

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 545/2019

In the matter of:

Rohit Yadav President, Resident Welfare Association

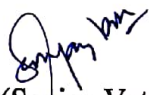
RWA Madipur Village (Regd.) ...Applicant

Versus

Govt. of NCT of Delhi & Others ...Respondents

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Filed by:


(Sanjay Vatts)
Environmental Engineer
(Delhi Pollution Control Committee)
Respondent

New Delhi:
Dated: 30.08.2019

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

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In the matter of:

Rohit Yadav President, Resident Welfare

Association RWA Madipur Village(R) ...Applicant

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Govt. of NCT of Delhi & Others ...Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTON
CONTROL COMMITTEE WITH RESPECT TO ORDER
DATED 08.08.2019.**

1. That this Hon'ble Tribunal took up the above referred matter on 08.08.2019 and pleased to issued notice to DPCC and SDMC.
2. That, Delhi Pollution Control Committee (DPCC) official's carried out the inspection of the area as mentioned in the complaint on 28.08.2019 to verify the facts. Following are the observation of inspecting team:-

- I. *The site is a piece of land along bank of Najafgarh Drain and is located behind Pashim Puri Shamshan Ghat. The site is existing in a stretch of approx. 500 metres. After inspection the site, it was found that most of the area is encroached by Rag Pickers who are engaged in sorting domestic solid waste which includes plastic waste, paper/cardboard waste, glass etc. collected from surrounding residential areas.*
- II. *Garbage/waste sorted/handled by these Rag pickers found dumped in the area and huge heaps of waste seen at the site.*
- III. *Sign of burning of garbage/waste were observed at some spot but no burning was observed during inspection.*

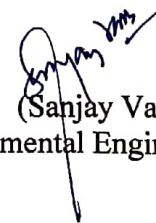
- IV. *The rag pickers have encroached the Govt. land as well as public road.*
- V. *The land in question belongs to Irrigation and Flood Control Department Govt. of Delhi.*
- VI. *The Rag Pickers were found sorting the domestic solid waste by bare hands without any gloves or safety equipment's.*

Copy of the inspection report dated 28.08.2019 is enclosed herewith as

Annexure-1.

3. That, DPCC has issued direction under Section 5 of Environment (Protection) Act, 1986 to the Deputy Commissioner SDMC and The Chief Engineer, Irrigation & Flood Control Department on 30.08.2019. South Delhi Municipal Corporation has been directed to take immediate steps for removal of the Municipal Solid Waste from the site & sent it to authorized site and shall submit an action taken report in this regard within 7 days to DPCC. The Irrigation & Flood Control Department, Govt of Delhi has been directed to take immediate steps for removal of the illegal encroachment and secure the land in question by way of barricading to avoid the misuse of land by these rag pickers in future and shall submit an action taken report in this regard within 7 days to DPCC. Copy of the direction dated 30.08.2019 is enclosed herewith as

Annexure-2.


(Sanjay Vatts)
Environmental Engineer

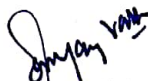
Annexure-1**Inspection Report w.r.t. OA No. 545/2019 Titled Rohit Yadav President Welfare Association RWA Madipur Village (Regd.) Vs Govt. of NCT of Delhi before Hon'ble National Green Tribunal**

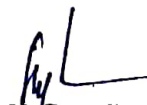
Hon'ble National Green Tribunal(NGT) in OA No. 545/2019 Titled Rohit Yadav President Welfare Association RWA Madipur Village (Regd.) Vs Govt. of NCT of Delhi has passed the following order on 08.08.2019:


"We have perused the letter petition sent by resident welfare association, RWA Madipur Village. Issue notice to Delhi Pollution Control Committee and South Delhi Municipal Corporation who shall look into the matter and sent a report before next date of hearing.....List this matter on 2nd September, 2019"

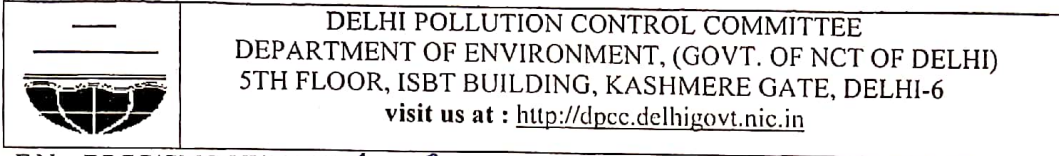
In view of above, an inspection was carried out by officials of DPCC on 28.08.2019 to verify the facts. Following are the observations of inspecting team:-

- I. The site is a piece of land along bank of Najafgarh Drain and is located behind Paschim Puri Shamshan Ghat. The site is existing in a stretch of approx. 500 metres. After inspecting the whole site, it was found that most of the area is encroached by Rag Pickers who are engaged in sorting domestic solid waste which includes plastic waste, paper/cardboard waste, glass waste etc. collected from surrounding residential areas.
- II. Garbage/waste sorted/handled by these Rag pickers found dumped in the area and huge heaps of waste seen at the site.
- III. Sign of burning of garbage/waste were observed at some spots but no burning was observed during inspection.
- IV. The rag pickers have encroached the Govt. land as well as public road.
- V. The land in question belongs to Irrigation and Flood Control Deptt., Govt of Delhi.
- VI. The Rag Pickers were found sorting the domestic solid waste by bare hands without any gloves or any safety equipment's.


(Sanjay Vatts)
Env Engineer, DPCC


(S.K. Goyal)
Asst. Env. Engineer, DPCC


(Mohd. Aftab Alam)
Trainee, DPCC



F.No. DPCC/CMC-VI/2019/06 - 08

Dated: 30/08/2019

To,

(1) The Deputy Commissioner
SDMC- West Zone, Shivaji Palace,
Rajouri Garden, Delhi - 110027

(2) The Chief Engineer,
Irrigation & Flood Control Department, Zone-01,
L.M. Bund Office Complex,
Shastri Nagar, Geeta Colony, Delhi 110031

Subject: Direction u/s 5 of Environment Protection Act, 1986 read with Solid Waste Management Rules 2016 as amended to date

Whereas, Central Pollution Control Board is the State Board for all the union Territories to exercise powers and performs functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

And whereas, the Central Government has notified the Solid Waste Management Rules 2016 (here after referred as SWM Rules, 2016) notified under Environment (Protection) Act, 1986 for proper management and handling of Solid Wastes.

And whereas, duties and responsibilities of local authorities have been mentioned in Rule (15) of Solid Waste Management Rules, 2016 which includes:

- The local authorities shall transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste;
- The local authorities shall transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility;

And whereas, Hon'ble NGT in OA No. 545/2019 Titled Rohit Yadav President Welfare association RWA Madipur Village (Regd. Vs Govt. of NCT of Delhi) has passed the following order on 08.08.2019

"We have perused the letter petition sent by resident welfare association, RWA Madipur Village. Issue notice to Delhi Pollution Control Committee and South Delhi Municipal Corporation who shall look into the matter and sent a report before next date of hearing.....List this matter on 2nd September, 2019"

And whereas, officials of DPCC inspected the above site on 28.08.2019 and it was observed that:

1. The site is a piece of land along bank of Najafgarh Drain and is located behind Paschim Puri Shamshan Ghat. The site is existing in a stretch of approx. 500 metres. After inspecting the whole site, it was found that most of the area is encroached by Rag Pickers who are engaged in sorting domestic solid waste which includes plastic waste, paper/cardboard waste, glass waste etc. collected from surrounding residential areas.

Contd.-2

2. Garbage/waste sorted/handled by these Rag pickers found dumped in the area and huge heaps of waste seen at the site.
3. Sign of burning of garbage/waste were observed at some spots but no burning was observed during inspection.
4. The rag pickers have encroached the Govt. land as well as public road.
5. The land in question belongs to Irrigation and Flood Control Deptt., Govt of Delhi.
6. The Rag Pickers were found sorting the domestic solid waste by bare hands without any gloves or any safety equipment's.

And whereas Irrigation & Flood Control Department, Govt of Delhi and South Delhi Municipal Corporation have not taken any steps to implement the provisions of Solid Waste Management Rules 2016 as amended to date

And whereas, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following directions:

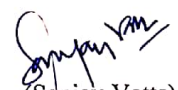
(i) That South Delhi Municipal Corporation shall take immediate steps for removal of the Solid Municipal Waste from the site & sent it to authorized site and shall submit an action taken report in this regard within 07 days.

(ii) That the Irrigation & Flood Control Department, Govt of Delhi shall take immediate steps for removal of the illegal encroachment and secure the land in question by way of barricading to avoid the misuse of land by these rag pickers in future and shall submit an action taken report in this regard within 07 days.

You shall be liable for penal action under the provisions of the EPA 1986 as amended to date in case of violation at the above site continues.

This is being issued as per the approval of the Competent Authority in Delhi Pollution Control Committee.

of


(Sanjay Vatts)
Env. Engineer

Copy To -

1. Master File, CMC- VI