

**GOVERNMENT OF TELANGANA
MUNICIPAL ADMINISTRATION DEPARTMENT**

O/o Commissioner & Director of
Municipal Administration,
Telangana State, Hyderabad

CIRCULAR

Circular Roc No.3983/2014/H2

Date:30.12.2014

Sub: Municipal Administration Department – TSPCB – Municipal Solid Waste (MSW) – OA No.199/2014 filled before the Hon'ble National Green Tribunal, New Delhi – Compliance of the orders dt.02.12.2014 and implement MSWM Action Plan in all ULBs of the State furnish the compliance report this office by 25th January, 2015 – Requested - Regd

Ref: 1. Lr.No.TSPCB/MSW/2014-381, Dated:17.12.2014 from TSPCB, Hyderabad
2. Govt. Memo No.3638/For.III/Env/2014, Dated:19.12.2014 of Environment, Forests, Science & Technology (For.III) Department.



I invite your attention to the references cited. In the reference 1st cited, Telangana State Pollution Control Board has informed that, Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi has passed the orders on 02.12.2014 in OA No.199 of 2014, pertaining to Management of Municipal Solid Waste. The Hon'ble NGT has directed State Governments to study the Judgment of the Tribunal Dt. 25.11.2014 in Appeal No.70 of 2012, in the case of Capt. Mall Singh & Ors Vs Punjab PCB & Ors, which deals with the methodology and steps that are to be taken by the States / State Boards for collection and disposal of Municipal Solid Waste (MSW).

2. It is informed that, the Action Plan of Punjab State, which was incorporated by the Hon'ble NGT in its Order dated 25.11.2014, deals with segregation & collection & transportation of MSW, maximum resource recovery from MSW, effective treatment and safe disposal of MSW. The Action Plan also deals with regulatory measures from residents, vegetable / Fruit Market Waste, Waste Marriage Halls/ Kalyana Mandaps/ Community Halls, Bio-Medical Waste from Health Care Establishments (HCEs), Constructions & Demolition Waste, Dairy & Cattle Shed waste, etc., Disposal of waste, MSW Processing / treatment techniques [viz., Incineration, Pellatization / Refuse Derived Fuel (RDF), Bio methanation, Vermi composting etc.,] ultimate disposal of MSW [land filling, sanitary landfills], financial aspects etc.

3. In this connection, the copy of the Order dated 02.12.2014 in OA No.199 of 2014 and copy of the Order dated 25.11.2014 in Appeal No.70 of 2012 are enclosed herewith, and request all the Municipal Commissioners of the State, to strictly implement MSWM Action Plan [keeping in mind viz., size the ULB, quantity of waste generation, waste characterization and availability of resources etc.], as suggested by Hon'ble National Green Tribunal, Principal Bench, New Delhi in the above Orders and furnish compliance report to the respective RDMA's by 25th January, 2015. The RDMA's of Hyderabad and Warangal Regions are requested to give utmost attention for implementation of the above said Orders, i.e., implementation of Municipal Solid Waste Management Action Plan in the ULBs of your jurisdiction and furnish consolidated compliance report to this office by 28th January, 2015 without fail.

Encls: As above

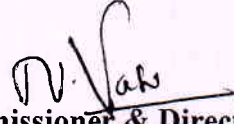
**Sd/- B.Janardhan Reddy
Commissioner & Director**

To

All the Municipal Commissioners of the State through their RDMA's concerned
All the Chairpersons/Mayors of the State through their Municipal Commissioners concerned
The RDMA of Warangal and Hyderabad regions for strict monitoring and implementation Action Plan

Copy Submitted to

Principal Secretary, MA&UD Department, Govt of Telangana, Telangana Secretariat, Hyderabad
Principal Secretary, EFS&T Department, Govt of Telangana, Telangana Secretariat, Hyderabad


for Commissioner & Director


2.1.15



TELANGANA STATE POLLUTION CONTROL BOARD
Paryavarana Bhavan, A-3, Industrial Estate, Sanathnagar, Hyderabad – 500018
Phone: 040 – 23887500

Lr. No. TSPCB/MSW/2014-381

Date: 17-12-2014

// MOST URGENT – COURT MATTER //

To

✓ **The Pri. Secretary to Govt., (FAC),
EFS&T Dept.,
Telangana Secretariat,
Hyderabad.**



Sir,

Sub: TSPCB – MSW – Hon'ble National Green Tribunal, New Delhi – Original Application No. 199 of 2014 – NGT orders dated 02.12.2014 – Communicated to give necessary instructions to the MA&UD Department and other concerned Departments in Telangana – Requested – Reg.

Ref: Hon'ble NGT order dated 02.12.2014 in OA No. 199 of 2014.

- X -

Kind attention is invited to the subject and the reference cited.

For-III
It is to submit that Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi has passed orders on 02.12.2014 in OA No. 199 of 2014 pertaining to Management of Municipal Solid Waste. The Hon'ble NGT has directed State Governments to study the **Judgment of the Tribunal Dt. 25.11.2014 in Appeal No. 70 of 2012**, in the case of **Capt. Mall Singh & Ors Vs Punjab PCB & Ors**, which deals with the methodology and steps that are to be taken by the States / State Boards for collection and disposal of Municipal Solid Waste (MSW).

Add-on
no comment
at once -
put up
today
Ch
18/12
3
The Action Plan of Punjab State, which was incorporated by the Hon'ble NGT in its Order dated 25.11.2014, deals with segregation & collection & transportation of MSW, maximum resource recovery from MSW, effective treatment and safe disposal of MSW. The Action Plan also deals with regulatory measures from Residents, Vegetable / Fruit Market Waste, Waste from Marriage Halls / Kalyan Mandaps / Community Halls, Bio-medical Waste from Health Care Establishments (HCEs), Construction & Demolition Waste, Garden Waste, Dairy & Cattle Shed waste, etc., Disposal of waste, MSW processing / treatment techniques [viz., Incineration, Pellatization / Refuse Derived Fuel (RDF), Bio-mechanization, Vermi Composting etc.,] ultimate disposal of MSW [land filling, sanitary landfills], financial aspects etc.

The Hon'ble NGT directed that if any suggestions are to be moved by the State Government in relation to the above said judgment, it should be moved within two weeks from the date of the judgment.

Contd....2

Page 2

4 The Hon'ble NGT made it clear that Chief Secretary of the State and Member Secretary of the Board shall be personally liable for compliance of the order.

5 The copy of order dated 02.12.2014 in OA No. 199 of 2014 and copy of the order dated 25.11.2014 in Appeal No. 70 of 2012 are enclosed herewith, with a request to communicate orders to the Principal Secretary, MA&UD Dept., Government of Telangana; Commissioner & Director, Municipal Administration (CDMA), Hyderabad and Special Officer & Commissioner, GHMC, Hyderabad, for taking necessary action as per the orders of the Hon'ble National Green Tribunal dated 02.12.2014.

This is submitted for kind perusal and necessary action.

Yours faithfully,

Sd/-

MEMBER SECRETARY (FAC)

Encl: As above.

// T.C.F.B.O //

Nishwanth

**JT. CHIEF ENVIRONMENTAL ENGINEER
TSPCB, HEAD OFFICE, HYDERABAD.**

ke

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 199 of 2014

Almitra H. Patel & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present: Applicant: Mr. Debmalya Banerjee and Mr. Abhishek Roy, Advocates
Respondent No. 3: Mr. Kankan Arandhara, Advocate
Respondent No. 6: Mr. Mukesh Verma, Advocate
Respondent No. 32 : Mr. K.V. Jagdishvaran and Mr. G. Indira for Andaman & Nicobar Island
Respondent No. 39 : Mr. Aruna Mathur, Mr. Yusuf Khan and Ms. Kiruba Munuamy, Advocate for State of Sikkim.

Mr. Raman Yadav, Advocate
Ms. Enatoli Sema for Nagaland
Mr. Dhanjay Baijal and Mr. Nikhil Nayyar, Advocates for APPCB & Telangana PCB
Mr. Braja Mahapatra and Mr. Dinesh Jindal, Advocates for DPCC
Mr. Pradeep Mishra and Mr. Daleep Dhyani, Advocates
Mr. Guntur Pramod Kumar and Mr. Guntur Prabhakar, Advocates
Mr. Sunil Satyarthi and Mr. Sunil Satyashi, Advocates
Mr. Shivendra Dwivedi for State of Haryana
Mr. Vijay Panjawani for CPCB
Mr. Amit Agarwal, Advocate for WBPCB
Mr. Bikas Kargueta, Advocate
Mr. Rahul Verma, for State of Uttarakhand.
Mr. Surayanarayan Singh, AAG of H.P.
Mr. Sapan Biswojit Meifai and Mr. Kalyani for State of Manipur
Mr. Sunny Choudhary for M.P. PCB
Mr. Pragyam Sharma and Mr. Heshu Kayina for State of Mizoram
Mr. V. Prakash, Mr. S.S. Shamsheery and Mr. Varun Punia, Advocate for State of Rajasthan
Mr. Shibashish Mishra, Adv. for State of Odisha
Ms. Puja Kalra, Adv. for North & South MCD
Ms. Shreya Bhatnagar and Ms. Bansuri Swaraj, Advocates for State of Goa & Goa PCB
Ms. Aprajita Mukherjee for State of Meghalaya.

	Date and Remarks	Orders of the Tribunal
	Item No. 10, December 02, 2014 A	We have heard the Learned counsel appearing for the parties at some length. In furtherance to our Order dated 03 rd November, 2014 some of the States/ States Boards have filed their status reports while some of the States have failed to comply with our directions. It is stated that State Pollution Control Boards and State of

Jammu & Kashmir, UT Daman Diu, Assam, Jharkhand, Karnataka and UT Lakshyadeep, Tamil Nadu and Uttar Pradesh failed to comply. Learned counsel appearing for these States/ State Pollution Control Boards are granted two weeks time by way of last opportunity to file the status reports in regard to collection and disposal of municipal solid waste in their respective States. The Report shall be filed before the CPCB which then shall file the final status reports in regard to all the States and UTs in the Country.

Learned counsel appearing for CPCB submits that an interim status report has been prepared. Let the same be filed within two days from today. Copy of the same shall be put on the website of the CPCB and the Board shall ensure that the website is downloadable forthwith at the point of time at which it is uploaded. The status reports shall also be put on the website of the respective States/ State Boards.

We also direct all the State Governments to study the Judgment of the Tribunal in the case of Capt. Mall Singh & Ors. Vs. Punjab PCB & Ors. - Appeal No. 70 of 2012 on 25th November, 2014 which deals with the methodology and steps that are to be taken by the States/ State Boards for collection and disposal of municipal solid waste. If any suggestion are to be moved by the parties in relation to the said judgment it should be moved within two weeks from today to the Registry of the Tribunal.

List this case for further directions and arguments on 15th January, 2015.

The copy of this Order will be sent to the Chief Secretary of all the States and Member Secretaries of the respective Boards. We make it clear that the said Authority shall be personally liable for compliance of this Order.

Needless to note that the Hon'ble Supreme Court of India has noticed that this matter was pending for 12 years before the Apex Court and requires immediate attention and disposal by the Tribunal for compliance of the directions of the Hon'ble Supreme Court.

We make it clear that we will not be granting any further time to any of the State Government or State Board for compliance of this Order.

Remaining records may also be called from the Registry of the Hon'ble Supreme Court India by the Registry of the Tribunal.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 40(T_{HC}) of 2013
And
Original Application No. 34(T_{HC}) of 2013
And
Original Application No. 38(T_{HC}) of 2013
And
Original Application No. 36(T_{HC}) of 2013
And
M.A. No. 1082 of 2013
In
Original Application No. 106 of 2013
And
M.A. No. 232 of 2012 & M.A. No. 233 of 2012
In
Appeal No. 70 of 2012

IN THE MATTER OF:

People for Transparency Through Kamal Anand
Vs.
State of Punjab & Ors.
And
Pathankot Welfare Society Vs. State of Punjab & Ors.
And
Dera Sandhu Ashram Vs. State of Punjab & Ors.
And
Rajinder Singh Vs. State of Punjab & Ors.
And
Gaurav Jain Vs. State of Punjab & Ors.
And
Capt. Mall Singh & Ors. Vs. Punjab PCB & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Present:	Appearance in Application No. 40(T_{HC}) of 2013	
	Applicant Respondent No. 1: Respondent No. 4:	Appearance not marked Mr. Rakesh Khanna, Advocate. Ms. Reeta Puri and Mr. P.N. Puri, Advs., PWD
	Respondent No. 5:	Ms. Gurinderjit, Advocate along with Mr. Ankur Sharma, Advocate
	Application No. 34(T_{HC}) of 2013	
	Applicant Respondent No. 1: Respondent No. 4:	Appearance not marked Mr. Rakesh Khanna, Advocate. Ms. Reeta Puri, PWD
	Respondent No. 5:	Ms. Gurinderjit, Advocate along with Mr. Ankur Sharma, Advocate
	Application No. 36(T_{HC}) of 2013	
	Applicant	Mr. Davender Mohan Verma, Advocate
	Respondent No. 1:	Mr. Rakesh Khanna, Advocate.

	Respondent No. 3:	Mr. P.N. Puri and Ms. Reeta Puri, Advocate.
	Respondent No. 4:	Ms. Gurinderjit, Advocate along with Mr. Ankur Sharma, Advocate
	Respondent No. 6:	Mr. T.S. Joseph, Advocate
	Application No. 106 of 2013:	
	Applicant:	Ms. Parul Gupta, Advocate
	Respondent Nos. 1:	Mr. Rakesh Khanna, Advocate.
	Respondent Nos. 3:	Mr. P.N. Puri and Ms. Reeta Puri, Advocate.
	Appeal No. 70 of 2013:	
	Applicant:	Mr. Rahul Shukla, Adv. And Mr. Ajay Sipahiya, Advocate.
	Respondent No. 1&2:	Ms. Gurinderjit, Advocate along with Ms. Sugandha Nayak & Mr. Soumil Garg, Advocates
	Respondent No. 3:	Mr. GAichangpou Gangmei, Advocate.
	Original Application No. 38(T_{HC}) of 2013	
	Applicant:	Mr. Puneet Agrawal.
	Respondent No. 1:	Mr. Rakesh Khanna, Advocate.
	Respondent No. 3 :	Mr. P.N. Puri and Ms. Reeta Puri, Advocates.
	Respondent No. 4	Mr. Anup Singh, Mr. Ashish Verma and Mr. Rohit Singh, Advocates.
	Respondent No. 5	Mr. Anil Aggarwal, Adv.
	Respondent No. 6:	Mr. Nilava Bandopadhyay and Mr. Jai Ambani, Advs.
	Original Application No. 106 of 2013	
	Applicant	Ms. Parul Gupta, Adv.
	Respondent No. 1:	Mr. Rakesh Khanna, Advocate.
	Respondent No. 3 :	Mr. P.N. Puri and Ms. Reeta Puri, Advocates.
	Respondent No. 4:	Mr. Tarvinvir Singh, Adv.

	Date and Remarks	Judgment of the Tribunal (ORAL)
	Item Nos. 16 to 21 November 25, 2014 A	<p><u>Appeal No. 70 of 2014</u></p> <p>This Appeal is directed against the Order dated 30th August, 2012 passed by the State Level Environment Impact Assessment Authority (for short "SEIAA") Punjab, whereby it has accorded Environmental Clearance for establishment of</p>

		<p>Integrated Municipal Solid Waste Management facility in an area of 20 acre at Mansa road, Bhatinda and establishment of Engineered Sanitary Land Fill facility in an area of 36.8 acres in the Revenue Estate of Village Mandi Khurd, District Bhatinda to Municipal Corporation, Bhatinda Respondent No. 3 in appeal.</p> <p>The Appellants who are resident of city of Bhatinda in Punjab are aggrieved from this Order. According to them the establishment of the above Project will be causing Public nuisance and even degrade the environment of the said area. The challenge to the impugned order is inter-alia, but primarily on the following grounds :-</p> <ul style="list-style-type: none"> (a) Site selection of the project is improper and not in accordance with the rules. (b) There is no green belt provided to protect the interest of public at large. (c) The Project is very close to the inhabitation and thus is violative of the Municipal Solid Waste (Management & Handling) Rules, 2000 . (d) There is a distributary canal adjacent to the site of the project and thus is bound to pollute the water. (e) Order suffers from the infirmity of non-application of mind. <p>For these reasons it is stated that the order dated 30th August, 2012 granting environment clearance to the project is unjustifiable, unsustainable and is liable to be set aside.</p>
--	--	---

In order to appreciate or otherwise comment upon the merit or otherwise of the contentions raised before us, it is necessary for us to notice the necessary facts giving rise to the present appeal. The Ministry of Environment and Forests and Climate Change (for short "MoEF & CC"), Govt. of India on 14th September, 2006 had issued a notification in exercise of its power under the Environment (Protection) Act, 1986, providing the procedure, methodology and details of the project which require environmental clearance. This notification besides prescribing for screening, scoping and appraisal of the project to the specified committee, also categorised projects into 2 different categories, category 'A' and Category 'B'. Category A projects specified in schedule to the notification of 2006 require to be processed by MoEF while category B projects are to be dealt by the SEIAA. In accordance with the provisions of the Notification 2006, it may be noticed that at the very initial stages itself, site selection is one of the aspect which is required to be examined by the concerned committee before public hearing is contemplated. Subsequently, this leads to the filing of Environmental Impact Assessment Report with the recommendation of EAC and results into issuance of an order granting or refusing grant of Environmental Clearance.

The Municipal Corporation of Bhatinda - Respondent No. 3 had applied for obtaining Environmental Clearance for the establishment of the

		<p>project afore stated. It has been averred by the Applicants themselves that the the site which was for the consideration of the committee is being used as an open dumping ground for Municipal Solid Waste since 1995, though, unscientific in manner. It is alleged that soil of the said land has become acidic and its pH level has decreased upto 5.48 which is not only permissible but is intolerable.</p> <p>The Application of Respondent No. 3 was considered by said SEIAA in its 43rd meeting held on 19th March, 2011. The terms of reference for EIA study were finalised and the Respondent No. 3 was asked to submit draft Environmental Impact Assessment Study. This was submitted by Respondent No. 3 after which a public hearing was conducted for both the sites in question on 25th July, 2011 and 29th August, 2011 respectively. The residents had raised objections, which were duly considered by the committee. Final Environmental Impact Assessment Report was submitted in the month of July 2012 along with the minutes of public hearing as required. The case was considered by the SEAC in its 62nd meeting held on 21st July 2012 which decided to forward the case to SEIAA for grant of Environmental Clearance. According to the Appellant, the objections raised by the residents were overlooked. SEIAA in its 40th meeting held on 17th August 2012 decided to grant Environmental Clearance to the project. Certain queries were raised by Respondent No. 1 which were duly replied by the</p>
--	--	---

		<p>Respondent No. 3 vide their letter dated 16th February 2012 and thereafter final clearance was communicated to the Respondent No. 3 on 30th August 2012 in relation to both the sites aforestated. Aggrieved from the order dated 30th August 2012, the Appellants have invoked the jurisdiction under Section 16(h) of the National Green Tribunal Act, 2010. The stand of the Respondents is common. According to the Respondents, the site selection is in accordance with the conditions of the Notification of 2006. This was being used as a dumping site, now for more than 30 years and it was in the larger public interest and keeping in view the fact that nearly 100 tonnes of Municipal Solid Waste is being generated by the city of Bhatinda. It was necessary to provide project which will completely eliminate the pollution, resulting from segregation and dumping of Municipal Solid Waste. The project contemplates scientific collection and disposal of Municipal Solid Waste such that the municipal waste is not spread all over the city causing health hazards besides environmental degradation.</p> <p>From the above undisputed facts, it is clear that the site was being used as a dumping site for municipal solid waste. Obviously, the population of District Bhatinda has increased with the passage of time.</p> <p>Furthermore, when the site was being used for dumping of municipal solid waste, it was certainly not surrounded by residential areas. Subsequently, the</p>
--	--	--

		<p>constructions have been raised around the site and the dumping of municipal solid waste also increased everyday with the increase in population. It is not disputed before us even now that nearly 6 lakhs tons of municipal solid waste is accumulated at the site. Scarcity of land is the limitation for the identification of the MSW plants in the vicinity of towns, however, local bodies have to provide for such a facility in the larger public interest while ensuring that there is no damage to the public health and environment.</p> <p>It is useful to notice at this stage that various orders were passed by the Tribunal to examine the various aspects in relation to the project in question. These are the cases, where the Tribunal is expected to adopt the principal of sustainable development in terms of Section 20 of the National Green Tribunal Act, 2010. Another settled principle which the Tribunal has to keep in mind is that the private interest or interest of limited classes of the society must give in to the larger public interest, of course, while ensuring that there is not irreparable damage to the environment and the public health.</p> <p>Vide our Order dated 06th March, 2013, we had directed the Respondent No. 3 to file a specific Affidavit as to whether the water distributory canal shall be adversely affected if the Project was permitted to come up. While passing the same order, we had asked the Corporation to state if the residential colonies or houses were within 500 m. of the site in question. The Order further directed as to the</p>
--	--	---

position in regard to the foul smell around the area and the steps that the Corporation will be taking in that behalf. Corporation had filed an Affidavit as well as the Member Secretary of SEIAA had filed an Affidavit. It was pointed out that at present there was indiscriminate and unscientific dumping at the site. However, it was also stated that the level of the distributory canal was higher than the dumping ground and besides, the Corporation had constructed a wall in the area of 55 meter which was abutting the project site and the canal.

The Tribunal had also directed during the pendency of this Appeal that there should be scientific dumping at the site. Pits should be properly covered and disinfectant should be sprayed at regular intervals.

Vide our Order dated 29th April, 2013 while taking note of the various aspects, it was also directed by the Tribunal that the Respondent No. 3 should place before the Tribunal, a complete time bound framework from establishment to commissioning of MSW Plant including segregation, and processing of MSW at the site apart from stating as to what scientific methods are being adopted to ensure proper municipal solid waste management in accordance with MSW Rules, 2000.

Another significant development that occurred during the pendency of this Appeal is that the Secretary, Local Bodies, Government of Punjab had appeared before the Tribunal and placed on record a

		<p>model scheme for establishment of such MSW plants in the entire State of Punjab. This project report comprehensively provided for collection and disposal of municipal solid waste in all the cities of State of Punjab which was divided into 8 clusters. Bhatinda was one of such clusters and it has been taken by State Government as a Pilot project. It was in furtherance to such object that the reports were submitted before the Tribunal and were critically examined by the Tribunal after hearing the parties before it not only in this matter but even in other connected matters related to 3 other clusters that is Jalandhar, Sangrur and Pathankot. This report while being considered by the Tribunal, was subjected to the critical examination even by the experts including the persons to whom the project in question was being awarded to, M/s JITF Urban Waste Management, in December 2012. To ensure that there is no technical flaw left in the project, even this awardee was directed to be present before the Tribunal. In the Orders that were passed from time to time, various directions were issued. In the Order dated 20th January, 2014, it was noticed that the model Municipal Solid Waste Management Plan 2014 has been filed before the Tribunal by the State. All the Authorities, Corporations and Learned counsel appearing in the case had supported the model plan. Vide the said Order, we had directed the Deputy Commissioner, Bhatinda to examine the question of site selection again on the grounds which had been</p>
--	--	--

raised by the Appellant. The relevant part of the said Order read as under:

"The model MSW Management Plan 2014 has been filed on behalf of the State.

All the Corporations/Councils/Municipalities appearing in the above cases support this Plan and submit that after sincere efforts this Plan has been prepared. They add that they would not only adopt the same but would fully implement it to achieve the clean environment in all clusters of State of Punjab.

Learned counsel appearing for the Applicant in different cases submit that they have not received the copies of the Report. Let the copies of the Report be furnished to them during the course of the day positively.

The Deputy Commissioner of Bhatinda who is present before the Tribunal submits that he would also prepare a short note in relation to the objections which have been raised by the Applicant in the case against establishment of MSW plant at the site in question. Selection of the site is questioned on the following grounds:-

- a) There is no green belt*
- b) There is no proper dumping*
- c) It is likely to effect the water bodies*
- d) There is absolutely no proper management and dumping of wastes.*
- e) Proximity to residential area.*

We must appreciate the effort put in by the Secretary, State of Punjab and his Officers in preparing the MSW Management Plan".

The Deputy Commissioner Bhatinda had reverted to the Tribunal and it was stated that this was the most appropriate site and once the MSW plant comes up and is operated to its optimum capacity, there will be no question of any odour or nuisance to the public and all steps will be taken to

ensure that there is no damage to the environment and no pollution results from such activity. Vide our Order dated 15th July, 2014, we had also issued directions in regard to the development of green belt around the entire project area. Parties were directed to pay visit to the site. It was stated on behalf of the Respondents, that the green belt has come up, however, this was denied by the Appellant. Finding substance in the contentions of the Appellant, we further directed the awardee of the project to ensure that the entire green belt is carved out and fresh plantation is done on the entire boundary at the site in question.

As already noticed, each step stated in the model plan, supported by the State, was subjected to the critical examination by the Tribunal. Finally the State was directed to file the plan that they proposed to execute within a time bound programme that would ensure that there is no pollution, public nuisance and environmental degradation resulting from the operation of the plant. The State then filed the model action plan of municipal solid waste management which reads as under :-

1. "Background

There are series of MSW litigations in the Punjab and Haryana High Court. The matters were transferred to NGT. NGT took a serious view of the prevailing situation and issued direction to submit an action plan for solid municipal waste management in all the urban centers of Punjab. In compliance to the above directions, Mr. J.M. Balamurugan, Secretary, Department of Local Government submitted an action plan to NGT for the entire Punjab on 27.09.2013 to improve the situation(in the matter of Rajinder Singh & Others Vs. The State of Punjab and Others CWP No. 14471 of 2011 filed in Punjab and Haryana High Court. The Chief Secretary, Govt. of Punjab also submitted his affidavit in another matter (Capt Mall Singh and. Others vs. Punjab Pollution Control Board)

		<p>detailing the management plant and tariff for charging the residents of Bhatinda and 17 other surrounding ULBs. However, the Action Plan is not very clear about some of the important aspects like collection, segregation, final treatment and disposal. Hence, it was in the interest of justice, some of the salient features solid waste management are presented here to supplement the action plan.</p> <p>2. Status There are 146 Urban local bodies in Punjab, which generate 4250 tons of MSW every day. The Department of Local Governance divided all the urban centres into 8 clustes comprising of 8 to 26 ULBs in each cluster.</p> <p>3. Management Principles The solid municipal waste plant should be based on following important principles:-</p> <ul style="list-style-type: none"> • Effective segregation, collection and transportation • Maximum resources recovery • Effective treatment • Safe disposal <p>4. Collection and segregation (at each city level</p> <ul style="list-style-type: none"> • Urban local bodies (ULBs) should provide daily waste collection service to all households, shops and establishments for the collection of putriscible organic waster from the doorstep because of the hot climatic conditions in the country. • This service must be regular and reliable • Recyclable material can be collected at longer regular intervals as may be convenient to the waste producer and the waste collector, as this waste does not normally decay and need not be collected daily. • Domestic hazardous waste is produced occasionally. Such waste need not be collected from the doorstep. People could be advised or directed to deposit such waste in special bins in the city for disposal. • Collection of waste can be done by: Municipal workers themselves. Contracting the collection of wastes to a competent organization. Privatizing through ragpickers and kabaris or any suitable agencies. • Procedure of collection: The entire city should be divided into zones and the zones should be further divided into beats. Each of the beats should be manned with adequate number of sanitary workers with adequate required facilities Cycle rickshaws or similar vehicle should be provided to each of the sanitary workers. The rickshaw should be equipped with 4 and 8 bins of about 60 and 80 litre capacity. Each of the sanitary workers should be made responsible for 200 and 400 houses depending on the workload. These worker should go to the houses on pre determined time to collect the waste. • Community bins should be installed, if no door
--	--	--

		<p>to door collection is possible in certain areas like congested narrow lanes or slums and residents should be made aware of putting their wastes into the bins in segregated manner as specified.</p> <p>5. Regulatory measures</p> <p>5.1 Residents</p> <p>Following should be regulated by stringent law and vigilance monitoring for all the waste generators including households, restaurant, hotels, shops, offices, institutions, workshops:</p> <ul style="list-style-type: none"> • They shall not throw any solid waste in their neighbourhood, on the street, open spaces, and vacant plots or into drains. • They shall (a) keep the food waste / bio-degradable as and when generated, in any type of domestic waste container, preferably with a cover, and (b) keep dry / recyclables wastes preferably in bags or sacks. • Wet wastes should not be disposed of in plastic carry bags. • Keep domestic hazardous waste listed above separately, for disposal at the place may be as arranged for by the ULB. • A private society, association of flats/multistoried buildings etc. shall provide a community bin i.e. a being large enough to hold the waste generated by the members of their society/association for storage of wet domestic wastes and instruct all residents to deposit their domestic waste in this community bin to facilitate collection of such waste by the local body from the designated spot. • In case of multi storied buildings where it may be difficult for the waste collector to collect recyclable waste from the doorstep, the association of such buildings may optionally keep one more community bin for storage of recyclable material. • In slums, where because of lack of access or due to narrow lanes, it is not found convenient to introduce house-to-house collection system, community bins of suitable sizes should be placed at suitable locations by the local body to facilitate the storage of waste generated by them. They may be directed to put their waste into community bins before the hour of clearance each day. <p>5.2 Vegetable/Fruit Markets Waste</p> <ul style="list-style-type: none"> • These markets produce large volumes of solid waste and local bodies should direct the association of the market to provide large size containers which match with the transportation system of the local body or depending on the size of the market, local body itself may provide large size containers with lid or skips as illustrated below for storage of market waste at suitable locations within markets on full cost/partial cost recovery from the market association. • Shopkeepers should be directed that they shall not dispose of waste in front of their shops/establishments or anywhere on the streets or in open spaces and instead shall deposit their waste as and when generated into the large size container that may be provided for storage of waste in the market. • Such wastes should be removed on a daily basis either departmentally or through contractors on full or
--	--	--

		<p>part-cost-recovery basis as may be deemed appropriate by local bodies.</p> <ul style="list-style-type: none"> Large containers kept in the fruit and vegetable markets should be removed during night time or non-peak hours and the waste from meat and fish markets should be collected through closed pick-up vans service by engaging a contractor, or departmentally as deemed expedient by the local body. <p>5.3 Marriage Halls/Kalyan Mandaps/Community Halls</p> <ul style="list-style-type: none"> A lot of waste is generated when marriage or social functions are performed at these places and unhygienic conditions are created. Suitable containers with lids which may match with the primary collection or transportation system of local bodies should be provided by these establishments at their cost and the sites of their placement should be finalized in consultation with urban local bodies to facilitate easy collection of waste. On-site bio-digesters for food waste should be encouraged. The special arrangement should be made for collection of waste from marriage halls, kalyan mandaps, community halls, etc. daily on a full-cost recovery basis. The cost of such collection could be built into the charges for utilizing such halls. This service may be provided preferably through a contractor or departmentally as the local bodies deem fit. On-site, processing of food wastes by bio-methanation and composting may be encouraged. <p>5.4 Hospitals/Nursing Laboratories/Health Care Centres Homes/Pathological</p> <p>These establishments produce bio-medical as well as ordinary waste. They should be directed that:</p> <ul style="list-style-type: none"> They shall refrain from throwing any bio-medical waste on the streets or open spaces, as well as into municipal dust bins or domestic waste collection sites. They shall also refrain from throwing any ordinary solid waste on footpaths, streets or open spaces. They are required to store waste in colour-coded bins or bags as per the directions of the Govt. of India, Ministry of Environment Bio-Medical Waste Management & Handling Rules, 1998, and follow the directions of Central Pollution Control Boards and State Pollution Control Boards from time to time for the handling, transportation, treatment and disposal of biomedical waste. <p>5.5 Construction & Demolition Wastes</p> <p>Directions should be given that:</p> <ul style="list-style-type: none"> No person shall dispose of construction waste or debris on the streets, public spaces, footpaths or pavements. Till finally removed construction waste shall be stored only within the premises of buildings, or in containers where such facility of renting out containers is available. In exceptional cases where storage of construction waste within the premises is not possible, such waste producers shall take prior permission of the local authority or the State Government as may be applicable for temporary
--	--	---

		<p>storage of such waste and having obtained and paid for such permission, may store such waste in such a way that it does not hamper the traffic, the waste does not get spread on the road and does not block surface drains or storm water drains.</p> <ul style="list-style-type: none"> • To facilitate the collection of small quantities of construction and demolition waste generated in a city, suitable sites may be identified in various parts of the city and people notified to deposit small quantities of construction and demolition waste. Containers could be provided at such locations and small collection charge levied for receiving such waste at such sites and for its onward transportation. Rates may be prescribed for such collection by local bodies. Contracts could also be given for managing such sites. • Local bodies should prescribe the rate per tonne for the collection, transportation and disposal of construction waste and debris and notify the same to the people. • Every person who is likely to produce construction waste may be required to deposit with the concerned local body an approximate amount in advance at the rates as may be prescribed by the local body from time to time, for the removal and disposal of construction waste from his premises by the local body. Such amount may be deposited at the time when the building permission is being sought and in cases where such permission is not required, at any time before such waste is produced. • The charges for removal of construction waste to be doubled for those who fail to deposit the amount in advance. • Large local bodies may provide skips (large containers) to the waste producers on rent for the storage of construction waste so that double handling of the waste can be avoided or use front end loader & trucks to pick up such waste. In small towns this may be done manually using trucks, tractors and manpower. <p>5.6 Garden Waste</p> <ul style="list-style-type: none"> • Private gardens should as far as possible compost and re-use all plant wastes on-site. Where it is not possible to dispose of garden waste within the premises and the waste is required to be disposed of outside the premises, it shall be stored in large bags or bins on-site and transferred into a municipal system on a weekly basis on payment. The generation of such waste should as far as practicable be regulated in such a way that it is generated only a day prior to the date of collection of such waste. It should be stored in the premises and kept ready for handing over to the municipal authorities or the agency that may be assigned the work of collection of such waste. • Garden waste and fallen leaves from avenue trees within large public parks and gardens should be composted to the extent possible. However, if such waste has to be disposed of, large skips may be kept, which match with the municipal transportation system for transportation of such waste. Such skips may be provided by local bodies or State Governments owning such parks and gardens. In case of private parks and gardens they should make
--	--	--

		<p>their own storage arrangement which matches with the municipal primary collection and transportation system.</p> <ul style="list-style-type: none"> The waste stored in public and private parks, gardens, lawn plots etc. should be collected on a weekly basis by arranging a rotation for collecting such waste from different areas, on different days to be notified to the people to enable them to trim the trees and lawns accordingly and keep the waste ready. This waste may be got collected through a contractor or departmentally as deemed appropriate by the urban local authorities. Cost recovery may be insisted upon, based on the volume of waste collected. <p>5.7 Dairy and Cattle-Shed Waste</p> <ul style="list-style-type: none"> The dairies and cattle breeders having sheds within the city limits should be asked to move the cattle sheds outside the city limits and until this is implemented they should be directed not to stack the cow dung, grass or other stable wastes within their premises or on the roadside. They must transfer the waste produced by them daily into the specified municipal storage containers nearby, which should be collected at regular intervals by local bodies for which they should pay based on quantity. <p>6 provision of litterbins on streets and public places</p> <ul style="list-style-type: none"> With a view to ensure that streets and public places are not littered with wasted materials such as used cans, cartons of soft drinks, used bus tickets, wrappers of chocolates on empty cigarette cases and the like generated while on a move, litter bins may be provided on important streets, markets, public places, tourist spots, bus and metres of 250 metres depending on the local condition. Similar bins for disposal of animal droppings could be placed in posh areas. Removal of waste from these litterbins should be done by beat sweepers during their street cleaning operations. Waste from the litterbin should be directly transferred into the handcarts of the sweepers. Such facilities of litterbins can be created at no cost to local bodies by involving the private sector and giving them advertisement rights on the bins for a specified period or by allowing them to put their names on the bins as a sponsor. Litterbins should be put in posh as well as poor areas in the proportion decided by local bodies. <p>7. Storage Depots</p> <p>All the waste collected through Primary Collection System, from the households, shops and establishments should be taken to the processing or disposal site either directly necessitating a large fleet of vehicles and manpower or through cost effective systems which are designed to ensure that all the waste collected from the sources of waste generation is transported within reasonable time. The system of providing waste generation is transported unhygienic and unscientific, posing a serious threat to the public health and environment. This means that is should be:</p> <ul style="list-style-type: none"> Out of reach of stray animals Should not obstruct the traffic or spread on road.
--	--	---

		<ul style="list-style-type: none"> • Easily accessible in terms of distance for the user. • Fully covered and not exposed. • Able to hold the expected waste generated, depending on the size and population of the area. • Aesthetically acceptable. • Designated to be easy to operate, handle, transfer and transport. <p>8. <i>Transportation of waste</i></p> <ul style="list-style-type: none"> • Transportation of the waste stored at waste storage depots at regular intervals is essential to ensure that no garbage bin/container overflows and waste is not seen littered on streets. • Waste should be transported in covered vehicles. These vehicles must be designated as below: • Multi- container vans. • Covered, as the waste must not be visible to the eyes or be exposed to the open. • Bins or containers of wastes must be cleared and transported at regular intervals. <p><i>Transportation should be done:</i></p> <ul style="list-style-type: none"> • Daily at community bins. • Before they start overflowing, if required, twice or thrice a day. • Depending on the characteristic of waste, they should follow different routes, as the disposable site is different for the different type of wastes. <p>9. Disposal of waste (at cluster level, as proposed)</p> <ul style="list-style-type: none"> • ULBs shall adopt suitable technology or combination of such technologies to make use of wastes so as to minimize the burden on landfills. • The biodegradable wastes shall be processed by composting, vermin-composting, anaerobic digestion or any other appropriate biological processing for stabilization of wastes. It must be ensured that compost or any other end product shall comply with standards. Mixed waste containing recoverable resources shall follow the route of recycling or other appropriate technologies. • Land filling shall be restricted to non-biodegradable, inert waste and other waste that are not suitable either for recycling or for biological processing. Land filling shall also be carried out for residues of waste processing facilities as well as pre-processing rejects from waste processing facilities. Land filling of mixed waste shall also be avoided unless the same is found unsuitable for waste processing. <p>10. MSW Processing / Treatment Techniques</p> <p>Current treatment strategies are directed towards reducing the amount of MSW that needs to be land filled, as well as recovering and utilizing the material present in the discarded waste as a resource to the largest possible extent. Different methods are used for treatment of MSW and the choice of proper method depends upon refuse characteristics, land area available and disposal cost as follows:</p> <p>Thermal conversion of MSW</p> <p>This process transforms MSW into gaseous, liquid and solid conversion products. This process also generates energy due to burning of materials, different methods are explained below:</p>
--	--	--

10.1 Incineration

It is a controlled combustion process for burning solid wastes in presence of excess air (oxygen) at high temperature of about 1000 °C and above to produce gases and residue containing non-combustible material. One of the most attractive features of the incineration process is that it can be used to reduce the original volume of combustible MSW by 80–90%. In some of the newer incinerators designed to operate at temperatures high enough to produce a molten material before cooling it may be possible to reduce the volume to about 5% or less. A complete sterilization is achieved due to burning of even biologically hazardous waste, thus avoiding epidemics. MSW can also be co-fired as an additional source in coal-based power plants.

10.2 Incineration with Heat recovery

The incineration process, which is used for volume reduction, may also lead to heat recovery. With existing incinerators, waste heat boilers can be installed to extract heat from combustion gases without introducing excess amounts of air or moisture.

10.3 Pelletisation / Refuse Derived Fuel (RDF)

Pelletisation is a process of producing fuel pellets from MSW. The raw MSW is processed for concentrating the combustible fraction of it by segregating the non-combustible portion. The complete process involves drying, removal of non-combustibles by air separation (density separation), grinding or shredding of combustible fraction usually by a hammer mill, mixing and production of pellets under high pressure. The pellets can be transported easily and stored for many months without any disintegration. These pellets could be used for heating in the boilers and the generated steam, in turn, is used to produce power. Pellets also, can be used along with conventional fuels for industrial operations.

10.4 Recovery of Biological Conversion Products (Biological Process)

Biological conversion of MSW is becoming more and more popular these days. End products include compost, methane, alcohols and variety of other intermediate organic compounds. Principal processes used for biological conversion are: aerobic composting, biomethanation and vermicomposting. Brief description of these processes has been given in subsequent sections.

10.5 Aerobic composting

Composting is the most responsible technical solution for many small towns in the country, especially, where the climate is arid and the soil is in serious need of organic supplements.

The objectives of this treatment are stabilization of the organic matter in order to reduce possible environmental impacts (odors, pathogens...) and sanitary risk, mass and volume reduction of waste, production of compost to be used as soil conditioner. The end product is non odorous and free of pathogens and weed seeds.

10.5 Biomethanation (anaerobic digestion)

Anaerobic digestion is the process for biological decomposition of organic wastes in the absence of air (oxygen). The organic wastes are hydrolyzed, liquefied and gasified with the help of methanogenic bacteria. In anaerobic process, the organic compounds are converted to methane and carbon dioxide.

10.6 Vermicomposting

Vermicomposting involves stabilization of organic waste through the joint action of earthworms and aerobic

microorganisms. Initially, microbial decomposition of biodegradable organic matter occurs through extra cellular enzymatic activity (primary decomposition). Earthworms feed on partially decomposed matter consuming 5 times their body weight of organic matter per day. The ingested food is further decomposed in the gut of the worms resulting in particle size reduction. The material or worm cast excreted is a fine, odorless, granular product. This can be used serve as a bio-fertilizer in agriculture. Besides providing micro and macro nutrients this is also a rich source of beneficial microorganisms and exudates of worms, which can stimulate plant growth and enhance productivity.

11. Ultimate Disposal of MSW

11.1 Landfilling

Landfilling is the most simple and economical measure as far as natural decomposition occurs at the disposal site. Unscientific and ordinary Landfilling is the common practice for MSW disposal in most of the towns. This is causing serious environmental degradation in the area. Compaction and leveling of waste and final covering by earth are rarely observed practices at disposal sites, and these low-lying disposal sites, being devoid of a leachate collection system. As, no segregation of MSW at source takes places, all the wastes including hospitals infectious waste generally find its way to the disposal site. Sanitary landfill is an acceptable and recommended method for ultimate disposal of MSW. It is necessary component of MSWM, since all other options produce some residue that must be disposed of through landfilling.

11.2 Sanitary Landfills

Sanitary Landfilling is a process of dumping of MSW in a scientifically designed area spreading waste in thin layers, compacting to the smallest practicable volume and covering with soil on daily basis. The methane (rich biogas) is produced due to anaerobic decomposition of organic matters in MSW. Garbage has a potential to generate about 150 to 250 m³ of biogas per ton of MSW depending upon its quality.

12. Financial Aspect

Solid Waste Management (SWM) is the responsibility of ULBs under the Constitution of India. However, they are not able to provide this service efficiently and effectively mainly due to financial shortage. To carry out this essential activity an annual provision for the recurring and capital expenditure is made in the municipal budget. The municipal budget is based on the total income from various revenue sources and other funds including the grants from Central and State Government. The provision of funds for solid waste management is commonly observed to be made on adhoc basis and is not related to the requirement.

Solid Waste Management receives a comparatively inadequate share out of the total municipal budget as the municipal agencies assign a low priority to this work resulting in poor services. Today, there is an urgent need to overhaul the system by making substantive changes in management & technology, which would inevitably require capital investment far beyond the current budgetary capacity of the municipal agencies. Any solid waste management system will require provision of financial resources for its smooth running. The present structure of revenue does not contain any instrument specifically dedicated to the needs of SWM. It is also obvious that in future the municipal agency will find it increasingly difficult to draw the required amounts from the existing revenue resource. As per the Manual on Solid Waste Management by

the Ministry of Urban Development, 2000, the annual requirement of funds for efficient SWM reveals that when the principle of Full Cost Pricing is applied the Total Annual requirements are often 2-3 times the amount being allocated at present. Thus, it is important that the beneficiaries also share the responsibility of waste management following the 'Polluters pay principle'. The SWM will have to provide SWM Tax/Cess, and to cover not only the annual cost of operation, required to be repaid but also the indirect costs. This alone will assure the financial viability of the effective solid waste management in the cities. The concerned ULBs should work out the SWM Tax/Cess to be charged from the beneficiaries depending upon their economic status. A provision of cross-subsidy should be included in such exercise. The present solid waste cleansing tax is charged as a percentage of property tax. It should be based on the frequency of service, volume/weight of the waste or combination of both or on family basis. It can be multiplied by a factor based on assessment of location, building value and income of occupant. However, provision of cross subsidy for slum areas is desirable. Separate structure of tariff will have to be specified for community bin system and for house to house collection system. It should also lay down the method of charging and recovery of charges for transportation of acceptable industrial solid waste and demolition waste. There should be a provision for revision of the rates at specific intervals. For specific identified occupations, contracting out of work should be considered. However, such contracts should be performance based and appropriately framed with in-built monitoring and penalty mechanisms.

13. Mobile Sanitation Courts

It is the tendency of the public to take their civic responsibilities lightly. It is therefore necessary that while on one hand people are motivated to participate effectively in keeping the cities clean, there should be a fear of punishment if they fail to discharge their civic obligations. Provision of Mobile Sanitation Courts is therefore very useful to ensure littering of roads and disobedience of other legal provisions or orders to improve the sanitary conditions. The mobile sanitation court would be able to recover its full cost from the fines that may be imposed by the court. There is, therefore, no likelihood of any financial burden on the local body.

14. Redressal of Public Grievances

The local body should draw up a citizen's charter clearly stating what level of service it proposes to provide to the citizens and how soon citizens can expect their grievances to be attended. Sanitation being very vital for health and environment, efficient machinery should be organized by the local body to receive public complaints and attend to them expeditiously. Formats may be prescribed for receiving such complaints, replying to the applicants as soon as the complaints have been redressed and for monitoring the pending complaints.

15. Management Aspects

With a view to avoiding the problems of lack of coordination and passing of the responsibility on others, it is necessary to have one person exclusively in charge of SWM in the city. The overall control in relation to collection, transportation, processing and disposal of all waste, including workshop facilities, should lie with him. He should also be responsible for the cleaning of open drains under 24 inches depth,

	<p>collection of silt, construction waste and debris and vehicle deployment and maintenance. There should be work allocation norms for the sweepers, transport system and other workers. Advanced work schedule should be prepared and followed every month.</p> <p>SWM services are highly labour intensive on account of increased wage structure of the Government and municipal employees this service is becoming more and more expensive. Besides, the efficiency of the labour force employed in the urban local bodies is far from satisfactory. Hence, possibility to outsource certain work should be explored.</p> <p>15.1 Institutional Setting</p> <p>The fact of ownership has to be settled. With ownership must come the assumption of full responsibility for the long term sustainable performance of the Solid Waste Management System. The ULBs should be mandated to replace inadequately qualified and inefficient staff with staff necessary to maintain the solid waste management system. For outsourcing the job, a stringent pre-qualification criterion should be developed for the contractors, which inter-alia should include sufficient number of sufficiently qualified persons and the contract agreement should be performance based for which necessary performance indicators should be evolved.</p> <p>15.2 Management Plan</p> <p>Rules for operation and maintenance of the solid waste management system must be established in the form of a handbook together with a legal requirement to keep honest records of specified parameters that refer to the performance of the system including the quality of work performed by each individual. Apart from the enhancement of capacities of ULBs, there should also be additional checks by a local committee of qualified civil society representatives, health officers and officers from other departments who should be empowered to visit and issue a note of caution when any component of SWM system is not working or inadequately working.</p> <p>15.3 Standardised Procedures</p> <ul style="list-style-type: none"> • A manual of standardised procedures should be established for the activities of the entire MSWM system. • These procedures should be mandatory and penalties established for each default. The same penalties should apply whether the system is operated directly by a ULB or by an external contractor. • A surveillance mechanism should be created to investigate every instance of non-compliance reported to the ULBs using fast and modern communication means such as SMS by mobile to the authorities. • The staff responsible for solid waste management should be professionally qualified and trained. • The operation manual should be available to each staff. • Each staff member should be given responsibility in terms of specific activity alongwith date and time in writing. • The duty assignment records should be maintained in a Master File which should be checked by officers of Nodal office and State Pollution Control Board on regular basis.
--	--

- Training of the MSWM staff should be planned and implemented properly.
- Strict action is required to be taken against the staff in case of default.
- Each staff member should submit a monthly report indicating duty performed by him and how it is matching with the assignment given to him.
- In case of deviation, sufficient reason should be recorded.
- Every ward should be monitored for its cleanliness and satisfaction of the citizen.
- The monitoring results should be compiled on monthly basis and submitted to the Nodal office in the form of a monthly report.
- The report should be reviewed by the Nodal Office. In case of any problem in SWM system, the Nodal Officer should discuss it with incharge of the SWM System and suggest remedial measures.
- There should be a quarterly meeting of all the incharges of the all the wards of a city including lower staff to discuss the problems and remedial measures.
- The outcome of the meeting should be recorded in form of minutes and communicated to State Pollution Control Board within 15 days of the meeting.
- There should be a separate cell in the State Pollution Control Board for monitoring management of MSWM System in the State.
- This cell should constantly interact with the Nodal Officer on performance of MSWM System and other related issues.
- The cell should also conduct vigilance monitoring of the MSW System atleast once in a month.
- The monitoring should include checking of ward wise records of the MSW System and their functioning to evaluate their performance and compliance of MSW Rules.
- In case of unsatisfactory observations, the cell should issue notice to the Nodal Officer under EPA, 1986.
- An annual report on the performance of city wise MSW System record should be prepared city-wise and submitted to the State Boards highlighting all the important points including deficiencies and annual expenditure.
- It may be useful to involve local communities in monitoring the functioning of the entire MSWM System.
- It is necessary to have a cadre of professional staff in municipalities headed by technically qualified chief executives for planning and implementation of MSWM System."

To this plan, all the Respondents in various cases had no objections; however, the Applicants in the present case persisted with their objections.

In light of the above plan, we would now deal with the objections raised by the Appellants. Firstly,

the site selection is not a mere matter of choice for a project. Site selection is expected to go through the entire process of screening, scoping and public hearing before the specialised Committee before it being accepted by the competent Authority. Admittedly, the entire process had been undertaken and the residents raised their objections which in the wisdom of the Expert Committee were found to be not sustainable so as to decline the Environmental Clearance in relation to the site in question. As already noticed during the pendency of this Appeal, we even directed the Authorities to find out if there were any other suitable site and the response was that none was available. The Authority has prayed that the same site should be permitted to be used for developing the project. It is undisputed that this site was used as a dumping site for last more than 30 years and was source of public nuisance due to unscientific dumping and was affecting the environment adversely.

Now the process has started and the first phase of the project is supposed to be completed by June, 2015 and second phase by December, 2016. Once both these phases are completed in terms of the plan, there will be no public nuisance in respect of environment degradation in any manner whatsoever.

Second objection relates to providing a green belt around the site as already noticed. We have ensured that the green belt is marked and has already now been provided and trees of different variety have

been planted. In light of this, objection of the Appellants loses its significance.

As far as affecting the water quality of distributory canal is concerned, it is again undisputed that the level of the said canal is higher than the level of the site in question. Furthermore, the Corporation has already constructed a wall around the site towards the distributory canal to ensure that there is no leakage of the leachates from the site in question to the canal.

In light of this, we further issue a direction that the corporation and the awardee of the Project shall ensure that the wall is properly maintained and infact is made in a manner that there is no seepage from or to the distributory canal in question. The chances of leachates will be as such negligible as it is already entirely cemented and lined.

Lastly, the complaint was that the site is near an air force station. Besides grant of Environmental Clearance in terms of Notification of 2006, the Air Force Authorities have granted no objection to this project. We do not find any need to examine that aspect any further.

Contention in relation to the non-application of mind is unsustainable in the facts and circumstances of this case. The EIA report preceded by the public hearing is in compliance to the provisions of Notification of 2006. Thereafter, the EIA was examined by the Committee which has after examining all the aspects and facts, recommended to SEIAA for grant of

		<p>Environmental Clearance to the project. Government still again applied its mind between the recommendations by SEAC and issuance of final clearance on 30th August, 2012 by the concerned Authorities in the State Government. Non-acceptance of the contention of the Appellants by the Authority cannot be equated to non-application of mind. Non-Application of mind is a concept of administrative law which applies only when the record reflects that any aspect of the matter was not considered at all and/or no reasons, whatsoever, were accorded. That apparently is not the case herein. If the non-acceptance of contention is to be raised by the objector and is to be taken as non-application of mind then there could not be proper dimension to the administrative jurisprudence.</p> <p>The concept of sustainable development is an inbuilt element of precautionary principle. The model action plan takes care of all the aspects. Furthermore, whatever the objections were raised by the Appellants before us, have been taken care of during the pendency of this Appeal. The Tribunal cannot deny the development in the larger public interest on the mere apprehension of the Appellants and we have no hesitation in holding that this project is in larger public interest while providing due protection to the substantial environment issues. The project deals with the door to door collection of the MSW, its segregation and collection and management of the plant. Then it provides due scientific methods for</p>
--	--	---

		<p>dealing with the MSW. Once the second phase of the project comes up there will be hardly any waste to be discharged by this Project. The power generation project which falls under the second phase would utilise the entire MSW to an extent that there will be hardly any waste left to utilise outside the plant. We do express our concern that in our country there is not even a single city as of now that has the capacity to provide for total scientific methods for collection and disposal of MSW. Such a facility if fully established and made optimally operative, would not only help the public at large but would largely serve the purpose of environmental protection. All precautions are taken by the Respondent No. 3 and Project Proponent to prevent any environmental damage, pollution and environmental degradation. Besides what has been recorded by us above, we also issue the following directions:-</p> <ol style="list-style-type: none"> (1) The model action plan in relation to establishment and operationalization of this project shall be completed by all the Authorities concerned, including State Government, in a time-bound manner as stated above. Project must become operational by December, 2016 in relation to all phases. 2) The green belt around the site which has already come up shall be duly maintained by the Corporation and Project Proponent who shall ensure that the trees grow properly and are not damaged or destroyed in the meanwhile.
--	--	---

		<p>(3) Corporation and the Project Proponent shall ensure greenery within the boundary of the project as well.</p> <p>(4) It will be the obligation of the Corporation and the Project Proponent to ensure that there is no odour or public nuisance resulting during the period of construction and completion of the project.</p> <p>(5) The Corporation and the Project Proponent shall ensure that during this period, municipal waste is collected, dumped and disposed of in terms of MSW Rules, 2000 and various orders that were passed from time to time during the pendency of this Appeal.</p> <p>(6) We make it clear that during this period, the pits shall be duly lined, municipal waste properly segregated, dumped, covered with mud and plastic and disinfectant should be sprayed on regular interval. No inconvenience be caused to the residents who are stated to be residing in the nearby areas.</p> <p>The Member Secretary, Central Pollution Control Board, Member Secretary, Punjab State Pollution Control Board, Secretary Local Bodies and State Government of Punjab shall be the members of the supervising committee who shall supervise as well as ensure that the project proceeds strictly in terms of this order and that during the interregnum period</p>
--	--	--

		<p>there is no pollution or environmental degradation resulting from collection and dumping of municipal solid waste at the site in question.</p> <p>They shall submit report within 3 months to the Tribunal which shall be placed by the Registry before the Tribunal immediately for further directions.</p> <p>Till the project is constructed and becomes operational, the Corporation and the Project Proponent shall ensure that the approximately 100 Tonnes MSW is not dumped except in the pits made specifically for that purpose only after it has been segregated. Particularly the plastic would not be put into the dump pits and will be recycled and disposed of in accordance with the MSW Rules 2000.</p> <p>We direct that no variation to the model action plan will be made by any Authority, Corporation or Project Proponent. They shall complete the project as per the schedule. We grant liberty to the parties to approach the Tribunal for issuance for any further directions as may be necessitated for in the circumstances that may develop during the progress of construction of this Project.</p> <p>We further decline to set aside the Order dated 30th August, 2012. However, the Order shall stand modified to the extent afore indicated to the extent stated in the model action plan and in this order.</p> <p>The Appeal No. 70 of 2012 accordingly stands disposed of.</p>
--	--	--

M.A. Nos. 233 of 2012 and 233 of 2012

These Applications do not survive for consideration in view of the fact that the main Appeal is itself disposed of.

In view of the above, M.A. Nos. 233 of 2012 and 233 of 2013 stand disposed of.

In Original Application No. 40 (THC) of 2013

We have heard the Learned Counsel appearing for the parties at length.

It is a case transferred by the High Court of Punjab and Haryana in Civil Writ Petition No. 877/2007 to the Tribunal. The Applicant has prayed that the Respondents should be directed by a Writ of Mandamus to comply with the Municipal Solid Waste (Management & Handling) Rules, 2000 in the entire State; particularly Sangrur.

Original Application No. 34 (THC) of 2013

This is an Application where the Applicant prays for direction to Municipal Authorities in the District of Pathankot to ensure that Municipal Solid Waste (MSW) is not scattered all over the city and the same should be collected and disposed of in accordance with law.

Original Application No. 38 (THC) of 2013

The Application submits that in Mansa, the Municipal Solid Waste is littered all over the city causing health hazards and infringing the environment of the locality. The town of Mansa falls in the cluster of Bhatinda

District. They also pray for issuance of direction to the Respondents to ensure appropriate collection and disposal of the Municipal Solid Waste.

Original Application No. 36 (THC) of 2013

In this Application, the Applicant has made two prayers before the Tribunal, one in relation to collection and disposal of MSW in the city of Govindgarh and the other with regard to disposal of the effluents into the river/choe pleading that the authorities should be restrained from discharging the trade effluents into the river/choe which is a seasonal river, as it is causing serious water pollution.

Respondent No. 6 should be directed to install STP/ETP to ensure that the choe water is not polluted and does not adversely affect the land around it. This forms part of the Mohali cluster.

Original Application No. 106 of 2013

In this Application, the Applicant has made same prayer in relation to collection and disposal of MSW in the city of Nakodar. According to them, there is no effective management of MSW and this is resulting in public health and environmental hazards. This forms part of cluster of Jalandhar.

As it is evident from the above noticed facts, all these Applications are related to collection and disposal of MSW in accordance with the Rules of 2000. The basic grievance is that MSW is littered all over the towns causing serious health hazards and is

		<p>polluting the environment very seriously. Unnecessary to notice that the right to clean and decent environment is a fundamental right of the citizen. The authorities are bound to discharge their fundamental and statutory obligations without delay and default. They must protect the environment and public health.</p> <p>By a detailed Order of the date passed in Appeal No. 70 of 2012, we have noticed that the State of Punjab has divided the entire State into 8 clusters for the management of the MSW in accordance with law. At each cluster, they propose to install integrated MSW plant which will not only ensure proper collection of MSW, its segregation but also its disposal even by providing incinerator or installing or providing the power project within the premises of such projects. The model action plan proposed by the State has been approved by the Tribunal after its critical examination now for a considerable time. The judgment of the Tribunal passed in Appeal No. 70 of 2012 shall be read as a part of this Order. All these cases thus are disposed of in terms of the Judgment passed in Appeal No. 70 of 2012 in addition thereto with the following directions:</p> <p>a) The Judgment passed in Appeal No. 70 of 2012 “Capt. Mall Singh & Ors. Vs. Punjab PCB & Ors” shall be complied with by the State of Punjab; all the Municipal Authorities in the Clusters jointly and/or severally and the concerned Department in the State in a time</p>
--	--	--

		<p>bound manner.</p> <p>b) Effective steps will be taken by all the authorities including the State Government, Municipal Authorities, concerned Departments of the State Government and the State Pollution Control Board to ensure that all necessary steps are taken without any further delay to ensure the construction and operationalisation of the MSW integrated plant in all the 8 clusters particularly in relation to the clusters, which are the subject matter of this order (Pathankot, Jhalandhar, Mohali and Sangrur).</p> <p>c) Within a period of one month from today, the State Government, Deputy Commissioner and all the Municipal Authorities of these clusters shall file before the Tribunal complete details of the time frame within which the projects would be made operational. They are at liberty to seek any further directions as may be necessary but we make it clear that if the matter remains unattended, or timely directions are not taken, the Tribunal we will be compelled to take coercive steps against all officers without any further notice.</p> <p>d) Till the time the plants are constructed and become operational, the State Government, Municipal Authorities and the SPCB shall ensure adherence and the implementation of</p>
--	--	---

		<p>the MSW Rule, 2000. The MSW shall be collected door to door, segregated at the collection point at the dumping site either mechanically or manually. The dumping site shall be maintained properly and in accordance with rules.</p> <p>e) The pits shall be duly lined; after dumping of the MSW, the same shall be covered with soil as provided under Rules. The authorities concerned will ensure spray of disinfectant on regular intervals.</p> <p>f) Each site would have boundary wall.</p> <p>g) The transportation from point of collection to the site shall be done strictly in accordance with rule, in the vehicles which are covered and do not spread MSW enroute.</p> <p>h) All authorities concerned shall engage appropriate workers forthwith to ensure MSW collection from door to door, segregation, transportation and dumping of MSW at the site appropriately and effectively.</p> <p>i) In the meanwhile, it will also be ensured by all the authorities that the MSW is not permitted to be littered around or thrown on the road or any parts of the cities.</p> <p>j) The dustbins of appropriate size shall be provided in every colony to provide incentives to the persons to put Municipal garbage only in to</p>
--	--	---

		<p>the dustbin and not on the road side etc.</p> <p>k) The persons who throw the MSW on the road or around their houses should be strictly dealt with by the Municipal authorities and should be punished in accordance with law.</p> <p>l) On the basis of polluter pays principle, the corporation will charge every household, shop, hotel, or any industrial building to pay specific amount along with the property tax payable for the property, or on monthly basis, whichever is permitted by the concerned authorities. The amount shall be notified and duly publicised before implementing the same. Such payment at the specific rate would be applicable with effect from 1st January, 2015. The amount collected as afore-directed shall only be used for effective collection and disposal of MSW in accordance with the rules and for educating masses in relation to the need for helping bodies/ authorities concerned to collect the MSW in appropriate manner.</p> <p>m) All authorities particularly, the police is hereby directed to provide due protection and hearing to the Municipal authorities and other administrative authorities in every district to ensure implementation of these directions in adherence to the MSW Rules 2000.</p> <p>Besides the above directions in Original Application No. 36(THC)/2013, we further direct the</p>
--	--	---

Secretary, Local Bodies State of Punjab to hear the Applicant as well as the Local Authorities of that area and to pass appropriate directions for the need of establishing, constructing ETP/STP as the case may be. The Secretary would ensure that these orders are implemented without further delay.

We also constitute the Committee of the Secretary, Local Bodies, State of Punjab, Member Secretary, SPCB, Member Secretary or his representative of the CPCB to supervise the implementation of the directions of the Tribunal and submit three monthly reports to the Registry of the Tribunal. The Report as and when submitted shall be placed for appropriate direction before the Tribunal by the Registry.

With the above directions, Original Application No. 40(THC) of 2013, Original Application No. 34(THC) of 2013, Original Application No. 38(THC) of 2013, Original Application No. 36(THC) of 2013 and Original Application No. 106 of 2013 stand disposed of without any order as to costs.

M.A. No. 1082 of 2013 in Original Application No. 106 of 2013

This Misc. Application does not survive for consideration in view of the fact that main Applications itself stand disposed of.

In view of the above, M.A. No. 1082 of 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)