial generators of bulk biodegradable waste at such times as may be notified by the Board from time to time.

### CHAPTER III

#### SOLID WASTE COLLECTION

**5. Collection of solid waste.**— (1) In compliance with the SWM Rules, door to door collection of segregated solid waste shall be implemented in all areas or wards of the Board, to collect garbage from every house, including slums and informal settlements on a daily basis by integrating the informal door to door collection system with Boards collection system.

(2) In order to collect garbage from every house, area-wise specific time slot shall be set and published at conspicuous parts of that area and on the website of the Board. Commonly, time for house to house garbage collection shall be set from 6 am to 11 am. For collection of garbage from trading establishments, shops in commercial areas or any other institutional waste generators, commonly the time shall be from 7 am to 12 noon. The household, institution and commercial entities shall hand over the garbage to waste collector.

(3) Arrangements shall be made for collection of residual solid waste from bulk waste generators, which are processing waste in-situ.

(4) Residual solid waste from vegetable, fruit, flower, meat, poultry and fish market shall be collected on day to day basis.

(5) Horticulture and garden waste shall be separately collected and disposed of once or twice in a week.

(6) To make optimum use of biodegradable waste from fruits and vegetable markets, meat and fish markets, bulk horticulture and garden waste and to minimize the cost of collection and transportation, such waste shall be processed or treated within the area where waste is generated.

(7) Manual handling of waste in the containers shall be prohibited. If it is unavoidable due to unexpected constraints, manual handling shall be carried out under proper protection with due care for safety of workers.

(8) Waste generators shall be responsible to deposit their segregated waste in the auto-tippers or rickshaws deployed by the Board or by the notified authorised waste collector. Segregated waste from multi-storied buildings, apartments, housing complexes may be collected from the entry gate or any other designated location as directed by the



competent authority.

(9) Changing needs and advances in technology shall be taken into consideration for selection of collection equipment and vehicles from time to time. Auto-tippers or vehicles of specific capacity with-hydraulically operated hopper covering mechanism from top having two compartments for carrying biodegradable and non-biodegradable waste separately with a hooter shall be deployed for collection of waste.

(10) Automatic voice recorded device, bell or horn or other suitable device having sound not more than the permissible noise level shall be installed on every garbage collection vehicle used by the waste collectors.

(11) Route plans for each primary collection and transportation vehicle shall be provided by the Board or by the notified authorised waste collector. These plans in tabular as well as GIS map form, duly approved by the Board shall mention starting point, start time, waiting points, waiting time on route, end point and end time of the specified Route. The Board or the notified authorised waste collector shall provide a display board at each street to display the time-table of primary collection and transportation vehicles to allow residents avail the facility at specified time. Such information shall also be uploaded on the website of the Board.

(12) In narrow streets where it is not possible to provide service by auto tipper or the vehicle, a three-wheeler or smaller motorized vehicle with hydraulically operated hopper covering mechanism from top having two compartments for carrying wet and dry waste separately with a hooter, compatible with mobile transfer station shall be deployed.

(13) In congested and narrower streets where it is not possible to provide service by a three-wheeler or any suitable smaller vehicle, cycle rickshaws or any other type of suitable equipment shall be deployed.

(14) Smaller, narrow or congested streets or lanes where even a three-wheeler or rickshaw or any other type of suitable vehicles may not be in a position to deploy, vantage points shall be designated at the start of the locality or street, where the collection vehicle shall be parked and the helper or driver of the vehicle shall carry a whistle and walk in the locality to announce arrival of the vehicle for collecting solid waste. Time table for such collection system shall be displayed at the display board and uploaded on the website of the Board. Every household shall be responsible to ensure to handover segregated waste to the collector at the designated place.

(15) Auto tippers, three-wheelers, rickshaws and any other type of collection vehicles engaged in the service shall collect waste only from households and not from any other source, such as, dhalaos, open sites, ground, bins or drains.

(16) The Board or its notified authorised waste collectors shall be responsible to cover all the streets or lanes of each zone for the primary collection of solid waste.

**CHAPTER IV**  
**SECONDARY STORAGE OF SOLID WASTE**

**6. Storage of solid waste in the secondary storage points.**— (1) Segregated solid waste collected from doorsteps shall be taken to waste storage depots, community storage bins or fixed or mobile transfer stations or the locations specified by the Board for secondary storage of waste.

(2) The secondary storage points shall have covered containers, of specified colour, for separate storage of the following, namely:—

- (a) non-biodegradable or dry waste;
- (b) biodegradable or wet waste;
- (c) domestic hazardous waste.

(3) Different colored containers shall be used in the areas demarcated by the Board to keep segregated waste in the following manner, namely:—

- (a) green- for biodegradable waste;
- (b) blue for non-biodegradable waste;
- (c) black - for domestic hazardous waste.

(4) The Board shall, from time to time, notify mandatory colour coding and other specifications of receptacles prescribed for storage and delivery of different types of solid waste to enable safe and easy collection without any mixing or spillage of waste, which generators of different types of solid waste shall adhere to.

(5) The Board on its own or through outsourcing agencies shall maintain the storage facilities for solid waste in a manner that does not create unhygienic and unsanitary conditions around it.

(6) Containers of various sizes in the secondary storage depots shall be provided by the Board or any agency authorised by it in different colours as specified in these bye-laws.

(7) Storage facilities shall be created and established by taking into account quantities of waste generation in a given area and the density of population and such storage facilities shall be user friendly and shall be so designed to ensure compaction of waste and not exposed to open atmosphere.

(8) All the housing cooperative societies, associations, colonies, residential and commercial establishments or gated communities shall have the responsibility to put colored bins as specified in these bye-laws and to keep adequate number of containers in clean and good condition in appropriate places in their own complexes at their own cost, so that the daily waste generated there can be properly deposited.

(9) The Board or the agency authorised by it shall carry out washing and disinfection of all the bins on a regular basis.

**7. Recycling centers for dry waste (Non-biodegradable waste).**— (1) The Board shall convert its existing dhalaos or identify specific locations as per requirement, as 'recycling centers' which shall be used for segregation of dry waste received through street or door to

door waste collection service. Recycling centers may be increased depending on the quantity of dry waste received.

(2) Dry (non-biodegradable) waste collected through street or door-to-door collection system and from commercial establishments shall be transferred to the designated recycling centers and such designated centers shall receive only dry waste.

(3) The households may also directly deposit or sell their recyclable dry waste to the authorised agents or authorised waste dealers, as the case may be, of the Board at these recycling centres at pre-notified rates. The dealers shall maintain weighing scale and a counter at a permitted place at each recycling unit for this purpose. The authorised agents or, as the case may be, the authorised waste dealers shall be allowed to dispose of or sell the recyclable waste to the secondary market or recycling units only in consonance with the provisions of the SWM Rules. The authorised agents or authorised waste dealers shall be entitled to retain sales realization thereof.

**8. Deposition centre for specified domestic hazardous waste.**— (1) For the collection of domestic hazardous waste, a deposition centre shall be set up at a suitable location for receiving the specified domestic hazardous waste. Such facility shall be set-up in each ward in such manner as may be prescribed by the Government and notify the timing of receiving of such waste.

(2) The Board may also give the responsibility to authorised agent or concessionaire to collect domestic hazardous waste from all waste generators in segregated manner and such waste shall be transported separately to the hazardous waste disposal facility set up by the Government.

## **CHAPTER V TRANSPORTATION OF SOLID WASTE**

**9. Transportation of solid waste.**— The transportation of solid waste shall be done in the following manner, namely:—

(i) Vehicles used for transportation of waste shall be covered in such manner that the collected waste is not exposed to open environment. The vehicles may also include compactors and mobile transfer stations depending upon choice of technology by the Board.

(ii) The storage facilities set up by the Board shall be attended daily for clearing waste and the areas surrounding the place where the bins or containers are kept shall also be cleaned.

(iii) The collected and segregated bio-degradable waste from residential and other areas shall be transferred to the processing plants like compost plants, bio-methanation plants or any such other facilities in a covered manner.

(iv) Wherever applicable, for biodegradable waste, preference shall be given for on-site processing of such waste.

(v) Collected non-bio-degradable waste shall be transported to the respective processing facilities or secondary storage facilities.

(vi) Construction and demolition waste shall be transported as per the provisions of the Construction and Demolition Waste Management Rules, 2016.

(vii) The Board shall make arrangements for transportation of inserts in a proper manner. The street sweeping waste and removable drain silt shall be removed immediately after the work is over.

(viii) Transportation vehicles shall be so designed that multiple handling of waste, prior to final disposal, is avoided.

(ix) The collection vehicles engaged for transportation purpose shall deposit or transfer the waste only at the MTS or FCTS wherever provided.

(x) In case MTS or FCTS are not stationed at the designated location at that point of time for any reason, then the loaded vehicle shall go to the next designated location of the MTS or FCTS or the site specified by the Board to unload the waste.

(xi) FCTS shall be transported through hook loader.

(xii) The MTS or FCTS shall transport the waste directly to compost plant, waste to energy plant or any other site or plant as may be designated by the Board.

(xiii) There shall not be any inter-mixing of waste from various sources during the transportation of waste.

(xiv) The services of street level collection and transportation of waste shall be provided every day.

(xv) The MTS engaged in this service shall receive waste only from designated auto tippers, three-wheelers or vehicles or bins collecting waste from street level operations.

(xvi) The dedicated MTS shall be deployed at specified locations to receive waste from the auto-tippers, three-wheelers or rickshaws engaged in street-level and door-to-door collection of solid waste from households and commercial establishments as per the approved route plans.

(xvii) The design of MTS and FCTS shall allow unloading of waste from primary collection vehicles by consuming minimum time and without littering waste.

(xviii) The garbage spilled near MTS and FCTS, while transferring the solid waste, shall be cleaned so that no spillage is left. Disinfectant shall be used after cleaning process at that location.

(xix) The Board or its authorised agent or agency shall install CCTV cameras at all secondary storage facilities.

## **CHAPTER VI**

### **PROCESSING OF SOLID WASTE**

**10. Processing of solid waste.**— (1) The Board shall facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on its own or through any agency for optimum utilization of various components of solid waste adopting suitable technology including the following technologies and adhering to the guidelines issued by the Central Government in the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board, namely:—

(a) to minimize transportation cost and environmental impacts, preference shall be given to decentralized processing such as bio-methanation, microbial composting, Vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilization of biodegradable waste;

(b) through medium or large composting or bio-methanation plants at centralized locations;

(c) through waste to energy processes by refuse derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants;

(d) through construction and demolition waste management plants and

(e) to make all endeavours to create a market for consumption of refuse derived fuel to the extent it is possible.

(2) In waste to energy plant by direct incineration, absolute segregation shall be mandatory and be part of the terms and conditions of the relevant contracts.

(3) The Board shall endeavor that recyclables such as paper, plastic, metal, glass, or textile material go to authorised recyclers.

**11. Other guidelines for processing of solid waste** — (1) The Board shall enforce processing of bio-degradable waste on site of generation of such waste through composting or bio-methanation, as far as possible, at RWAs, group housing societies, markets, messes of armed forces and other agencies, gated communities and institutions with more than 5000 sq. mtr areas, all hotels and restaurants, banquet halls and places of such nature. Preference shall be given for on-site processing of biodegradable waste generated by other waste generators as well.

(2) The Board shall enforce that markets dealing with vegetables, fruits, flowers, meat, poultry and fish waste while processing bio-degradable waste ensure hygienic conditions.

(3) The Board shall enforce processing of horticulture, parks and garden waste separately in the parks and gardens as far as possible.

(4) The Board shall take all steps to involve communities in waste management and promote home composting, bio-gas generation, decentralized processing of waste at community level, subject to control of odor and maintenance of hygienic conditions around the facility.

## **CHAPTER VII DISPOSAL OF SOLID WASTE**

**12. Disposal of Solid waste.**— (1) The Board shall undertake on its own or through any other agency, the construction, operation and maintenance of sanitary landfill and associated infrastructure for disposal of residual waste and inert street sweepings and silt from surface drains in such manner as may be prescribed in the SWM Rules and any other obligation imposed by any other law for the time being in force.

(2) Notwithstanding anything contained in sub-paragraph (1), the Board may enter into agreement with any other municipal body or group of municipal bodies so as to get the residual waste, inert street sweeping waste, silt from surface drains and others generated within the area of responsibility of the Board are disposed in landfill and associated infrastructure constructed, operated and maintained by such municipal body or group of municipal bodies.

## **CHAPTER VIII USER FEE AND IMPOSING OF SPOT PENALTY**

**13. User fee for collection, transportation and disposal of solid waste.**— (1) There shall be a user fee fixed for providing services for garbage collection, transportation and disposal from waste generators by the Board. The rates of user fee are as specified in Schedule-I.

(2) The Board shall collect the user fee so fixed from waste generators or the authorised agency or any person authorised by the competent authority by a general or special order in this behalf.

(3) The Board shall prepare the database of all the waste generators for the purpose of levying user fee, and evolve appropriate mechanism for billing or collection or recovery of such user charges, within six months from the date of notification of these bye-laws. The database shall be updated regularly.

(4) The Board may adopt different methods for collection of user fee including online payment, on particular days in a month, preferably in first week of each month, shall be fixed for collection of such user fee.

(5) There shall also be a system of yearly or half yearly payment. If the user fee is paid in advance for the entire year, then amount for ten months will be charged instead of twelve months. Similarly, for six months advance payment, five and half months demand amount will be charged instead of six months.

(6) The user fee specified in Schedule-I shall stand increased automatically by 5% every year with effect from 1<sup>st</sup> January of each successive year.

(7) In case of default of payment of user fee, the competent authority may recover the same from the defaulter as an arrear of tax under the provisions of the Cantonments Act, 2006.

**14. Penalty for contraventions.**— (1) Whosoever contravenes or fails to comply with any

of the provisions of the SWM Rules or these bye-laws shall be imposed with penalty as specified in Schedule-II appended to these bye-laws.

(2) In case of repeated contravention or non-compliance as mentioned in clause (a) above, for every such repeated default, penalty shall be levied on per day basis or monthly basis, as the case may be.

(3) The Chief Executive Officer shall designate officers or such other employees for levying penalty by a general or special order in this behalf. The penalty shall be levied and collected on the spot and in case of non-payment of penalty at the spot, the procedure for prosecution as provided under the provisions of the Environment (Protection) Act, 1986 and the rules made thereunder shall be followed.

(4) The penalty specified in Schedule-II shall stand increased automatically by 5% every year with effect from 1<sup>st</sup> January of each successive year.

## CHAPTER IX

### RESPONSIBILITIES OF STAKEHOLDERS

#### 15. Responsibilities of waste generators. —

##### (I) Prohibition of littering:—

(a) **Littering in any public place:** No person shall litter in any public place except in authorised public or private litter receptacles. No person shall repair vehicles, wash or clean utensils or any other object or keep any type of storage in any public place, open or vacant space, except in such public facilities or conveniences specifically provided for any of these purposes.

(b) **Littering on any property:** No person shall litter on any open or vacant property except in authorised private or public receptacles.

(c) **Litter-throwing from vehicles:** No person, whether a driver or passenger in a vehicle, shall litter upon any street, road, sidewalk, playground, garden, traffic island or other public place.

(d) **Litter from goods vehicles:** No person shall drive or move any truck or other goods vehicle unless such vehicle is so constructed and loaded as to prevent any load, contents or litter from being blown off or deposited upon any road, sidewalks, traffic island, playground, garden or other public place.

(e) **Litter by owned or pet animals:** it shall be the responsibility of the owner of any pet animal including dog, cat or such other animal to promptly scoop or clean up any litter created by such pet on the street or any public place and take adequate steps for the proper disposal of such waste preferably by their own sewage system.

(f) **Disposal of waste in drain, etc.:** No person shall litter in any drain, river, open pond or in water bodies.

**(II) Burning of waste:—**

Disposal by burning of any type of solid waste at public places or at any private or public property is strictly prohibited.

**(III) Clean Area:—**

(a) Every person shall endeavour that any public place in front of or adjacent to any premises owned or occupied by him including the footpath and open drain or gutter and kerb is free of any waste, either in solid or liquid form.

(b) For public gatherings and events organised in public places for any reason (including for processions, exhibitions, circuses, fairs, political rallies, commercial, religious, socio-cultural events, protests and demonstrations, etc.) where the permission from the police department or from the Board, as the case may be, is required, it shall be the responsibility of the organizer of the event or gathering to ensure the cleanliness of that area as well as all appurtenant areas.

(c) Refundable cleanliness deposit, as notified by the Board, shall be collected by the authorised officer for the duration of the event from the organizer. This deposit shall be refunded on the completion of the event after it is noted that the said public place has been restored back to a clean state, and any waste generated as a result of the event has been collected and transported to designated sites. The said deposit collected by the Board is only for maintenance of cleanliness of the public place and does not cover any damage to property. In case the organizers of the event wish to avail of the services of the Board for the cleaning, collection and transport of waste generated as a result of that event, they may request by making an application to the concerned department or section in the Board and pay the necessary charges as may be fixed by the competent authority for this purpose.

(d) Dumping of solid waste on vacant plot and depositing construction and demolition waste at non-designated locations shall be dealt with by the Board in the following manner, namely:—

- (i) The Board may serve a notice on the owner or occupier of any premises, requiring such owner or occupier to clear any waste on such premises in such manner and within such time as may be specified in such notice.
- (ii) If, the person on whom the notice has been served fails to comply with the requirements imposed by the notice, such person shall be liable to pay penalty for each such failure, as ordered by the competent authority or by an employee as designated by the competent authority for the said purpose.
- (iii) Apart from paying the penalty on whom the aforementioned notice is served fails to comply with the requirement imposed by such notice, the competent authority or a person designated by him may, enter on the premises and clear the waste and recover from the occupier the



expenditure incurred in having do so.

**16. Duty of manufacturers or brand owners of disposable products and sanitary napkins and diapers.**— (1) All manufacturers of disposable products such as, tin, glass, plastics packaging, etc., or brand owners who introduce such products in the market within the jurisdiction of the Board shall provide necessary financial assistance to the Board for establishment of waste management system. The Board may also coordinate with the concerned departments in the Central Government and with the Government of Jammu and Kashmir for implementation of these provisions.

(2) All such brand owners who sell or market their products in such packaging material which are non-biodegradable shall put in place a system to collect back the packaging waste generated due to their production.

(3) Manufacturers or brand owners or marketing companies of sanitary napkins and diapers shall explore the possibility of using all recyclable materials in their products or they shall provide a pouch or wrapper for disposal of each napkin or diapers along with the packet of their sanitary products.

(4) It shall be the responsibility of all such manufacturers, brand owners or marketing companies to educate the masses for wrapping and disposal of their products.

(5) All industrial units using fuel and located within one hundred kms' from a solid waste based refuse derived fuel plant shall make arrangements to replace at least five per cent. of their fuel requirement by refused derived fuel so produced.

**17. Responsibility of Board.**— (1) The Board shall, within its territorial area, be responsible for ensuring regular system of surface cleaning of all common areas, such as streets or roads, public places, temporary settlements, slum areas, markets, parks owned by it, gardens or drains by employing human resources and machines and shall be bound to collect the garbage from the declared storage containers, and transport it every day to the final disposal point in closed vehicles for which the Board may engage private parties or agencies on contract or public private partnership mechanism, apart from its own cleaning staff and vehicles and the Board shall also identify all the commercial areas for carrying out sweeping twice a day, if needed.

(2) The Board or any agency authorised by it shall provide and maintain sufficient number of community litter bins of proper size on public roads, in surroundings of railway stations, bus stops, religious places and in commercial areas, if found necessary.

(3) The competent authority shall, for the purpose of managing solid waste activities in decentralized and regular manner, designate one official or an employee in every ward to supervise the spots of containers, public toilets, community toilets or urinals in public places, transfer station for public garage, landfill processing units, etc.

(4) The competent authority shall designate adequate number of senior officials, preferably not below the rank of Assistant Sanitary Inspector or equivalent, as Nodal Officers to monitor the progress of segregation, collection, transportation, processing and disposal of solid waste.

(5) Each ward shall be divided into sweeping beats based on the prescribed parameter and deploy its own or outsourced manpower accordingly or rationalize the existing deployment and monitor their work by using latest and suitable technology. The Board may also enter into public private partnership for the said purpose as it deems fit for a portion of its area of responsibility. Each beat shall be inspected by the supervising officials on daily basis as per the directions given from time to time.

(6) The Board shall employ latest road or street cleaning machines, mechanical sweepers or other equipment which improves the efficiency of sweeping and drainage cleaning.

(7) The Board shall create awareness and sensitization through information, education and communication campaign and educate the waste generators and other stakeholders about the various provisions of the SWM Rules and these bye-laws with special emphasis on user fee and penalties.

(8) The Board shall encourage waste generators to treat wet waste at source. It may consider creating systems for incentives for adoption of decentralized technologies such as bio-methanation, composting, etc. Incentives may be like awarding and recognising the households, Resident Welfare Associations and institutions, etc., by giving certificates, by publishing their names on respective websites or rebate in property tax, etc.

(9) The Board shall undertake use of compost in all parks, gardens maintained by it and wherever possible, in other places under its jurisdiction. Incentives may be provided to recycling initiatives by informal waste recycling sector.

(10) The Board shall make efforts to streamline and formalize solid waste management systems and make all endeavour that the informal sector workers in waste management (waste pickers) are given priority to upgrade their work conditions and are enumerated and integrated into the formal system of solid waste management.

(11) The Board shall ensure that the operator of a facility provides personal protection equipment including uniforms, fluorescent jackets, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce.

(12) The Board shall ensure occupational safety of its own staff and staff of outsourced agency involved in collection, transport and handling of waste by providing appropriate and adequate personal protective equipments.

(13) In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the officer- in- charge of the facility shall report to the Board immediately which shall review and issue instructions, if any, to the in- charge of the facility.

(14) The Chief Executive Officer or any other officer authorised by him shall conduct regular checks in various parts of the wards and other places of collection, transportation, processing and disposal of solid waste and supervise compliance of various provisions of the

SWM Rules and these bye-laws.

(15) The Board shall develop a public grievance redressal system (PGRS) by setting up of call centre at its headquarter. The PGRS may include SMS based service, mobile application or web based services.

(16) The Board shall install bio-metric or smart card technologies or ICT System for tracking and recording attendance of employees associated with the working of the SWM Rules and these bye-laws at their head quarters, all zonal offices and ward offices and shall make an endeavor to integrate such system with wages or remuneration, as the case may be.

(17) To ensure greater transparency and public accessibility, the Board shall provide all necessary information through its website.

(18) The Board shall perform all other functions and discharge all other duties provided under the SWM Rules, which have not been specifically mentioned in these bye-laws.

## **CHAPTER-X MISCELLANEOUS**

**18. Miscellaneous provisions.—** (1) If any doubt or difficulty arises in the interpretation or implementation of these bye- laws, the same shall be placed before the Chief Executive Officer whose decision in the matter shall be final.

(2) The Board shall co-ordinate with all other government agencies and authorities, to ensure compliance of these bye-laws within areas under the jurisdiction or control of such bodies.

(3) The competent authority may issue general or special orders from time to time for proper implementation of the SWM Rules and these bye-Laws.

## **SCHEDULE-I USER FEE FOR SOLID WASTE MANAGEMENT**

<b>Sl. No.</b>	<b>Categories</b>	<b>User Fee from each premises/ House/ Dwelling Unit/ Flat per month (in Rupees)</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1.	Residential dwelling unit	50
2	Residential dwelling unit with Tenant	Additional 50 per tenant
3	Street Vendor	150
4	Provision Stores or small shops	100
5	Beauty Salons/Barber Shops	200
6	Meat, Fish and Poultry shops	500
7	Tea Stall	100
8	Sweet Shop	100
9	Bakeries and Fast food	500
10	Guest Houses(up to 19 rooms) on Highway	1800

11	Guest Houses(up to 19 rooms) more than 30M from Highway	1000
12	Hostel	50 per room
13	Restaurants up to the sitting capacity of 40 persons	1500
14	Restaurants up to the sitting capacity of more than 40 persons	2500
15	Hotels with no ranking on Highway (Above 19 rooms)	2500
16	Hotels with no ranking more than 30M FROM Highway Above 19 rooms	1500
17	Hotel with star ranking	5000 + (1500 per star)
18	Government Offices / Nationalized Banks & Insurance Companies	2000
19	Corporate offices / Private Banks & Insurance Companies	4000
20	Micro Cottage workshop	1500
21	Marriage Functions	2500
22	Fair & Exhibition	2500 per day
23	Clubs & Pubs	5000
24	Bar with Restaurant	5000
25	Cinema Halls	10000
26	Multiplexes	15000
27	Religious & Charitable institutions including orphanage, old age home & shelter for widows	Exempted
28	Shopping Malls	15000
29	Shops more than 399 Sft	500
30	Other Places / Activity not marked above	To be decided by the competent authority

Note:—Late Payment Surcharge (LPSC) shall be charged at the rate of 10% per annum of the user fee or charges, if the user fee or charges are not paid within 30 days of raising the demand.

### SCHEDULE –II PENALTIES

S. No.	Rule/ Bye-law No.	Failures/Contraventions	Applicable to	Penalty for every default (in Rs.)
(1)	(2)	(3)	(4)	(5)
1.	Rule 4 (1)(a) of SWM Rules	Failure to segregate and store waste and handover	Residential	200
			Marriage/Party Halls,	5000

	read with bye-law 4 (1) (a)	segregated waste in accordance with the Rules and bye-laws	Festival Halls, Party Lawns, Exhibition and fairs with area less than 5000 sqm.	5000
			Clubs, Cinema Halls, Pubs, Community halls, Multiplexes and other such places with area less than 5000 sqm.	5000
			Other non-residential entities with area less than 5000 sqm.	500
2.	Rule 4 (1) (b) and (d) of SWM Rules read with bye-law 4 (8) and 4 (10)	(i) Failure to deal with sanitary waste in accordance with the Rules and bye-laws (ii) Failure to deal with horticulture waste and garden waste in accordance with the Rules and bye-laws	Residential	200
			Non Residential	500
3.	Rule 4 (1) (c) of SWM Rules read with bye-law 4 (12)	Failure to deal with construction and demolition waste in accordance with the Rules and bye-laws	Residential	500
			Non Residential	1000
4.	Rule 4 (2) of SWM Rules read with bye-law 15 (II)	Open burning of solid waste	Violator	500
5.	Rule 4 (4) SWM Rules read with bye-law 4 (7)	Organizing an event or gathering of more than one hundred person at any unlicensed place without following the prescribed procedure in Rules and bye-laws	Person organised such event or gathering or, on whose behalf such event or gathering has been organised and the event manager or managers, if any, who organised such event or gathering	500
6.	Rule 4 (5) of SWM Rules read with bye-law 4 (9)	Street Vendor failing to deal with waste with the Rules and bye-laws	Violator	200
7.	Bye-law 15 (I) read with rule 15 (g) of SWM Rules	Littering	Offender	200

Penalty shall be levied only once in a month for the following violations				
8.	Rule 4(6) of SWM Rules read with bye-law 4 (4)	Failure to deal with waste in accordance with the Rules and bye-laws	Resident Welfare Association	200
			Market Association	200
9.	Rule 4(7) of SWM Rules read with bye-law 4 (5)	Failure to deal with waste in accordance with the Rules and bye-laws	Gated Community	100
			Institution	100
10.	Rule 4(8) of SWM Rules read with bye-law 4 (6)	Failure to deal with waste in accordance with the Rules and bye-laws	Hotel	500
			Restaurant	500
11.	Rule 17 (2) of SWM Rules read with bye-law 16 (2)	Selling or marketing of disposable products without a system of collecting back the packaging waste generated due to their production	Manufactures and /or Brand Owner	500
12.	Rule 17 (3) of SWM Rules read with bye-law 16 (3)	Failure to take measure in accordance with the Rules and bye-laws	Manufactures and /or Brand Owner and /or marketing companies	500
13.	Rule 18 of SWM Rules read with bye-law 16 (5)	Failure to replace fuel requirement by refuse derived fuel	Industrial Unit	500

The above rates will be revised as and when required or becomes due for revision, strictly in accordance with the Cantonment Act, 2006 or applicable rules /laws.

**SCHEDULE-III**

**NOTICE OF DEMAND**

**To,**

.....

**Sub: - Notice of demand for payment of Outstanding Sanitation Fee/Charges**

**Whereas,** You have been residing in/ conducting the ..... within the Badamibagh Cantonment Area under the name and style of .....

**Whereas,** the Cantonment Board has been providing the Sanitation services within the Cantonment area and you have been availing the said services.

**Whereas,** despite being served the monthly Bills of the Sanitation Fee/Charges, You failed to pay the monthly Sanitation Fee/Charges of Rs...../- w.e.f. .... Onwards till date, which have accumulated to sum of Rs..... till.....

**Now through the** medium of this Notice of Demand, You are hereby given last opportunity to liquidate the bill/ arrears of Sanitation Fee/Charges accumulated to the sum of Rs..... within a period of 15 days, from the date of receipt of this Notice, failing which appropriate action as warranted and provided under the Cantonments Act, 2006 and as per Solid Waste Management Rules 2016 shall be initiated against you at your risk, cost and responsibility.

This Notice for demand is given without prejudice to the rights of the Board to initiate appropriate action as warranted under the Provisions of the Cantonments Act 2006 and shall not be deemed to accept the illegal construction/business.

**Chief Executive Officer  
Badamibagh Cantonment Board  
Srinagar**