

124

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

M. A. No. 16/2022/EZ

In

O. A. No. 81/2020/EZ

Tribunal on its own motion Applicant(s)

Vs.

Jharkhand State Pollution
Control Board

Respondent(s)

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Filed by: -

Surendra

Surendra Kumar
Advocate

Jharkhand State Pollution Control Board



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

M. A. No. 16/2022/EZ
In
O. A. No. 81/2020/EZ

Tribunal on its own motion Applicant(s)

Vs.

Jharkhand State Pollution Control Board Respondent(s)

Counter Affidavit on behalf of Respondent No. - 04
Jharkhand State Pollution Control Board in
compliance of order dated 14/12/2022.

I, Yatindra Kumar Das, son of Late K. K. Das,
presently posted as the Member Secretary, Jharkhand
State Pollution Control Board, H.E.C, Dhurwa, Ranchi
and am duly authorized and here by solemnly state
and affirm as follows:-

1. That at present, I am working and posted as the
Member Secretary, Jharkhand State Pollution
Control Board, H.E.C, Dhurwa, Ranchi and as such,

Authorized under Notaries Act 1956
& Notaries Rule- 1956 by Govt. of
Jharkhand Ranchi

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Date 17 JAN 2023



I am well acquainted with all the facts and circumstances of this case.

2. That I have gone through the order dated 14/12/2022 passed by the Hon'ble NGT, EZB, Kolkata and has understood the contents therein.
3. That, I am authorized to swear this affidavit on behalf of the Respondent No - 04 Jharkhand State Pollution Control Board (JSPCB). Further it is stated that I have gone through the relevant files and records in present case.
4. That, it is humbly stated and submitted that the Hon'ble Tribunal vide its order dated 14/12/2022, was pleased to direct Mr. Surendra Kumar, the learned Counsel, appearing on behalf of JSPCB to file a copy of the Civil Appeal filed by the said Mihijam Nagar Parishad before the Hon'ble Supreme Court and further directed him to file the copy of stay order of the Hon'ble Supreme Court also.
5. That, it is humbly stated and submitted that the

Copy of the Civil Appeal filed by the Mihijam Nagar Parishad before the Hon'ble Supreme Court



17 JAN 2023

which was received by email dated 18th June, 2022 by the Board.

Photocopy of the Civil Appeal filed by the Mihijam Nagar Parishad before the Hon'ble Supreme Court is annexed and marked as

Annexure - A.

6. That, it is humbly stated and submitted that the Hon'ble Supreme Court in its order in Civil Appeal No(s). 5193/2022 in the matter of Mihijam Nagar Parishad Vs Arti Sinha & Ors. has issued an order dated 26/08/2022. The relevant portion of which is reproduced herein for the sake of brevity: -

"In the meanwhile, there shall be stay of the direction on the Petitioner, Mihijam Nagar Parishad, at Paragraph No. 19 of the impugned judgment, to deposit Environmental Compensation of 43,05,000/- (Rs. Forty Three Lakhs Five Thousand Only) with the State Pollution Control Board, Jharkhand, within a period of one month."



17.7.23
11.7 JAN 2023

Photocopy of the Stay Order passed by the Hon'ble Supreme Court in the matter dated 26/08/2022 is annexed and marked as **Annexure - B.**

7. That, it is stated and submitted that this counter reply is being filed bonafide and in the interest of justice.

8. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

Yatindra Kumar
DEPONENT

VERIFICATION:

Verified at Ranchi on this the day of ^{17th}..... January, 2023 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Yatindra Kumar
DEPONENT

Yatindra Kumar
17/01/2023

**NOTARY PUBLIC
RANCHI**



Authorized under Notaries Act 1956
Notaries Rules 1956 by Govt. of
Jharkhand Ranchi (India)

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Letter No 509 Regarding Compliance of the direction by the Hon'ble NGT, Eastern Zone Bench, Kolkata in O.A No. 81/2020 (EZ)

Annexure - 'A'

Nagar Panchayat <nagarpanchayatmihijam@yahoo.in>

Sat, Jun 18, 2022 at 12:08 PM

From: JSPCB RANCHI <ranchijspcb@gmail.com>, Jspcb Dumka <jspcb Dumka@gmail.com>, Secretary Jharkhand
To: nagar.secy@gmail.com

[Quoted text hidden]

3 attachments

- FINAL APPEAL FOR FILING-compressed.pdf
21057K
- Letter No 509 Regarding Hon'ble NGT O.A No. 81_2020.pdf
795K
- Recording letter 16.6.22.pdf
86K



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PALLAVI LANGAR
Advocate-On-Record
SUPREME COURT OF INDIA

BY EMAIL

To,
Executive Officer,
Mihijam Nagar parishad
Ranchi, Govt. of Jharkhand
Jharkhand

16.06.2022

Ref: Civil Appeal No. (Diary No 16944 of 2022
Mihijam Nagar Parishad Vs Arti Sinha & ors

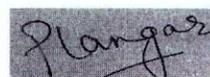
Dear Sir,

This is to record and inform that the captioned matter has been filed in the Hon'ble Supreme Court challenging order dated 23.02.2022 passed by the Hon'ble NGT, EZ.

This is to further inform that the Hon'ble Supreme Court is having summer vacation presently and will re-open on 11.07.2022. It is only thereafter that the captioned matter will be listed for hearing.

Thanking you,

Yours sincerely,



[PALLAVI LANGAR]



C-188, Ground Floor, Defence Colony, New Delhi 110024
M-91 9871927773 ,Email-pallavi.langar@gmail.com

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
(Under Section 22 of the National Green Tribunal Act, 2010)

CIVIL APPEAL (C) No. _____ of 2022

[Arising out of Final Impugned Judgment dated 22.03.2022 passed in Original Application No. 81/2020/EZ by National Green Tribunal Eastern Zone Bench, Kolkata]

[WITH PRAYER FOR INTERIM RELIEF]

IN THE MATTER OF:

Mihijam Nagar Parishad

Appellant

VERSUS

Arti Singh & Ors

...Respondents

WITH

I.A. No: _____ of 2022

Application for exemption from filing certified copy of the impugned judgment

AND

I.A. No: _____ of 2022

Application for seeking ad-interim stay of operation of impugned judgment

AND

I.A. No: _____/2022

Application for exemption from filing official translation

PAPER BOOK

(For Index Kindly See Inside)

Advocate for the Petitioner: **PALLAVI LANGAR**



RECORD OF PROCEEDINGS

S No.	Particulars
1.	
2.	
3.	
4.	



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A1

PROFORMA FOR FIRST LISTING

SECTION:

The case pertains to (Please tick/ check the correct box):

- Central Act: (Title): National Green Tribunal Act, 2010
- Section: Section 22
- Central Rule : (Title) NA
- Rule No(s): NA
- State Act: (Title) NA
- Section: NA
- State Rule: (Title) NA
- Rule No(s): Na
- Impugned Interim Order: (Date) NA
- Impugned Final Order/ Decree: 23.03.2022
- High Court : (Name) NA
- Names of Judges:
 - Hon'ble MR. Justice B. Amit Sthalekar (Judicial Member)
 - Hon'ble MR. Saibal Dasgupta (Expert Member)
- Tribunal/ Authority: (Name) National Green Tribunal, Eastern Zone Bench, Kolkata

- 1. Nature of matter: Civil
- 2. a) Petitioner/ appellant No. 1: Mihijam Nagar Parishad
- b) e-mail ID:
- c) Mobile phone number:
- 3. a) Respondent :. Arti Singh
- b) e-mail ID: NA
- c) Mobile phone number: NA



4. a) Main category classification: 15 A2
b) Sub category classification :: 1503

5. Not to be listed before: NA

6. (a) Similar disposed of matter with citation, if any, & case details./ pending matter NO

(b) Similar pending matter with case details NO

7. Criminal Matters: NA

a) Whether accused/ convict has surrendered: NA

b) FIR No. NA

c) Police Station: NA

d) Sentence Awarded: NA

e) Sentence Undergone: NA

8. Land Acquisition Matters: NA

a) Date of Section 4 notification:

b) Date of Section 6 notification:

c) Date of Section 17 notification:

9. Tax Matters: State the tax effect: NA

10. Special Category (first petitioner/ appellant only): NA

Senior Citizen > 65 years

SC/ST

Woman/ Child

Disabled

Legal Aid case

In Custody

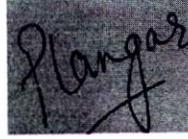
11. Vehicle Number (in case of Motor Accident Claim matters): NA



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FILED BY

A3



Date: 20.05.2022

PALLAVI LANGAR
AOR for Petitioner (s)/ Appellant(s)

Code No.: 1814

Email: pallavi.langar@gmail.com

Mob: 9871927773



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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
(Under Section 22 of the National Green Tribunal Act, 2010)

CIVIL APPEAL (C) No. _____ of 2022

IN THE MATTER OF:

Mihijam Nagar Parishad

Appellant

VERSUS

Arti Singh & Ors

...Respondents

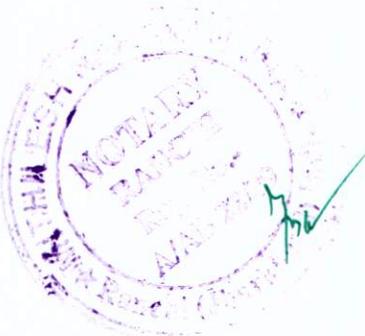
OFFICE REPORT ON LIMITATION

1. The present Special Leave Petition is within time.
2. The Petition is not barred by time and there is no delay in filing the same against order 23.02.2022 passed in No. 81/2020/EZ by National Green Tribunal Eastern Zone Bench, Kolkata], in view of order of the Hon'ble Supreme court in SMWP No. 3 of 2020.
3. There is delay of ____ in refilling the Petition and Petition for condonation of ____ days delay in refilling has been filed.

BRANCH OFFICER

New Delhi

Dated: 20.05.2022



SYNOPSIS

The Appellant above-named is filing the present Appeal under Section 22 of the National Green Tribunal Act, 2010, (“**NGT Act**”) being aggrieved by the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata (**Hon'ble NGT**). By way of the impugned order and judgment, the Hon'ble NGT has, *inter alia*, directed Mihijam Nagar Parishad, to deposit Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, despite the fact that Hon'ble NGT holds the location of the landfill site in question/dumping site fulfils the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016 (herein after referred to as “**The said Rules, 2016**”) which is per the findings of the Committees Report.

It is submitted that the apart from the fact that impugned order directing the Nagar Parishad to pay Environmental Compensation to the tune of Rs. 43,05,000/- as environmental is excessive and arbitrary, the calculation of the compensation is ex-facie erroneous.

It is submitted that the Hon'ble NGT did not consider the fact that there was no delay on the part of the Appellant in complying with the statutory compliances under the said rules, 2016. Infact, the Appellant has duly complied with the statutory compliances in the management of the solid waste at the concerned dump site by conforming to the distance criteria mentioned in Schedule-I para (a) sl. no. (vii) of the Solid



Waste Management Rules, 2016 as the dump site is approximately 204 m away from the nearest habitation, 531 m from the Maithon dam nearest to the water point, 204 m from the Homeopathic medicine centre, 210 m from the Missionaries of Charity, 210 m from the temple and no river was found within 100 m as well. Further, that land fill site should be 100 m from the river, 200 m from pond, highways, housing sites, public parks, 200 m from wells and 20 km from the airport.

It is also submitted that apart from wrongly imposing fine upon the Appellant, the calculation of the fine imposed as Environmental Compensation (EC) by the Committee is erroneous. It is submitted that in the formula to calculate Environment Compensation which is as follows:

$$EC = PI \times N \times R \times S \times LF$$

Where N = Number of days of Violation.

It is submitted that the Committee has taken the value of N as 287, i.e., from the date the complaint is filed 24.09.2020 till the date of visit by the committee, 07.07.2021.

However, it is pertinent to note that the said land was only allotted from 27.11.2020. Therefore, the number of days for violation, if at all, has to be calculated from 27.11.2020 to 07.07.2021, i.e., 222 days.

For the purposes of calculation of EC, the committee has taken the value of 'R' which is the factor in Rupees to be taken while calculating EC to be Rs. 250/- in its report. Considering the fact that the Hon'ble NGT has dismissed the OA on the findings of the committee that



the dumping site is in conformity to the SWM Rules 2016, it is submitted that the value of R may be taken at the lowest of Rs 100/-.

Further, keeping the above factors in mind and the correct and reasonable value of N and R (other values remaining same), the amount of EC, if any, to be imposed, would not be exceeding:

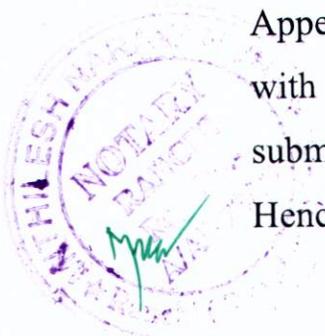
$$EC = 60 \times 222 \times 100 \times 1 \times 1$$

$$EC = \text{Rs. } 14,32,000/-$$

It is submitted that the Hon'ble NGT ought to have considered that the Detailed Project Report of the said site was approved on 10.08.2021 after due consideration by the Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after following due process, the technical approval of the DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi. Detailed Project Report was approved on 10.08.2021 and the work of the boundary wall was started prior to this day only to take possession of that said site. Thus, the drain/construction work of drains was not found started during the visit of the Committee constituted by the Hon'ble Tribunal.

It is submitted that the Hon'ble Tribunal has not only over looked the crucial factors while passing the impugned order but has also erroneously calculated the EC, if at all, to be paid by the Appellant to a whopping amount of Rs. 43,05,000/-. It is submitted that the Appellant, being a Nagar Parishad, has wrongly been burdened with such a high amount of EC to be paid which, in its submission is ex-facie erroneous.

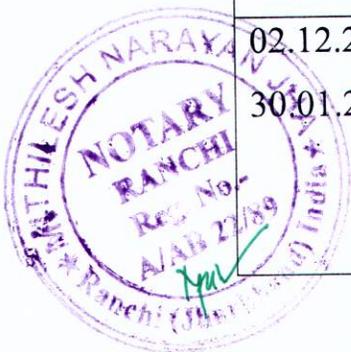
Hence the present Appeal.



DATE	EVENT
2016	The Solid Waste Management Rules, 2016 were issued under the Environment Protection Act, 1986 by the Union Ministry of Environment, Forests and Climate Change (MoEF&CC).
26.08.2016	The approval of Solid Waste Management scheme of Mihijam was given by Urban Development Department through Resolution no. 4796/26.08.2016 after exhaustive and numerous discussions of the stakeholders involved.
2018	A Pre-Feasibility Report was prepared for Mihijam Nagar Parishad for Environment Clearance of Solid Municipal Waste Management at Chandradeepa village, Thana no, 10, Khasra No. 1422/3788, Jamabandi no. 102, Mihijam, Jharkhand. However, due to protests by the local inhabitants, the earmarked the site at Mauza no. 15, Khata no. 223, Plot no. 1865 at Rajbari, Mihijam admeasuring approximately 4.85 acres was selected to be allotted as a



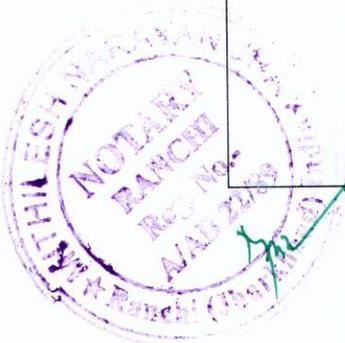
		dumping site of solid waste after obtaining the consent of all the stakeholders involved over a span of 12 meetings.
24.09.2020		Respondent No. 1 filed Original Application No. 81 of 2020 before the Hon'ble NGT, Eastern Bench, Kolkata inter alia seeking stoppage of all operations and activities with regard to Solid Waste management at the site at Rajbari, Mihijam.
27.11.2020		Vide letter no. 1012/Revenue dated 27.11.2020, the Office of the Deputy Commissioner, Jamtara selected and allotted the earmarked site at Mauza no. 15, Khata no. 223, Plot no. 1865 at Rajbari, Mihijam for management of solid waste as per the Solid Waste Management Rules, 2016 and the said land was subsequently transferred to Nagar Parishad Mihijam. Thereafter, the decision of allotment of the said plot was conveyed to the Accountant General, Ranchi.
02.12.2020 30.01.2021	&	That vide letter No. 2346 dated 02.12.2020 and letter No. 91 dated 30.01.2021, the Executive Magistrate of Mihijam Nagar Parishad instructed



	the construction agency i.e, Patheya Mihijam Waste Management LLP, New Delhi to proceed with the said scheme as per Solid Waste Management Rules, 2016.
April 2021	The construction work for the boundary wall was started by the construction agency i.e, Patheya Mihijam Waste Management LLP, New Delhi.
21.05.2021	The Hon'ble NGT formed a committee comprising of four members to conduct an on-site inspection of Mouza No. 15. Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District- Jamtara.
07.07.2021, 08.07.2021	The Committee constituted by the Hon'ble Tribunal visited the dumping site of solid waste at Mouza No. 15. Khata No. 223, Plot no. 1865 at Rajbari, Mihijam. On 07.07.2021, the Executive Officer of Mihijam Nagar Parishad, Jamtara informed the Committee that the said plot had been transferred to the Mihijam Nagar Parishad only on 27.11.2020 by the office of the Deputy Commissioner, Jamtara.
10.08.2021	A Detailed Project Report was prepared for the site of Plot no. 1865

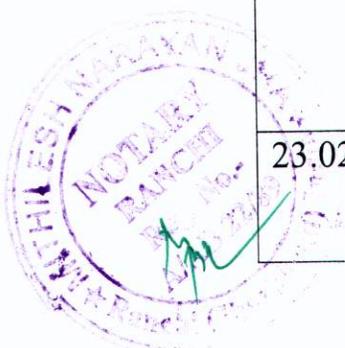


	<p>at Rajbari, Mihijam and vetted by Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after due process the technical approval of DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi on 10.08.2021. since, apart from the said site, there is no such land available in the vicinity for dumping any garbage, the site has been described as Integrated Municipal Waste Processing Facility and Engineered Sanitary Landfill Facility in the Detailed Project Report.</p>
31.08.2021	<p>The Jharkhand State Pollution Control Board filed its affidavit along with the report of the Committee. In its report, the Committee calculated a fine of Rs. 43,05,000/- as environmental compensation and proposed to the same to be recovered from the local District Administration involved with the Mihijam Solid Waste Management Site.</p>



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04.09.2021	Vide letter no. 776/MNP dated 04.09.2021, the Mihijam Nagar Parishad gave directions to Patheya Mihijam Waste Management LLP, New Delhi to obtain Environment Clearance and Consent to Establish from the concerned authorities.
25.09.2021	Vide letter no. 835 dated 25.09.2021, the Executive Officer of Mihijam Nagar Parishad reported the progress of various installations such as boundary wall, weigh bridge, main gate etc. at the said site Plot no. 1865 at Rajbari, Mihijam.
13.12.2021	The Hon'ble NGT vide order dated 13.12.2021, directed the Appellant to place on record the correct factual position with regard to the Forest Clearance requirement for the dumping site.
07.02.2022	In compliance with the order dated 13.12.2021 passed by the Hon'ble NGT, the Appellant filed its affidavits before the Hon'ble NGT thereby <i>inter alia</i> clarifying the position on no requirement for Forest Clearance.
23.02.2022	The Hon'ble NGT by way of Impugned judgment dated



	<p>23.02.2022 upheld the imposition of Rs.43,05,000 as Environmental compensation upon the Appellant although it held that the location of the landfill site in question/dumping site fulfills the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016, based on the findings of the Committee. The Hon'ble NGT, also gave various directions to be complied with and a status report to be submitted by the JSPCB by 30.06.2022.</p>
22.05.2022	Hence, the present Appeal



(149)

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA**

.....
ORIGINAL APPLICATION No. 81/2020/EZ

IN THE MATTER OF:

**Arti Sinha,
Secretary of Legal Rights and Social Development
Foundation, an NGO, Registration No.43/10/2018,
Dated 15.03.2018,
Office at Rajbari, Mihijam, P.O. and P.S. Mihijam,
District - Jamtara, Pin - 815354,**

....Applicant(s)

Versus

- 1. The Executive Officer, Mihijam Nagar Parishad,
P.O. and P.S.-Mihijam, District-Jamtara,
Jharkhand - 8145534,**
- 2. The Secretary, State of Jharkhand,
Project Buidling, P.O. and P.S. Dhurwa,
District-Ranchi, Jharkhand,
Pin - 834004,**
- 3. The Principal Chief Conservator of Forests,
Department of Forests, Environment and Climate Change,
Room No.108, B Block, 1st Floor, Van Bhawan,
P.O. and P.S.-Dorando, District-Ranchi,
Pin - 834002,**
- 4. The Chairman, Jharkhand State Pollution Control Board,
HEC Campus, P.O. and P.S. Dhurwa,
District-Ranchi, Jharkhand,
Pin - 834004,**
- 5. The Regional Officer, Jharkhand State Pollution Control
Board,**

Ashram Road, Tower Chowk, Dudhani Dumka,
Pin - 814101,

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6. The Deputy Commissioner, Jamtara,
P.O. and P.S. and District-Jamtara,
Jharkhand - 815351,
7. The Superintendent of Police, Jamtara,
District-Jamtara, Jharkhand,
8. The Secretary, Department of Forest, Environment and
Climate Change,
At A-306, Agni Block, 3rd Floor, Indira Paryavaran Bhawan,
Aliganj, P.O. and P.S.-Jorbagh Road,
New Delhi - 110003,
9. Union of India,
Through Secretary,
Urban Development and Housing Department,
Nirman Bhawan, C-Wing, Dr. Maulan Azad Road,
New Delhi - 110011,

....Respondent(s)

COUNSEL FOR APPLICANT:

Mr. Chhatrapal Saugandh, Advocate

COUNSEL FOR RESPONDENTS :

Mr. Krishnaraj Thaker, Addl. Advocate General, a/w Ms.
Aishwarya Rajyashree, Advocate for R-3,6 & 9,
Mr. Surendra Kumar, Advocate for R-4 & 5,
Mr. Soumitra Mukherjee, Advocate for R-8,

JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)

Reserved On:- 8th February, 2022
Pronounce On:- 23rd February, 2022

1. Whether the Judgment is allowed to be published on the net? **Yes**

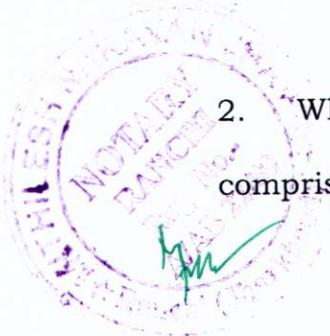
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2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

The Applicant has filed this Original Application on the allegation that the solid waste management activities are being carried out illegally in violation of the Solid Waste Management Rules, 2016 and Environment (Protection) Act, 1986 at the site Mouza No. 15, Khata No. 223, Plot No.1865, Rajbari, Mihijam, District-Jamtara, Jharkhand which is about 50 meters from densely populated area. It is also stated that said unauthorized site is a constant threat to the lives of the thousands of local people who reside in the vicinity. It is also stated that at present the total solid waste generation, collection, compilation and storage is about 12-13 MT per day and proper solid waste disposal in compliance with the Solid Waste Management Rules, 2016 and Municipal Solid Wastes (Management and Handling) Rules, 2002, is not being carried out by the Mihijam Nagar Parishad (Respondent No.1) instead the entire waste is being dumped since the last two years at a dump yard situated at Mouza No. 15, Khata No. 223, Plot No.-1865, total area 4.85 acres which is close to the habitation of Rajbari, Mihijam.

2. While issuing notices, this Tribunal constituted a Committee comprising of the following persons:



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- (i) A Senior Scientist of Central Pollution Control Board, Regional Office, Kolkata;
- (ii) A Senior Scientist from the Integrated Regional Office of MoEF&CC, Ranchi;
- (iii) Regional Officer, Jharkhand State Pollution Control Board; and
- (iv) Deputy Commissioner, Jamtara, Jharkhand,

The Committee was directed to look into the matter and submit its report on the following aspects:-

- (i) Violation of siting criteria as per Solid Waste Management Rules, 2016;
- (ii) The amount of legacy waste dumped in the disputed area and the efforts taken by the Mihijam Nagar Parishad, District-Jamtara, Jharkhand, for segregation and removal of the same as per the Solid Waste Management Rules, 2016;
- (iii) The Committee shall also identify an alternate site for disposal of the solid waste/biomedical waste which is as per the criteria given in the Solid Waste Management Rules, 2016;
- (iv) The Committee is also directed to assess the amount of leachate which may have infiltrated into the soil causing water pollution and accordingly water samples from the nearby lake/pond can be analysed for contamination;
- (v) On account of the illegal dumping of solid waste/biomedical waste, the Committee is also directed to assess the Environmental Compensation caused on account of degradation of the environment in this case.

The Environmental Compensation shall be calculated as per the guidelines issued by the Central Pollution Control Board.

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3. A counter-affidavit dated 31.08.2021 has been filed by the Respondent No.4, Jharkhand State Pollution Control Board, stating that no Consent to Establish or Consent to Operate has been issued to the Municipal Waste Treatment Facility located at Mouza No. 15, Khata No. 223, Plot No.-1865, Rajbari, Mihijam, District-Jamtara.

Along with this affidavit a Report has also been filed of an inspection of the site carried out on 07.07.2021 and 08.07.2021. The findings, conclusion and recommendations of the Committee are reproduced herein and read as under:- 86-95

II .Detailed Description of the on-site inspection of Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, and other proposed dump sites in Mihijam and Jamtara, Jharkhand.

The Committee members inspected/visited the site on 07.07.2021 and 08.07.2021.

At first, it is pertinent to mention about some important definitions from the Solid Waste Management rules, 2016 (SWMR, 2016). They are

- a. "Dump sites" means a land utilized by local body for disposal of solid waste without following the principles of sanitary land filling".



- b. "Sanitary land filling" means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odor, fire hazard, animal menace bird menace, pests and rodents, green house gas emissions, persistent organic pollutants slope instability and erosion.
- c. "Residual solid waste" means and include the waste and rejects from the solid waste processing facilities which are not suitable for recycling or further processing.
- d. "Disposal" means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in schedule 1 to prevent contamination of ground water, surface water, ambient air and attraction of animals of birds.

The inspected place at Rajbari in Mihijam, Distt.-Jamtara i.e. Mouza no. 45, Khata 223, Plot no. 1865 is not a sanitary land filling site as per the definition provided in solid waste management rules 2016 because of that site there was dumping of all solid wastes and not the "Residual solid waste and inert wastes" There were no protective measures against pollution of ground water, surface water (Non-permeable lining system at the base and walls of waste disposal area) and fugitive air dust, wind blown litter, animal menace, bird menace, posts or rodents etc.

In view of the above the inspected site Mauza No. 15, Khata no. 223, Plot no. 1865, Rajbari Mihijam is referred to as dump site in this report as per the definition provided in SWMR 2016.

Description of the sites inspected by the team constituted by Hon'ble NGT in OA 81/2020/EZ.

1. Boundary wall was observed at the site (see photos 1, 2, 13 & 14) but it was not a continuous boundary. There were many areas/places where boundary wall was not provided or there were gaps between the wall, no gates were provided at any place in the boundary wall and it may cause for trespassing (persons, animals, vehicles,



G.H.A.P.

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etc.) (see photos 2,19). Also, at many places in the boundary wall gaps/leakage points in the bottom portion was observed i.e. from where fluid/liquid can pass through during rain and flow outside (see photos 8, 9, 15, 16). It should be ensured that the boundary wall is completely sealed and there should not be any gaps, leakages through which liquid/fluid can come out from the waste dumping site.

2. Inside the boundary wall area some solid wastes were observed but over most of the solid waste soil, earth material was put (see photos 1,2). To ensure about the dumping, committee members decided to dig the said ground a few locations on random basis 3-4 locations. However, after digging the soil, earth material, solid waste was observed (see photos 20, 21,22). At some places inside the boundary wall no solid waste dumping could be observed even after digging (see photos 23, 24). It implies that solid waste dumping activity has been carried out in some areas inside the boundary and not in the whole ground area.
3. There were no drains found inside the boundary to collect the overflow/ leachate.
4. Near the dump sites agricultural fields were observed (see photos 03, 04). Thin layer of oil was observed in an agriculture field, and therefore water samples were taken from that place (latitude 24°50'49" N, longitude 26°52'1" E).
5. Water in Maithan dam was observed at some distance from the dump site. From the annexure II (distance of various important places adjacent of dump site superimposed on Google map) it can be seen that closest point of the Maithan dam from dump site is at a distance of 531 m.
6. High tension electric grid transmission lines were observed adjacent to the dump site (both side) (see photos 1,2,7) but no transmission lines were observed passing over on top of the dump site.
7. Just outside the boundary of the dump site in the eastern side there was an another dump site where solid waste was dumped over a large area (see photos 12, 13, 18, 25). There were no drains around that solid waste dump. District authorities informed that solid waste of Mihijam was dumped at that site from earlier times. Adjacent to this dump site (i.e. without any boundary wall) there was a slope and it



was connected to low lying area (see photo 14) agricultural fields and a small nallah (see photos 15). The nallah seemed to be flowing through agricultural fields may be only in rainy season. Since there were probabilities that contaminated water from dump site could reach to low lying areas and subsequently into the nallah (of photo 15) therefore sample of water from there was also collected.

8. There was a small artificial pond/trench like structure near the dump inside the boundary wall (see photo 11). Since it was within 30-35 m of the solid waste disposed place sample of water was collected from that place.

9. Near to the dump site in Mauza 15, Khata no. 223, Plot no. 1865, Rajbari Mihijam there were some prominent building observed. Some of them are:

a. Homeopathic medicine centre (see photo 26)- Approximate distance from dump site is 204 m (see annexure II). There was a well inside the premises of Homeopathic Medicine centre (see photos 27) and water sample from that well was also collected. (see photo 28).

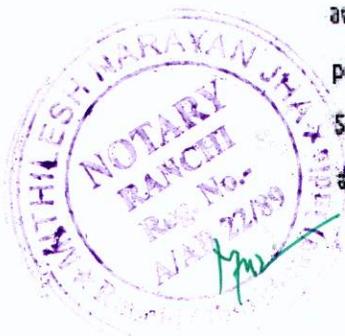
b. Missionaries of charity (see photo 31) – The building/missionary was at further distance from Homeopathic Medicine centre (i.e. more than 210 m from dump site)

c. A temple (see photo 32)- Temple was more than 210 m from dump site

10. Water sample was also collected from an old well near the dump site (see photo 33).

11. Some cows were observed grazing grass adjacent to the dump site (see photo 35). In the absence of any gate, incomplete boundary these cows could enter the solid waste area.

12. The committee members visited the place at Chandradeepa village (see photos 39) where solid waste dump site /sanitary land filling was earlier planned by distinct authorities/Mihijam Nagar Parishad. It was informed by district authorities that local population of that area/village strongly objected to the solid waste dump site/ Sanitary land filling site there. District authorities informed that there may be law and order problem if they forced solid waste dump site in that area. Local villagers



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gathered at the place when committee members were inspecting the area (see photo 39) and they told they will not allow any solid waste dump site in the area (Chandradeepa Village). An artificial pond was observed adjacent to the area (see photo 36). There was a non-operational crushing unit near (within 200-300m) of the area (see photo 38). A state road was observed adjacent to the site (see photo 37).

13. Committee members also visited proposed solid waste dump site at Jamtara. The place was Vaidyanathdih with thana no. 22, Khata no. 61, Khesra no.- 510, 13.61 acre (see photos 40). The site was adjacent to a road (see photos 41). District authorities informed that local people are opposing any solid waste dump site/ sanitary land fill site at that place too. The land was flat at that the place and some trenches were observed on the site(see photos 42 & 43)

Note : Photos related to inspection as given above are provided in annexure I

III. Pointwise observations w.r.to objectives of the committee:

- A. Violation of siting criteria as per Solid Waste Management Rules, 2016

;Observations/findings of the committee :

As can be seen in Annexure (Distance – latitude-longitude taken during site inspection superimposed on Google map) the dump site is approx 204 m from nearest habitation approx 250m from nearest well, approx. 531 m from Malthan dam nearest water point that can be seen from Google map. There is no river within 100m from dump site. However a rainy season/seasonal nala flowing between agricultural fields flows within approx 204 m from dump site. It is more than 20 km away from Airport or Airbase.

The Distance of the sensitive location observed by the committee member from the Dump site of Mihijam Nagar Parishad, located in Mouza-15, Khata No.223, Plot No.1865 at Rajbari meets the distance criteria of sanitary landfill mentioned in schedule I, Para (A)& serial no.(vii) of Solid Waste Management Rules,2016 but the dump site/sanitary landfill site of Mihijam Nagar Parishad located in said site does not meet the other specifications as given in Schedule-I , of Solid Waste Management rules,2016.



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Landfill allows only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre processing rejects and residues from waste processing facilities. But the dump site/sanitary landfill site of Mihijam Nagar Parishad located in Rajbari dump all the municipal waste without segregation and processing facilities.

There are many non-compliances observed with reference to Schedule I of Solid waste Management Rules 2016. Please refer to annexure III i.e. compliance status given in Schedule I of Solid waste Management. Rules 2016 (Criteria for site selection; Criteria for development of facilities at the sanitary landfills; Criteria for specifications for land filling operations and closure on completion of land filling; Criteria for pollution prevention;).

- B. The amount of legacy waste dumped in the disputed area and the efforts taken by the Mihijam Nagar Parishad, District-Jamtara, Jharkhand for segregation and removal of the same as per the Solid Waste Management Rules, 2016 ;

Observations/findings of the committee : Due to non-installation of MSW plant and without segregation of waste in the said dump site/sanitary landfill site there was continuous dumping of municipal waste being done by Mihijam Nagar parishad for the last few years, resulting in the formation of heaps which can be termed as legacy waste. Based on the survey done by the committee member, about (L=39m, B=38 m, H=0.5 m) 741 cubic meter of waste was found inside the boundary wall of said dump site, as well as about (L=107 m ,B=44 m, H=0.6 m) 2824.8 cubic meter legacy waste was found outside the boundary wall of the said dump site. It was also observed during inspection that most of the waste has been dumped outside the boundary and the waste inside the boundary has been covered with soil.

According to executive officer of Mihijam Nagar Parisad the department has taken initiative for compliance of Solid Waste Management Rules, 2016. For this Patheya Mihijam Waste Management LLP (concessionaire), Nagar Parishad Mihijam has been authorized to comply. But when the said dump site was inspected, it was found that the Mihijam Nagar Parishad, has not taken any



permission whatsoever from Jharkhand State Pollution Control Board for dumping on said site. It was observed that the municipal solid waste received on site was found being dumped in an unscientific manner and same was not being segregated to ensure recovery of reusable and recyclable material. Also, no liner has been put to avoid contamination of sub-surface water in long run due to percolation of leachates.

- C. The Committee shall also identify an alternate site for disposal of the solid waste/biomedical waste which is as per the criteria given in the Solid Waste Management Rules, 2016;

Observations/findings of the committee : The earlier planned solid waste dump site/sanitary landfill site by district authorities/Mihijam Nagar Parishad at Village Chandradeepa was inspected by committee member on 07/07/2021.

The following facts were observed during the site inspection:-

- (i) The above proposed dump site/sanitary landfill site was observed away from the habitation as per the distance criteria of Solid Waste Management Rules, 2016.
- (ii) An artificial pond and district road was observed adjacent the proposed dump site/sanitary landfill site.
- (iii) During the inspection of above site, the local villagers started gathering at that place and they told that they would not allow any solid waste dump site in that place.

As per the information received from district authorities that local population of that area strongly objected to the solid waste dump site/sanitary landfill site there. Also, district authorities informed that there may be law order problem if they forced solid waste dump site in that area.

Committee member also visited proposed solid waste dump site/sanitary landfill site at Vaidyanathdih, distt.-Jamtara, on 08/07/2021.

The following facts were observed during the site inspection :-

- (i) The above proposed site is also located away from the habitation as per the distance criteria of Solid Waste Management Rules, 2016.
- (ii) The proposed site was observed near the state road.



Observations/findings of the committee :

Committee suggested to impose environmental compensation based on methodology given in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" formulated in response to OA No. 593/2017(PB), for an industry can be assessed using the following formulae:

$$EC = PI \times N \times R \times S \times LF \quad \dots\dots\dots(1)$$

where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

The above formulae incorporate the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to large habitations. As per CPCB's classification of Industrial Sectors under Red, Orange, Green and White Categories the existing industry can be categorized as red category of industry.

PI is Pollution Index for Red category of industrial sectors having Index score is 60 and above. In the present study it may be considered as 60.

R is a factor in rupees for estimating environmental compensation which as per CPCB guidelines is taken as Rs. 250/-.

N is the number of days of violation, in this case N may be considered as 287 days (considering the duration from Filing date of Original Application OA 81/2020/EZ on 24th September 2020 to Date of Inspection as 7th July 2021).

S is a factor representing the scale of operation of the industry (small scale = 0.5, medium scale = 1.0 and large scale = 1.5). Present operation considered as medium scale.

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LF is the location factor depending on the population of the areas per recent census 2011 is below 1 million, so LF may be taken as 1 following CPCB's guidelines.

S. No.	Population* (million)	Location Factor# (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

*Population of the city/town as per the latest Census of India
 #LF will be 1.0 in case unit is located >10km from municipal boundary
 LF is presumed as 1 for city/town having population less than one million

Now, using formulae (1), environmental compensation is:

Environmental Compensation calculation = $60 \times 287 \times 250 \times 1 \times 1$

= INR 43,05,000/-

The Environment Compensation may be recovered from Local District Administration, involved in operation of Mihijam MSW Site.

Recommendations:

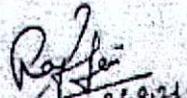
- Specifications provided in Schedule I of Solid Waste Management Rules should be followed. Please refer to annexure III i.e. compliance status given in Schedule I of Solid waste Management. Rules 2016 (Criteria for site selection; Criteria for development of facilities at the sanitary landfills; Criteria for specifications for land filling operations and closure on completion of land filling; Criteria for pollution prevention;).
- Seepage of leachate from the fresh dumpsite should be managed as per SWM rule 2016. Proper drainage and pumping of the leachate to the leachate treatment unit must be given special attention.
- Protective measures against pollution of ground water, surface water (Non-permeable lining system at the base and walls of waste disposal area) and fugitive air dust, wind blown litter, animal menace, bird menace, posts or rodents etc. should be done/taken up.



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- Walls around the dump site be made continuous and Gates should be provided at proper locations. Gaps/ leakages in the wall should not be left out in any portion.
- Sprinkling of water on roads and other areas may be actively considered to control dust emissions.
- Ensure advance demarcation and declaration of a buffer zone of no new habitation for upto 500 meters.
- The standard plan addressing the potential risks was not present in the site for any disaster while working therefore, it is proposed to have that at site at the earliest.
- Action may be initiated for Bio-mining by the Authority and to be completed as per CPCB guidelines and need to be completed at the earliest.
- The aesthetic view of the area should be enhanced by extensive plantation around the boundary.

Signature of committee members


26.8.21

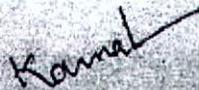
(Rajeev Ranjan)

Scientist-E, Integrated Regional Office, Ranchi
MoEF&CC, Govt. of India.



(Sandeep Roy)

Scientist-D, Central Pollution Control Board,
Regional Directorate, Kolkata.



(K.K. Pashak)

Regional Officer,
Jharkhand State Pollution Control Board, Dumka.

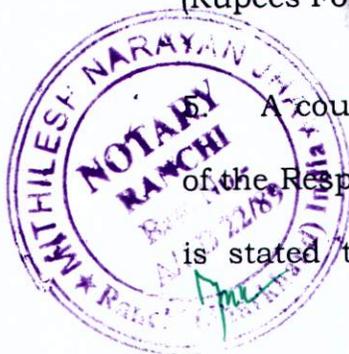
(Sanjay Pandey)

S.D.M, Jamtara,

Jharkhand on behalf of Deputy Commissioner,
Jamtara.

4. Based on the findings noted hereinabove, the Committee has determined the Environmental Compensation at Rs. 43,05,000/- (Rupees Forty Three Lakhs Five Thousand only).

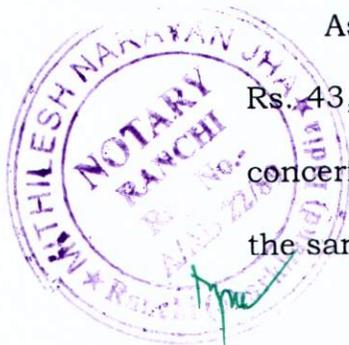
A counter-affidavit dated 07.09.2021 has been filed on behalf of the Respondent No.6, Deputy Commissioner, Jamtara, wherein it is stated that as per Solid Waste Management Rules, 2016 for



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purposes of carrying out disposal of solid waste, the Deputy Commissioner, Jamtara, selected a site being Plot No. 1865 which is 'Patit' land Mouza-Mihijam vide his letter dated 27.11.2020 and the said plot was transferred to the Jamtara Municipal Corporation. It is also stated that as per information received from the Circle Officer, Jamtara, a huge amount has already been spent on the construction of the dumping of solid waste site, Plot No. 1865 of Mouza-Mihijam. It is stated that the constructing agency is Pathey Mihijam Waste Management L.L.P, New Delhi and it has been instructed to proceed with the scheme as per Solid Waste Management Rules, 2016 and to report regular compliance. It is stated that the said scheme at the solid waste disposal site of Plot No. 1865 of Mouza-Mihijam is still in a primary and premature state. It is further stated that several meetings were held with all the stakeholders who were present in the meeting and who have given their written consent and only thereafter the said Patit land at Rajbari Mohulla has been allotted to the Jamtara Municipal Corporation. It is stated that this site is at a considerable distance away from residential area. The said Respondent has denied the claim of the Applicant that the residential area is within 50 meters of the site in question and it is stated that, in fact, the residential area is more than 500 meters away from the scheme.

As regards the imposition of Environmental Compensation of Rs. 43,05,000/- (Rupees Forty Three Lakhs Five Thousand only) is concerned, it is stated by the Deputy Commissioner, Jamtara, that the same is not correct.



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6. Another affidavit dated 05.10.2021 has been filed on behalf of the Respondent No.6, Deputy Commissioner, Jamtara, in which it is stated that cost of Rs. 25,000/- (Rupees Twenty Five Thousand only) imposed upon him has been deposited by him through Demand Draft No. 368503 dated 04.10.2021 drawn on the State Bank of India in favour of the Registrar, National Green Tribunal, New Delhi.

7. The Deputy Commissioner, Jamtara, Respondent No.6, has filed another affidavit on 06.12.2021 bringing on record his reply to the findings of the Committee constituted by the Tribunal, which reads as under:- (page 142 to 174)

NGT Committee Report	Reply to the NGT Committee Report
<p>1. Boundary wall was observed at the site (see photos 1, 2, 13 & 14) but it was not a continuous boundary. There were many areas/places where boundary wall was not provided or there were gaps between the wall, no gates were provided at any place in the boundary wall and it may cause for</p>	<p>1. The approval of Solid Waste Management (SWM) scheme of Mihijam was given by Urban Development Department on 26.08.2016. The said Letter is annexed as</p>



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trespassing (persons, animals, vehicles etc.) (see photos 2,19). Also, at many places in the boundary wall gaps/leakage points in the bottom portion was observed i.e. from where fluid/liquid can pass through during rain and flow outside (see photos 8, 9, 15, 16). It should be ensured that the boundary wall is completely sealed and there should not be any gaps, leakages through which liquid/fluid can come out from the waste dumping site.

Annexure-A3.

2. Earlier the site for this scheme was selected at Chandradeepa and Sabdiha village in the year 2017-18. Due to protest of the villagers and local inhabitants of Chandradeepa and Sabdiha village it became necessary to find alternative site and the present site of Rajbari was found suitable in reference to Solid Waste Management Rules, 2016. During this process it was noticed that some persons wanted to illegally capture the said land of Rajbari. A Jamabandi Case was started by Circle Officer, Jamtara on 10.04.2019 and after hearing, S.D.M., Jamtara passed an order and confirmed the order passed by Circle Officer, Jamtara regarding the illegal Jamabandi which was created in the name of C.P. Singh on 04.11.2019.

The said Letter is annexed as Annexure-A4.

3. During the selection of the present site the consent of the respective stake holders were taken after meeting with the villagers and other public



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representatives. Nearly twelve meetings were held and after the consent of the villagers and implementing the due process the land was transferred by the Deputy Commissioner, Jamtara to Urban Development and Housing Department by letter- No.- 1012/Revenue, dated- 27.11.2020.

The said Letter is annexed as Annexure-A5.

4. Since the site was changed from Chandradeepa-Sabdiha to Rajbari Mihijam it was necessary to rectify the Detailed Project Report (DPR). The DPR was prepared and vetted by Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after the due process the technical approval of DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi on dated- 10.08.2021.

The said Letter is annexed as Annexure-A6.

5. In the meantime, some



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anti-social elements tried to encroach upon the land and were also successful in entering into some part of this land which was observed by the Committee also. Therefore, it was necessary to take possession of the land as soon as possible for the benefit of this project. And in order to secure the said plot of land, the construction work of boundary wall had been started as per the decision of the Municipal Council Board in the month of April, 2021.

The said Letter No.-397 Dated-07.05.2021 is annexed as Annexure-A7.

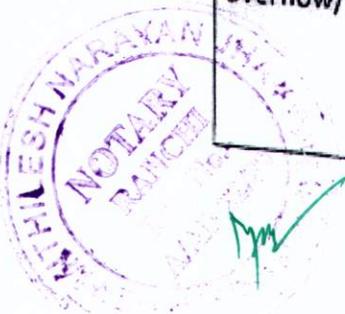
6. The Executive Officer, Mihijam Nagar Parishad has reported through his Letter No.-835 dated-25.09.2021 that a substantial portion of the work of the boundary wall is now completed and after the completion of the boundary wall the main gate will be installed. This will eliminate the possibility of any gap, leakage and entrance of animals etc.

The said Letter No. - 835 Dated - 25.09.2021 is annexed as



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	<p>Annexure-A8.</p> <p>7. Some stray incidents of causing damage to boundary wall have been noticed and it is suspected that it is the handiwork of the antisocial elements who are attempting to encroach upon the vacant plot.</p>
<p>2. Inside the boundary wall area some solid wastes were observed but over most of the solid waste soil, earth material was put (see photos 1,2). To ensure about the dumping, committee decided to dig the said ground on random basis 2-3 locations. However, after digging the soil, earth material, solid waste was observed (see photos 20, 21,22). At some places inside the boundary wall no solid waste dumping could be observed even after digging (see photos 23, 24). It implies that solid waste dumping activity has been carried out in some areas inside the boundary and not in the whole ground area. Dumping activity has been carried out in some areas inside the boundary and not in the whole ground area.</p>	<p>Previously, the said site and the peripheral areas were low lying areas, and after the formation of Nagar Panchayat, solid waste was dumped separately in small quantities at different places as well as the peripheral area of this site but after the site selection and consent of the villagers, the Municipal Council has taken a decision to dump the solid waste in the said site. Since, apart from the said site, there is no such land available in the vicinity for dumping any garbage. In the DPR this site is described as Integrated Municipal Solid Waste Processing Facility and Engineered Sanitary Landfill Facility and as such partial part of this site is being used for the dumping solid wastes.</p>
<p>3. There were no drains found inside the boundary to collect the overflow/leachate.</p>	<p>As stated in third paragraph the DPR was approved only on 10.08.2021 and the work of boundary wall was started prior to this date only to take possession of that land. Therefore, the drain/</p>



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	<p>construction work of drains, was not found/started during the visit of the Committee constituted by the Hon'ble Tribunal. As reported by the Executive Officer, Mihijam Nagar Parishad the drain work is to be completed within six months.</p> <p>The said Letter No. 835 Dated 25/12/21 is annexed as Annexure-A9.</p>
<p>4. Near the dump sites agricultural fields were observed (see photos 03, 04). Thin layer of oil was observed in an agriculture field, and therefore water samples were taken from that place (latitude 24°50'49" N, longitude 26°52'1" E)</p>	<p>The Committee has reported that the dump site has not been commissioned. It is proven that leachate does not form oil-film unless it contains specific oily material along with solid waste. Therefore, thin layer of oil observed/found there looks like has developed from agricultural activity.</p>
<p>5. Water in Maithan dam was observed at some distance from the dump site. From the annexure II (distance of various important adjacent of dump site superimposed on Google map) it can be seen that closest point of the Maithan dam from dump site is at a distance of 531m.</p>	<p>No Comment.</p>
<p>6. High tension electric grid transmission lines were observed adjacent to the dump site (both side) (see photos 1,2,7) but no transmission lines were observed passing over on top of the dump site.</p>	<p>No Comment.</p>
<p>7. Just outside the boundary of the dump site in the eastern side there was an another dump site where solid</p>	<p>The land referred to in this land is a private land. It appears that this</p>

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waste was dumped over a large area length 107m and width 44m and depth 0.5m dimension.) see photos 12, 13, 18, 25). There were no drains around that solid waste dump. District authorities informed that solid waste of Mihijam was dumped at that site from earlier times. Approximately 5372 m³ (length x breadth x depth) volume of solid waste was observed on that dump site.

Adjacent to this dump site (i.e. without any boundary wall) there was a slope and it was connected to low lying area (see photo 14) agricultural fields and a small nallah (see photos 15). The nallah seemed to be flowing through agricultural fields may be only in rainy season. Since there were probabilities that contaminated water from dump site could reach to low lying areas and subsequently into the nallah (of photo 15) therefore sample of water from there was also collected.

land is lying vacant and waste is been dumped in small quantities by local population for many years used to be dumped on different places from last many years. Once the subject dumping site becomes operational, any dumping at the adjacent site will be stopped and actively prevented.

The site will be used for solid waste dumping. Once construction of the boundary wall is complete, there will be remote possibility of any seepage from the dump site to the adjoining areas and all precaution will be taken to avoid any seepage.

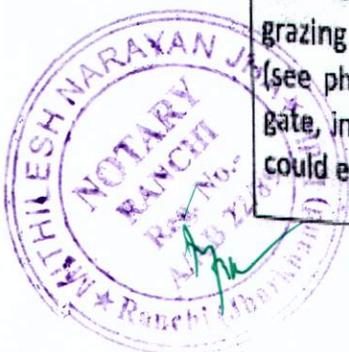
8. There was a small artificial pond/trench like structure near the dump inside the boundary wall (see photo 11). Since it was within 30-35 m of the solid waste disposed place sample of water was collected from that place.

As stated in previous paragraph, the DPR was approved on 10.08.2021. The Pit which was reported by the committee in this paragraph is not an artificial pond but it is the foundation work of weighbridge which is integral part for the Solid Waste Management Project. The Executive Officer Mihijam Nagar Parishad has reported through his Letter No. 835 Dated-25.09.2021 that the



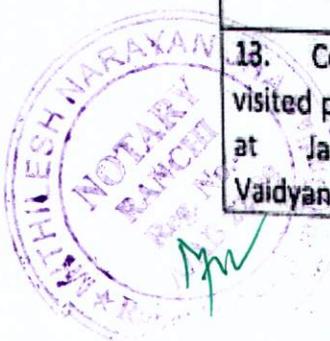
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	<p>weighbridge work will be completed in next two months.</p> <p>The said Letter No. 835 Dated 21/1/21 is annexed as Annexure-A10.</p>
<p>9. Near to the dump site in Mauza 15, Khata no. 223, Plot no. 1865, Rajbari Mihijam there were some prominent building observed. Some of them are:</p> <p>a. Homeopathic medicine centre (see photo 26)- Approximate distance from dump site is 204 (see annexure II). There was a well inside the premises of Homeopathic Medicine centre (see photos 27) and water sample from that well was also collected. (see photo 28).</p> <p>b. Missionaries of charity (see photo 31) – The building/missionary was at further distance from Homeopathic Medicine Centre(i.e. more than 210m from dump site)</p> <p>c. A temple (see photo 32) – Temple was more than 210m from dump site.</p>	<p>According to the Solid Waste Management Rules, 2016 Page No. 20, Para-A (sub-para-vii of the criteria for site selection), the land fill site should be 100 meters from the river, 200 meters from the pond, highways, housing sites, public parks and the land fill site should be 200 meters from the wells and 20 kilometers from the airport. The site selection was done following the said rules.</p>
<p>10. Water sample was also collected from an old well near the dump site (see photo 33).</p>	<p>No Comment</p>
<p>11. Some cows were observed grazing grass adjacent to the dump site (see photo 35). In the absence of any gate, incomplete boundary these cows could enter the solid waste area.</p>	<p>As already stated earlier, the construction work for the boundary wall was started by the Patheya Mihijam Waste Management LLP, Concessionaire</p>



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	<p>in the month of April, 2021 and substantial portion of the work of this boundary wall was completed. As directed by the Committee the Concessionaire/Agency has deputed guards in this site.</p>
<p>12. The committee members visited the place at Chandradeepa village (see photos 39) where solid waste dump site /sanitary land filling was earlier planned by distance authorities/Mihijam Nagar Parishad. It was informed by district authorities that local population of that area/village strongly objected to the solid waste dump site/ Sanitary land filling site there. District authorities informed that there may be law and order problem if they forced solid waste dump site in that area. Local villagers gathered at the place when committee members were inspecting the area (see photo 39) and they told they will not allow any solid waste dump site in the area (Chandradeepa Village). An artificial pond was observed adjacent to the area (see photo 36). There was a non-operational crushing unit near (within 200-300m) of the area (see photo 38). A state road was observed adjacent to the site (see photo 37).</p>	<p>No Comment.</p>
<p>13. Committee members also visited proposed solid waste dump site at Jamtara. The place was Vaidyanathdih with thana no. 22,</p>	<p>No Comment.</p>



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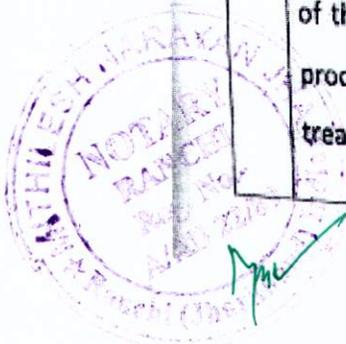


Khata no. 61, Khesra no.- 510, 13.61 acre (see photos 40). The site was adjacent to a road (see photos 41). District authorities informed that local people are opposing any solid waste dump site/ sanitary land fill site at that place too. The land was flat at that the place and some trenches were observed on the site (see photos 42 & 43)

- c) The tabulated point wise reply of observations made by committee with respect to the provisions mentioned in SCHEDULE I, [see rule 15 (w), (z), 16 (1) (b) (e), 16 (4)], Specifications for Sanitary Landfills of SWM Rule, 2016 are tabulated below:

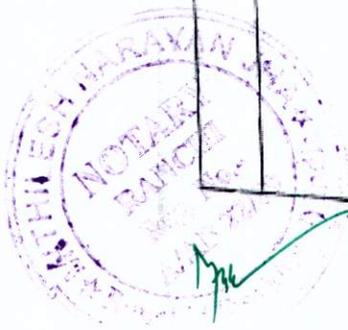
(A) Criteria for site selection: -

Sl. No.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
(i)	The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities	Dump site has been provided at Rajbari but setting up of solid waste processing and treatment facilities have not been initiated. On notification-District Admin may		Solid Waste Management (SWM) scheme of Mihijam Nagar Parishad was sanctioned in 2016 by the Urban Development Department through Resolution No. 4796/26.08.2016 after lots of discussion with all stake holders, that particular land has been allotted for setting up an



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and notify such sites.	comment.	 <p>Integrated Solid Waste Processing and Disposal Facility by the District Authority in 2020. District authority has handed over the land to Mihijam Nagar Parishad Vide Letter No. - 1012/Revenue, dt. - 27.11.2020 to setup solid waste processing and treatment facilities. Technical Approval of DPR related to said scheme has been given by Department on 10.08.2021.</p> <p>This scheme comprises Door to Door Collection, Transfer, Transportation, Developing and operating an Integrated Municipal Solid Waste Processing Facility and Engineered Sanitary Landfill Facility.</p> <p>The Departmental Sankalp is attached as Annexure-A11;</p> <p>The Sanction letter of District authorities is attached as Annexure-A12.</p>



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(ii)	<p>The sanitary landfill site shall be planned, designed and developed with proper documentation of construction plan as well as a closure plan in a phased manner. In case a new landfill facility is being established adjoining an existing landfill site, the closure plan of existing landfill should form a part of the proposal of such new landfill.</p>	<p>There is an existing solid waste dumpsite near the prepared dump site at Rajbari but no closure plan of that adjoining dump site is made. No proper documentation of construction plan as well as closure planning done.</p>	<p>Not complied</p>	<p>The said scheme is not only dumping site, but also a waste to compost unit and a sanitary landfill site for disposal of post processing residual inert material. The department has approved the DPR for the said scheme which consist of:-</p> <p>Development of grading plan (phasing of landfill facility) showing sequence of cell development over time, including the necessary earthwork to accomplish the same.</p> <p>Estimating and preparing drainage plans for the leachate and surface runoffs as a part of site development measures that minimize leachate generation.</p> <p>Design of leachate collection and conveyance system, together with method for determining effectiveness of the system so as to ensure that the landfill will be</p>
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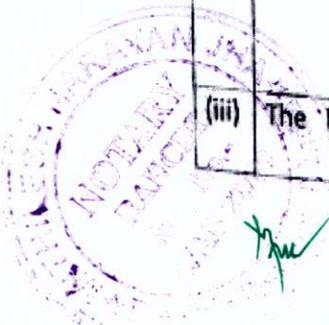
				<p>functioning properly.</p> <p>Designing system for disposal of leachate and surface runoffs, including likely drop inlets, piping, holding tanks and connection to the inlet/sumps of physical - chemical treatment system within main facility area.</p> <p>Design of bottom liner system.</p> <p>Recommending suitable construction techniques and materials.</p> <p>Developing waste placement and handling plan.</p> <p>Designing suitable cover system to minimize infiltration of surface runoff and check sub-surface contamination.</p> <p>Estimation of landfill gas generation and detail plan for extraction and utilisation of landfill gas.</p>
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			<p>Designing monitoring well system.</p> <p>Design of closure, post closure plan and landscaping plan.</p> <p>This DPR was duly vetted by RCUES, Lucknow and was approved by UDHD Ranchi. The work for preparation of DPR for Bio-remediation and Bio-mining of legacy waste is already initiated. DPR will be ready within 01 month and the process of Bio-remediation will be completed within 06 months.</p> <p>The work order to concessionaire is issued on dated 02.12.2020 by Nagar Parishad, Mihijam and is attached as Annexure-A13.</p> <p>Adjacent site issue has already been addressed in paragraph 7 above.</p>
(iii)	The landfill sites	There is no waste	As stated in last paragraph, it is also



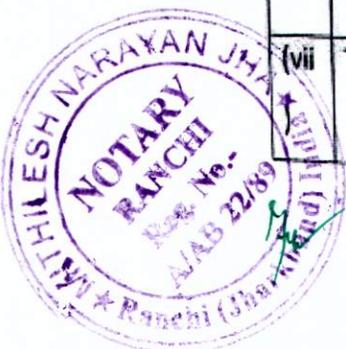
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	<p>shall be selected to make use of nearby wastes processing facilities. Otherwise, wastes processing facility shall be planned as an integral part of the landfill site.</p>	<p>processing facility near the Rajbari dump site.</p>	<p>needful to mention that for the said scheme which consists of waste processing facility in the said site, Mihijam Nagar Parishad through due procedure of Tendering have already selected Concessionaire for setting up Integrated Solid Waste Processing and Disposal Facility.</p> <p>The NIT and LOI to concessionaire are collectively attached as Annexure-A14.</p>
(iv)	<p>Landfill sites shall be set up as per the guidelines of the Ministry of Housing and Urban Affairs, Government of India and Central Pollution Control Board.</p>		<p>Proposed Landfill sites is designed as per the guidelines of the Ministry of Urban Development, Government of India, CPHEEO Manual & EPA, and Central Pollution Control Board.</p> <p>Page Number 109 to 134 of Volume -1 of approved DPR may be referred.</p> <p>Copy of DPR is attached as Annexure-A15.</p>



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(v)	The existing landfill sites which are in use for more than five years shall be improved in accordance with the specifications given in this Schedule.	Not applicable.		No Comment
(vi)	The landfill site shall be large enough to last for at least 20-25 years and shall develop 'landfill cells' in a phased manner to avoid water logging and misuse	The site inspected at Rajbari is a dumpsite and not a landfill site. Landfill cells were not provided in the site.	Not complied	During the visit of the Committee, the DPR was in process of approval. It was communicated to the Committee by the Executive Officer by Letter No. - 553/MNP, Dated - 19.06.2021. The proposed Sanitary Landfill Site (SLF) is designed to accommodate post processing residual inert for 16 years. Page 115 of approved DPR may be referred.
(vii)	The landfill site shall be 100	As can be seen in Annexure (Distance -latitude-		As observed by the Committee Members,



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	longitudetaken superimposed on Google map) during inspection the dump site is approx 204 m from nearesthabitation approx 250m from nearestwell, approx. 531 m from Maithandamnearest water point that can beseenfromGoogle map. There is no riverwithin100m from dump site. Howeverarainyseason/seasonalnala flowing betweenagricultural fields flows within approx. 204m from dump site. It is more than 20 km away from Airportor Airbase.	Mihijam Nagar Parishad that the site selected for setting up an Integrated Solid Waste Processing and Disposal Facility fulfil the site selection criteria as mentioned in SWM Rule, 2016.
<p>meter away from river, 200 meter from a pond, 200 meter from. Highways,Habitati ons, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The Landfill site shall</p>		



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	not be permitted within the flood plains as recorded for the last 100 years, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas..		
(vii)	The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.	Town planning departments land use plan was not available to committee members. It is not known whether dumpsite is incorporated in land use plans.	Previously, the population of Nagar Parishad Mihijam was below 15 thousand and there were 03 Wards only. Due to Urbanization, in the year 2014 it was elevated as Nagar Parishad consisting of 20 wards and a population of nearly 40463. The adjoining land with the said site are generally non-transferable as per Santhal Parganas Tenancy Act and there is very rare chances of erection of any buildings in adjoining land. The Solid Waste Management Scheme Site is selected with



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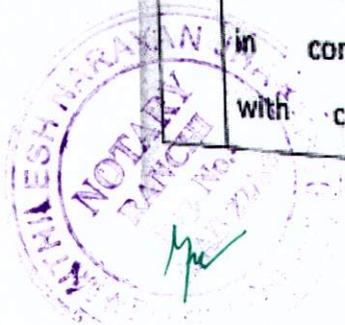


due approval of District Authority and is notified for this purpose only vide Letter No. - 1012/Revenue, Dated - 27/11/2020. By the Notification No. 6562, Ranchi/Dated 20/10/2017 the Master Plan of Mihijam Nagar Parishad has been notified by UDHD, Ranchi and 05 acre Land in Chandradipa Village which is 07 KM away from ULB has been mentioned in Page No. 66 of the Master Plan for the SWM Scheme at that time. But now land has been allocated in Rajbari. So, Executive Officer, Nagar Parishad Mihijam vide Letter No. - 849/MNP, Dated- 29/09/2021 has requested UDHD, Ranchi to do necessary amendment on Page No. 66 of Master Plan of Nagar Parishad Mihijam with current land details as handed over by DC, Jamtara for SWM Scheme regarding Land-use plan.



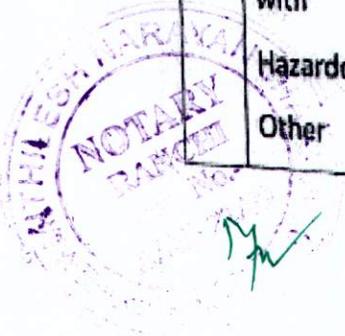
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				Letter for handing over of land is attached as Annexure-A16.
(ix)	A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five Tonnes per day of installed capacity. This will be maintained within the total area of the solid waste processing and disposal facility. The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned	Just outside the Rajbari dump site there is another solid waste dump site. There is no consultation with JSPCB in relation to maintaining any buffer zone around dump site.	Not complied	<p>Proposed Solid Waste Processing and Disposal Facility have Green Buffer all around the periphery of site. A green barrier with three layer of plantation is proposed.</p> <p>The Layout Plan of proposed facility is shown in the page no. of the Volume III of DPR.</p> <p>The adjacent site issue has been addressed in paragraph 7 above.</p> <p>As stated in earlier paragraph during the visit of the committee, the DPR for the said Scheme was in process of approval which was communicated to the Committee. After approval of DPR, Nagar Parishad Mihijam has given direction to the Concessionaire to take EC and CTE from the concerned office and authority by Letter No.</p>



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	<p>State Pollution Control Board.</p>		<p>776/MNP, Dated-04.09.2021 and earlier with Letter No. - 257/MNP, Dated-18.03.2020.</p> <p>The Letter No. 776/MNP, Dated-04.09.2021 and earlier with Letter No. - 257/MNP, Dated-18.03.2020 are annexed hereto and collectively marked as Annexure-A17.</p>
(x)	<p>The biomedical waste shall be disposed of in accordance with the Bio-medical Waste Management Rules, 2016, as amended from time to time . The hazardous waste shall be managed in accordance with the Hazardous and Other Wastes</p>		<p>No bio medical waste is to be dumped at this site but all care will be taken and extant Rules complied with.</p>



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<p>(Management and Transboundary Movement) Rules, 2016, as amended from time to time.</p> <p>The E waste shall be managed in accordance with the e-Waste (Management) Rules, 2016 as amended from time to time.</p>		
<p>Temporary storage facility for solid waste shall be established in each landfill site to accommodate the waste in case of non-operation of wasteprocessing and during emergency or natural calamities</p>	<p>There is no provision of waste processing in the Rajbari solid waste dump site.</p>	<p>Approved DPR has provision of waste receiving platform and windrows that can accommodate waste for 35 to 40 days.</p> <p>The Volume-I Page No. 101, 102, 106 of the DPR may be referred.</p>



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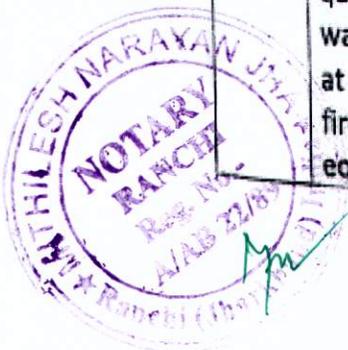
(B) Criteria for development of facilities at the sanitary landfills. -

SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
i.	Landfill site shall be fenced or hedged and provided with proper gate to monitor in coming vehicles, to prevent entry of unauthorized persons and stray animals	There is a discontinuous boundary wall around the dump site at Rajbari. No gate was provided and anybody, any animal can enter the dump site.	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision of continuous boundary wall. Substantial portion of work related to boundary has already been completed. There is a provision of Rs. 45.61 lacs. DPR Vol - II Page No. 1 may be referred
ii.	The approach and / internal roads shall be concreted or paved so as to avoid generation of dust particles due to vehicular movement and shall be so designed to ensure free movement of vehicles and	Approach and /internal road are neither concreted nor paved.	Not complied	There is a provision of Rs. 22.17 lacs for internal road. The approach road will be taken up by the 15 th Finance Commission Fund and the proposal has been sent to the department and the same will be completed within six months. DPR Vol- II Page No. 1 may be referred.



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	other machinery.		7. OF INDIA	The said Letter is attached as Annexure -A18
III.	The landfill site shall have waste inspection facility to monitor waste brought in for land filling office facility for recordkeeping and shelter for keeping equipment and machinery including pollution monitoring equipment. The operator of the facility shall maintain record of waste received, processed and disposed.	There is no office facility at dump site nor any shelter for keeping machinery or pollution monitoring equipment.	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision of waste inspection facility to monitor waste brought in at Landfill Facility. DPR Vol. - I, Page-112 may be referred.
IV.	Provisions like weigh bridge to measure quantity of waste brought at landfill site, fire protection equipment and	Weighbridge was not provided at the dump site so measurement of quantity of waste brought cannot be done.	Not complied	The work related to weigh bridge has been started and it was in progress. This is reported by committee in Committee report on page no. 03 of 05 as



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	other facilities as may be required shall be provided.		OF INDIA	there was a small artificial pond/trench like structure near the dump inside the boundary wall. Page No. - 80, 112, 106 of the DPR Vol. - II may be referred.
V.	Utilities such as drinking water and sanitary facilities (preferably washing/bathing facilities for workers) and lighting arrangements for easy landfill operations during night hours shall be provided	Utilities such as drinking water and sanitary facilities (preferably washing/bathing facilities for workers) have not been provided	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision of utilities such as drinking water and sanitary facilities. DPR Vol-II Page No.- 112 may be referred.
VI.	Safety provisions including health inspections of workers at landfill sites shall be carried out made.	No information about health inspection of workers at dump site made available to committee members.	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision Safety provisions including health inspections of workers. DPR Vol. - I Page No.- 112 may be referred.



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VII.	Provisions for parking, cleaning, washing of transport vehicles carrying solid waste shall be provided. The wastewater so generated shall be treated to meet the prescribed standards	No provision for cleaning, washing of transport vehicles carrying solid waste has been provided at the dump site.	Not complied	Approved DPR has provision for cleaning, washing of transport vehicles. DPR Vol - I and Volume - II, Page No. - 01 may be referred.
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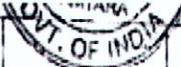
(C) Criteria for specifications for land filling operations and closure on completion of land filling: -

SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
I.	Waste for land filling shall be compacted in thin layers using heavy compactors to achieve high density of the waste. In high rainfall areas where heavy compactors cannot be used, alternative	No heavy compactors could be observed at the dump site for solid waste compaction	Not complied.	There is no need of heavy compactors in this plan although. Operation Plan proposed in DPR as well as in Concession Agreement has the provision of compacting Landfill waste. DPR Vol. -I Page No.- 112 may be referred.

(19)

	measures shall be adopted.			
ii.	Till the time waste processing facilities for composting or recycling or energy recovery are set up, the waste shall be sent to the sanitary landfill. The landfill cell shall be covered at the end of each working day with minimum 10 cm of soil, inert debris or construction material	At the Rajbari dump site soil/earth material was observed covering the solid waste. However it was unknown that such covering by soil, inert debris etc. is done at the end of each working day.	Not complied.	Provision of daily cover is already there in DPR and is also being carried out although the dump site is yet to be commissioned DPR Vol. -I Page No. - 112 may be referred.
iii.	Prior to the commencement of monsoon season, an intermediate cover of 40-65 cm thickness of soil shall be placed on the landfill with proper compaction and grading to prevent infiltration during	Intermediate cover of 40-65 cm thickness of soil was not placed on solid waste dump site, though inspection was done during monsoon. No drainage was constructed	Not complied.	Provision is made for intermediate cover and same will be duly carried out before dump site is commissioned. There is also provision for drainage in DPR and it will be completed within six month with a cost of Rs. 7.46 Lakhs as allocated.



	monsoon. Proper drainage shall be constructed to divert run-off away from the active cell of the landfill.	inside the dump site.		DPR Vol. -II Page No. - 01 may be referred.
IV.	After completion of landfill, a final cover shall be designed to minimize infiltration and erosion. The final cover shall meet the following specifications, namely:-- (a) The final cover shall have a barrier soil layer comprising of 60 cm of clay or amended soil with permeability coefficient less than 1×10^{-7} cm/sec. (b) On top of the barrier soil layer, there shall be a drainage layer of 15 cm. (c) On top of the	Not applicable now.		No Comment.

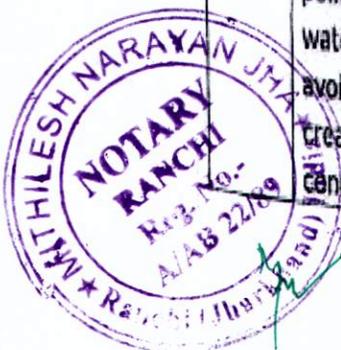


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drainage layer, there shall be a vegetative layer of 45 cm to support natural plant growth and to minimize erosion.			
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(D) Criteria for pollution prevention.-In order to prevent pollution from landfill operations, the following provisions shall be made, namely:-

SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
1.	The storm water drain shall be designed and constructed in such a way that the surface runoff water is diverted from the land filling site and leachates from solid waste locations do not get mixed with the surface runoff water. Provisions for diversion of storm water discharge drains shall be made to minimise leachate generation and prevent pollution of surface water and also for avoiding flooding and creation of marshy conditions.	No storm water drain constructed at the dump site.	Not complied.	There is a provision of storm water drain in DPR and it will be completed within six month and a cost of Rs 7.46 Lakhs is allocated. DPR Vol. -II Page No.- 01 may be referred.



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II.	<p>Non-permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) shall have liner of composite barrier of 1.5 mm thick high density polyethylene (HDPE) geo-membrane or geo-synthetic liners, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec. The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer provided at the bottom of landfills.</p>	<p>Non-permeable lining system at the base and walls of waste disposal area not provided.</p>	<p>Not complied.</p>	<p>Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR has provision of putting non-permeable lining system at the base and walls of waste disposal area.</p> <p>DPR Vo.I - IPage No.- 120 may be referred.</p>
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III.	Provisions for management of leachates including its collection and treatment shall be made. The treated leachate shall be recycled or utilized as permitted, otherwise shall be released into the sewerage line, after meeting the standards specified in Schedule- II.. In no case, leachate shall be released into open environment.	No provisions for management of leachate (including its collection and treatment) made.	Not complied.	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR has provision of management of leachates including its collection and treatment. DPR Vol - I Page No. - 116, 125 may be referred.
IV.	Arrangement shall be made to prevent leachate runoff from landfill area entering any drain, stream, river, lake or pond. In case of mixing of runoff water with leachate or solid waste, the entire mixed water shall be treated by the concern authority	There were gaps in the boundary wall and there were many places at the bottom of boundary wall from where leachate can come out and flow into low lying areas, agriculture fields.	Not complied.	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR has provision of management of leachate including its collection and treatment. A proper leachate collection system will be provided to carry the leachates into leachate pit. The leachates will travel through the gravel into the lateral pipes. These will carry the leachates to the header pipe



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				<p>from where it will be taken with the pit. The leachates will then be sprayed on to windrows along with Bio-culture.</p> <p>DPR Vol. -I Page No. -125 may be referred.</p> <p>Boundary wall is under construction.</p>
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(E) Criteria for water quality monitoring:-

SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
1.	Before establishing any landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meter of the periphery of landfill site shall be periodically monitored	Baseline data of groundwater quality in the area not made available to committee members.	Not complied.	<p>Process of obtaining Environment Clearance has been started by concessionaire and a base line study will be conducted to create the baseline data of water quality. There is a provision of Rs. 20.00 Lakhs in DPR Proposed Solid Waste Processing and Landfill Facility.</p> <p>DPR Vol. - II Page No. 05 may be referred.</p>



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<p>covering different seasons in a year that is, summer, monsoon and post-monsoon period to ensure that the ground water is not contaminated.</p>	
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8. Another affidavit dated 12.12.2021 has been filed on behalf of the Respondent No.6, Deputy Commissioner, Jamtara, in which it has been stated that disinfectant and bleaching powder is being spread on the waste deposit site as it is a low lying area and hollow in nature, which is then being covered with layers of top soil. It is also stated that Patheya Mihijam Waste Managemetn L.L.P. has initiated process for obtaining Forest Clearance. The application for grant of Forest Clearance has also been applied on 10.07.2021, however, the Forest Department sought authorization letter for seeking Forest Clearance which has also been provided by the Nagar Parishad Mihijam on 25.09.2021. The concessionaire has also filed application for grant of Consent to Establish with the Jharkhand State Pollution Control Board, Ranchi and request fee of Rs. 39,000/- (Rupees Thirty Nine Thousand only) has also been deposited on 09.12.2021. The Terms of Reference (ToR), Pre-Feasibility Report (PFR) and Executive Summary have also been prepared for Environmental Clearance by the concessionaire. It is



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also stated that the process for Environmental Clearance takes about one year.

9. One more affidavit dated 07.02.2022 has been filed on behalf of the Respondent No.6, Deputy Commissioner, Jamtara, stating therein that e-tender dated 08.01.2022 has been floated with a timeline of six months for disposal of solid waste. Application for seeking Environmental Clearance in Form-1 i.e., Terms of Reference (ToR) has been applied with the Ministry of Environment, Forest and Climate Change on 13.01.2022 and the same is pending approval with the Ministry of Environment, Forest and Climate Change.

10. We have heard the learned Counsel for the parties and perused the documents on record.

11. The main contention of the Applicant is that the waste dumping site is situated very close to a residential area. It is also alleged that there are other renowned and reputed public service institutions which are working near the dumping yard area of Mouza No.15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam such as:-

- (a) Missionaries of Charity where more than 50 TB patients are under isolation and getting treatment,
- (b) Homeopathic Hospital of Mihhijam,
- (c) Basudeb Mission, an NGO,
- (d) LRSDF, an NGO,
- (e) Maria Montessori School for Children,

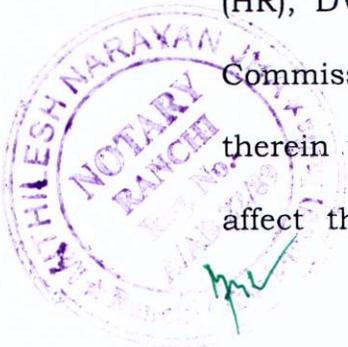
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(f) Badlao Foundation, and

(g) Temples of worship,

12. According to the Applicant, initially in February, 2018, a Pre-Feasibility Report was prepared by an independent organization by the Mihijam Nagar Parishad (Respondent No.1 herein) for Environmental Clearance of the proposed Common Municipal Solid Waste Management Facility at Chandradeepa village, Thana No.10, Khasra No. 1422/3788, Jamabandi No. 102, Mihijam, Jharkhand, but due to objection from the residents of that place the said site was shifted to the present site at Mouza No.15, Khata No. 223, Plot No. 1865, area 4.80 acres at Rajbari, Mihijam. It is also stated that as per Solid Waste Management Rules, 2016, the solid waste dumping area should not be constructed within 100 meters of any river or nalia and should be at least 500 meters away from the nearest habitation. It is also stated that in the present case, the Maithon Dam Reservoir/Damodar Valley Corporation (DVC) is hardly 100 meters away from the proposed dump site which will result in contamination of the reservoir water.

13. The learned Counsel for the Applicant has referred to Annexure A-16 (page no. 68 of the paper book), which is a letter of the Deputy General Manager (Admn.) & Sr. Additional Director (HR), DVC, Maithon, dated 29.07.2021 addressed to the Deputy Commissioner-cum-District Magistrate, District-Jamtara, stating therein that such a dump site in an open area would adversely affect the health and hygiene of the residents of Chittaranjan



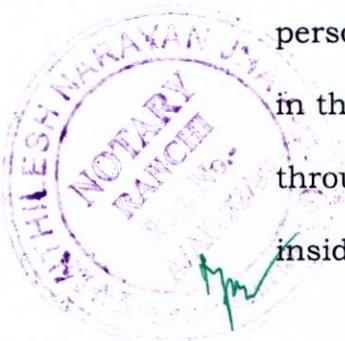
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Township and lead to contamination of water on the banks of the Maithon Dam.

14. The learned Counsel has also referred to Annexure A-17, (page no. 69 of the paper book), which is another letter of the Engineer, Power Grid Corporation Limited dated 14.08.2020 addressed to the Deputy Commissioner-cum-District Magistrate, District-Jamtara, stating therein that the solid municipal garbage has been dumped below and in the vicinity of bare conductor of Kahalgaon Maithon Transmission line between location 451-452 and it is stated that as per Gazette of India: Extraordinary Part-III, Page 232, Point-64-3: no material shall be dumped below or in the vicinity of bare conductor lines. Reference has also been made to the Gazette of India: Extraordinary Part-III, Sec-4, Page-233, Point-65-4: that no person shall construct polluting unit near the installation of transmission line of 2120 KV and above within a distance of 500 meters.

15. The Inspection Report of the Committee has noted that:-

A. Boundary wall was observed at the site but it was not a boundary and in many areas and places where there was no boundary wall, there were gaps between walls and no gates were provided which may expose the site for trespass by persons or animals. In the boundary wall gaps/leakage points in the bottom portion was observed where fluid/liquid can pass through during rain and flow outside. No drains were found inside the boundary to collect overflow/leachate. The closest



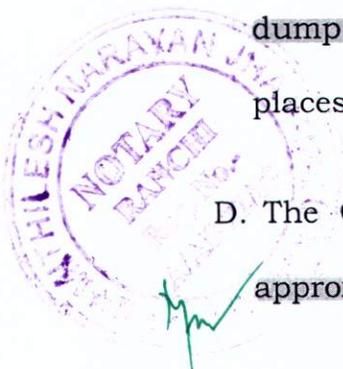
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point of the Maithon Dam from the dumping site is at a distance of 531 meters. High tension electric grid transmission lines were observed adjacent to the dump site but no transmission lines were observed passing over the top of the dump site.

B. The Committee also noted that just outside the boundary of the dump site in the eastern side, there was another dump site where solid waste was dumped over a large area and there were no drains adjacent to this dump site. There was a slope and it was connected to low lying area leading to agricultural fields and a small nallah flowed through the agricultural fields (only in rainy season). Sample of water was also collected from there considering that there was a probability of contaminated water sweeping from the dump site into the low lying areas and then into the nallah.

C. The Committee has also noted that a Homeopathic medicine centre was situated at a distance of about 204 meters from the dump site and there was a well inside the Homeopathic premises. A building of the Missionaries of Charity was also situated at a distance of about 210 meters from the dump site. There was a temple at a distance of about 210 meters from the dump site. Water samples were also collected from all these places.

D. The Committee also has also noted that the dump site is approximately 204 meters away from the nearest habitation,



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531 meters from the Maithon Dam nearest to the water point but there was no river within 100 meters of the dump site. It was also noted that the dump site/sanitary landfill site of Mihijam Nagar Parishad located in Rajbari dump site does not meet the other specifications as given in Schedule-I of the Solid Waste Management Rules, 2016, though it meets the distance criteria mentioned in Schedule-I para (a) sl. no. (vii) of the Solid Waste Management Rules, 2016.

E. The Committee has also noted that all municipal waste was dumped at the dump site/sanitary landfill site without segregation and processing facilities. 741 m³ of legacy waste was found inside the boundary wall of the dump site whereas 2824.8 m³ of legacy waste was found outside the boundary wall of the dump site and the waste inside the boundary has been covered with soil.

F. The Committee has also observed that the amount of legacy leachate flow could not be ascertained. Garland drain, to collect the leachate/overflow from the dumping site was not found and the water samples showed that the water quality did not conform to the norms of Phenolic Compound, Cu, Pb, Ni, Mn, Cr & Fe.

16. Mr. Krishnaraj Thaker, learned Additional Advocate General, representing the Deputy Commissioner, Jamtara, however, submitted that the Environmental Compensation of 43,05,000/- (Rs. Forty Three Lakhs Five Thousand only) was excessive and

beyond the capacity of the Municipal Corporation to pay and in any case there was no justification for the same. 203

17. However, considering the exhaustive report submitted by the Committee and the fact that the water around the area was contaminated and that there was no garland drain and the water was dripping into the low lying agricultural fields and nallah thereby contaminating the same and that 741 m³ of waste dumped inside the boundary wall of the dump site, 2824.8 m³ of legacy waste was found outside the boundary wall of the dump site, we definitely find the Mihijam Nagar Parishad to have been negligent in management of the solid waste at the concerned dump site.

18. Further in Original Application No. 606 of 2018 vide National Green Tribunal, Principal Bench, order dated 14.12.2020, the Tribunal has clearly mentioned that since the statutory timelines have expired and directions of the Hon'ble Supreme Court and the Tribunal to comply with the Solid Waste Management Rules, 2016 remained unexecuted, interim compensation scale was laid down for continued failure after 31.03.2020. It is further stated that any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take

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remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

19. We are of the view that in the facts and circumstances of the case the imposition of Environmental Compensation at 43,05,000/- (Rs. Forty Three Lakhs Five Thousand only) does not call for any interference by the Tribunal and we direct the Mihijam Nagar Parishad, Respondent No.1 to deposit the same with the State Pollution Control Board, Jharkhand, within a period of one month.

20. We also find that the Environmental Clearance has not been granted till date before starting the project, though it is stated that the Environmental Clearance has been applied and is pending with the Ministry of Environment, Forest and Climate Change.

21. We, therefore, direct the Respondent No.1, Ministry Environment, Forest and Climate Change to direct SEIAA, Jharkhand, to pass appropriate orders in accordance with law with regard to the question of grant of Environmental Clearance to the Mihijam Nagar Parishad for the dumping site in question within a period of one month.

22. So far as the concern of the Power Grid Corporation India Limited in its letter dated 14.08.2020 (Annexure A-17 to the Original Application), is concerned, we find that the Committee in



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its report has noted that no transmission line passes over the dump site. In fact, the letter of the Power Grid Corporation itself revealed that the dump location no. 451-452 to Kahalgaon Maithon 400 KV Transmission line is passing through Rajbari, Mihijam Nagar Parisahd, District-Jamtara, but it does not state in the letter that it is passing over the dumping site.

23. We also find from the report that the solid waste dump site in question is nowhere within 204 meters from the nearest habitation which is approximately 250 meters from the nearest well, approximately 531 meters from Maithon Dam (the nearest water point), and there is no river within 100 meters from the dump site.

24. **Solid Waste Management Rules, 2016:-**

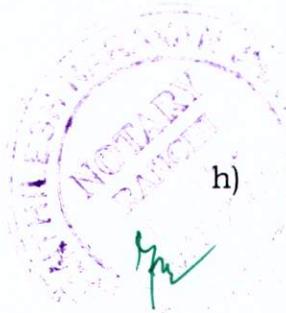
Schedule I (A) of the Solid Waste Management Rules, 2016 provides that the landfill site shall be situated at least 100 meters away from the river, 200 meters from pond, 200 meters from highways, habitations, public parks and water supply, wells and 20 kilometers away from the airports or air base.

25. Thus, from the report of the Committee, we find that the location of the landfill site in question/dumping site as per the findings of the Committee fulfills the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016.

26. However, there are several other violations of Solid Waste Management Rules, 2016 as stated herein above for which certain directions need to be given. For reasons stated hereinabove, we find

no merit in the present Original Application and the same is accordingly dismissed with the following directions:-

- a) Seepage of leachate form the fresh dumpsite should be manage as per Solid Waste Management Rules, 2016. Proper drainage and pumping of the leachate to the leachate treatment unit must be given special attention.
- b) Protective measures against pollution of ground water, surface water (Non-permeable lining system at the base and walls of waste disposal area) and fugitive air dust, wind blown litter, animal menace, bird menace, posts or rodents etc. should be taken up immediately.
- c) Walls around the dump site be made continuous and Gates should be provided at proper locations. Gaps/leakages in the wall should not be left out in any portion.
- d) Sprinkling of water on roads and other areas may be carried out to control dust emissions.
- e) Advance demarcation and declaration of a buffer zone of no new habitation for upto 500 meters needs to be carried out.
- f) A standard plan addressing the potential risks in the site for any disaster while working needs to be implemented at the earliest.
- g) Action may be initiated for bio-mining by the authority and to be completed as per Central Pollution Control Board guidelines within three months.
- h) The aesthetic view of the area should be enhanced by extensive plantation around the boundary.



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A compliance report in this regard be submitted by the Jharkhand State Pollution Control Board after four months i.e., by 30.06.2022 indicating that the recommendations and the directions given in the judgment have been complied with by the Mihijam Nagar Parishad or not.

27. There shall be no order as to costs.

.....
B. AMIT STHALEKAR, JM

.....
SAIBAL DASGUPTA, EM

Kolkata,
February 23, 2022,
Original Application No. 81/2020/EZ
AK



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. _____ OF 2022

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(Under Section 22 of the National Green Tribunal Act, 2010)

[Arising from the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata]

IN THE MATTER OF:

POSITION OF PARTIES

BEFORE BEFORE
THE NGT THIS
HON'BLE
COURT

1. _____, Mihijam Respondent Appellant
 Nagar Parishad, P.O & P.S- No. 1 No.1
 Mihijam, District- Jamtara,
 Jharkhand- 8145534
 through, Executive Engineer

VERSUS

Arti Sinha, Secretary of Legal Right Applicant Respondent
 and Social Development Foundation No.1
 an NGO, Registration No. 43/10/2018



Office at Rajbari, Mihijam, P.O &
P.S- Mihijam, District- Jamtara, Pin
815354

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The Principal Chief Conservator of
2 Forests, Department of Forests, Respondent Respondent
Environment and Climate Change, No.2 No.2
Room No. 108, B Block, 1st Floor,
Van Bhawan, P.O & P.S- Doranda,
District- Ranchi, Jharkhand-
834002

3 The Chairman, Jharkhand State Respondent Respondent
Pollution Control Board, HEC No.4 No.3
Campus, P.O & P.S- Dhurwa,
District- Ranchi, Jharkhand-
834004

4 The Regional Officer, Jharkhand
State Pollution Control Board, Respondent Respondent
Ashram Road, Tower Chowk, No.5 No.4
Dudhai Dumka, Jharkhand- 814101

The Superintendent of Police,
5 Jamtara, District- Jamtara, Respondent Respondent
Jharkhand No.7 No.5

The Secretary, Department of
6 Forests, Environment and Climate Respondent Respondent
Change, A- 306, Agni Block, 3rd No.8 No. 6



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HIS HON'BLE COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA

THE HUMBLE APPEAL OF
THE APPELLANT
ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. The Appellant above-named is filing the present Appeal under Section 22 of the National Green Tribunal Act, 2010, ("NGT Act") being aggrieved by the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata (**Hon'ble NGT**). By way of the impugned order and judgment, the Hon'ble NGT has, *inter alia*, directed Mihijam Nagar Parishad, to deposit Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, within a period of one month, despite the fact that Hon'ble NGT holds the location of the landfill site in question/dumping site fulfils the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016 which is per the findings of the Committees Report.

2. QUESTIONS OF LAW:

The present appeal raises the following important and substantial questions of law:-

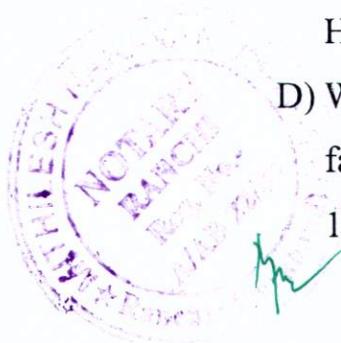
- A) Whether the National Green Tribunal, a statutory Authority constituted under Section 3 of the National Green Tribunal Act, 2010 which performs judicial functions and under Section 19 of the Act is required to be guided by the



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principles of natural justice can be permitted to pass adverse order to direct the Petitioner to deposit Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, within a period of one month, when the Committee reports finds that the location of the landfill site in question/dumping site fulfills the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016?

- B) Whether the Hon'ble Tribunal was justified in upholding the finding that the Petitioner has been negligent in the management of the solid waste at the concerned dump site despite conforming to the distance criteria mentioned in Schedule-I Para (a) sl. no. (vii) of the Solid Waste Management Rules, 2016 as observed in the impugned judgment?
- C) Whether the Hon'ble Tribunal has erroneously held the Petitioner negligent and ought to have considered that the Detailed Project Report of the said site was approved on 10.08.2021 after due consideration by the Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after following due process, the technical approval of the DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi?
- D) Whether the Hon'ble Tribunal ought to have considered the fact that the Detailed Project Report was approved on 10.08.2021 and the work of the boundary wall was started



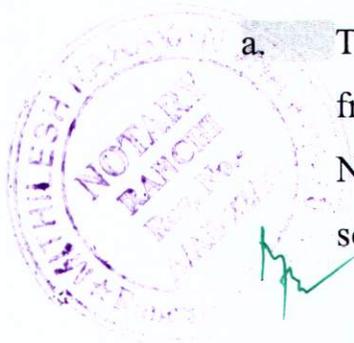
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prior to this day only to take possession of that said site. Thus, the drain/construction work of drains was not found started during the visit of the Committee constituted by the Hon'ble Tribunal?

- E) Whether the Hon'ble Tribunal ought to have considered that leachate does not form oil-film unless it contains specific oily material along with solid waste therefore, leading to the possibility that the layer of oil observed/found may have been developed from agricultural activities?
- F) Whether the calculation of the environment compensation as per the formula is in excess as the correct variables have been overlooked while calculating the compensation?
- G) Whether the Hon'ble Tribunal ought to have considered that the proposed landfill sites have been designed as per the guidelines of the Ministry of Urban Development, Government of India, CPHEEO Manual & EPA as well as Central Pollution Control Board?

3. BRIEF FACTS:-

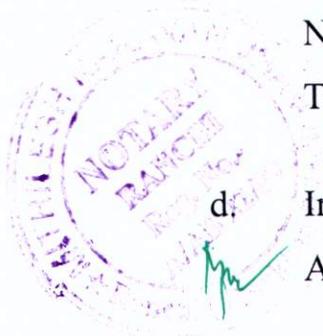
- a. That as per the Solid Waste Management Rules, 2016, framed under the Environment Protection Act, 1986, plot No. 1865 which is a *patit* land of Mouza- Mihijam was selected and vide letter no. 1012 Ra dated 27.11.2020 by



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the office of Deputy Commissioner for the management and carrying out the disposal of the solid waste (hereinafter referred as the "said scheme") after the approval of the said scheme was given by the Urban Development Department on 26.08.2016 through Resolution No. 4796. True copy of the Solid Waste Management Rules, 2016 issued by the Ministry of Environment and Forest is annexed hereto and marked as **ANNEXURE-A-1 (Pages 79 to 119)**.

- b. That earlier the site for the said scheme was selected at Chandraeepa and Sabdiha village in 2017-2018, however, due to protests by the local inhabitants, an alternative site had to be allotted and the present site of Rajbari was found suitable as per the Solid Waste Management Rules, 2016. The dumping site at plot no. 1865 of Mihijam Rajbari of Mouza — Mihijam is not a *gotchar* land rather is a *patit* land and as such there is no activity of grazing. During the selection of the present site of Rajbari, consent of all the respective stakeholders was taken in numerous meetings.
- c. Pre-Feasibility Report prepared for Mihijam Nagar Parishad for Environment Clearance of Solid Municipal Waste Management at Chandradeepa village, Thana no, 10, Khasra No. 1422/3788, Jamabandi no. 102, Mihijam, Jharkhand. However, due to protests by the local inhabitants, the earmarked the site at Mauza no. 15, Khata No. 223, Plot no. 1865 at Rajbari, Mihijam was selected. The land selected is approximately 4.85 acres.
- d. In September 2020, the Respondent filed Original Application No. 81 of 2020 before the Hon'ble NGT,



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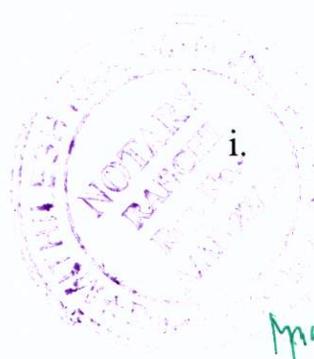
Eastern Bench, Kolkata inter alia seeking stoppage of all operations and activities wrt Solid Waste Management at the site at Rajbari, Mihijam. Copy of OA No. 81 of 2020/EZ dated 23.09.2020 filed by Respondent No. 1 before NGT, EZB, Kolkata is annexed hereto and marked as **ANNEXURE A/2 (pg 120-146**

- e. The Deputy Commissioner allotted the said *patit* land for the purpose of solid waste management which was subsequently transferred to Nagar Parishad Mihijam and the decision of allotment of the said plot was conveyed to the Accountant General, Ranchi Jharkhand. Thereafter the said plot no. 1865 *patit* land of Mouza- Mihijam was transferred to the Nagar Parishad Mihijam on 27.11.2020 by the District Authority vide Letter No. 1012/Revenue. In accordance with the Solid Waste Management Rule, 2016, around 12 meetings were held in which all the stakeholders participated during the meetings and gave their written consent, and only after obtaining their consent, the said *patit* land of the Rajbari mohulla (which is at a considerable distance away from the residential area), was transferred by the Deputy Commissioner, Jamtara to the Urban Development and Housing Department vide letter no. 1012/Revenue dated 27.11.2020. Copy of letter no. 1012 Ra dated 27.11.2020 issued by the office of Deputy Commissioner is annexed hereto and marked as **ANNEXURE A/ 3 (pg 147-148**



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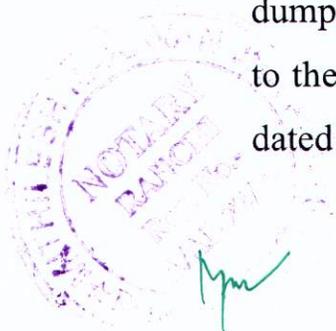
- f. By an order dated 21.05.2021, the Hon'ble NGT formed a committee of four members to conduct an on-site inspection of Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara. Copy of order dated 21.05.2021 passed by the Hon'ble NGT in OA No. 81/EZ/2020 is annexed hereto and marked as **ANNEXURE A/4 (pg149-152)**
- g. The construction agency i.e, Patheya Mihijam Waste Management L.L.P., New Delhi, had been instructed to proceed with the said scheme as per the Solid Waste Management Rules, 2016 vide letter no. 2346 dated 02.12.2020 and vide letter no. 91 dated 30.01.2021 and, both of which were under signatures of the Executive Magistrate Nagar Parishad Mihijam. The Work Order to the Concessionaire was issued by the Mihijam Nagar Parishad on 02.12.2020. Thereafter, directions for regular compliance were sent to the said constructing agency through its director to continue with the construction as per Solid Waste Management Rules 2016 and Environment (Protection) Act, 1986, time and again. The construction work by Patheya Mihijam Waste Management L.L.P was started in the month of April, 2021.
- h. On 07.08.2021 and 08.07.2021, the Committee constituted by the Hon'ble NGT visited the dumping site of solid waste at Mouza 15, Khata No. 223, Plot No. 1865 at Rajbari, Mihijam.
- i. Due to the change of site from Chandraeepa and Sabdiha village to the present site at Rajbari Mihijam, the Detailed Project Report was rectified and the same was also vetted



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by the Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after following due process, the technical approval of the DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi on 10.08.2021. Since, apart from the said site, there is no such land available in the vicinity for dumping any garbage, the site has been described as Integrated Municipal Solid Waste Processing Facility and Engineered Sanitary Landfill Facility in the Detailed Project Report.

- j. On 31.08.2021, the Jharkhand State Pollution Control Board filed its affidavit along with the report of the committee. In its Report submitted, the Committee calculated a fine of Rs. 43,05,000/- as environmental compensation and proposed the same to be recovered from the local District Administration involved with the Mihijam Solid Waste Management Site. Copy of affidavit dated 31.08.2021 along with Committed Report filed by the JSPCB before Hon'ble NGT is annexed herewith and marked as **ANNEXURE A/5 (pg 153-189)**
- k. The Appellant filed its Affidavits before the Hon'ble NGT placing on record the facts and actions taken by it to mitigate all and any adverse impact of the environment due to the dumping site. The Appellant also filed its detailed response to the report filed by the Committee by way of its affidavit dated 03.10.2021.



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Copy of affidavit dated 07.09.2021 filed by the Appellant before Hon'ble NGT is annexed herewith and marked as **ANNEXURE A/6 (pg 190-200)**

Copy of affidavit dated 03.10.2021 filed by the Appellant before Hon'ble NGT is annexed herewith and marked as **ANNEXURE A/7 (pg 201-237)**

Copy of Order dated 06.12.2021 passed by Hon'ble NGT in OA No. 81/2020/EZ is annexed herewith and marked as **ANNEXURE A/8 (pg 238-240)**

Copy of affidavit dated 13.12.2021 filed by the Appellant before Hon'ble NGT is annexed herewith and marked as **ANNEXURE A/9 (pg 241-247)**

- l. After approval of the Detailed Project Report, Mihijam Nagar Parishad gave direction to the construction agency i.e, Patheya Mihijam Waste Management L.L.P., New Delhi, to obtain Environment Clearance and Consent to Establish from the concerned authorities vide Letter No. 257.MNP dated 18.03.2020 and Letter No. 776/MNP dated 04.09.2021.
- m. The Hon'ble NGT vide order dated 13.12.2021, directed the Appellant to place on record the correct factual position with regard to the Forest clearance requirement for the dumping site. Copy of Order dated 13.12.2021 passed by Hon'ble NGT in OA No. 81/2020/EZ is annexed herewith and marked as **ANNEXURE A/10 (pg 248-250)**

- n. The Appellant filed it Affidavits before the Hon'ble NGT thereby inter alia clarifying the position on no requirement for Forest Clearance. Copy of affidavit dated 07.02.2022 filed by



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the Appellant before Hon'ble NGT is annexed herewith and marked as ANNEXURE A/11 (pg 251-255

- o. The Hon'ble NGT by way of the impugned judgment upholds the imposition of Fine of Rs 43,05,000/- upon the Appellant as Environmental compensation although it holds that the location of the landfill site in question/dumping site fulfils the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016, based on the findings of the Committee. The Hon'ble NGT while dismissing the OA filed by the respondent No. 1 also gives various directions to be complied with and a status report to be submitted by the JSPCB by 30.06.2022.

4. GROUND:

The present Appeal is filed on the following amongst other grounds which are being raised without prejudice to one another:

A. FOR That impugned order qua is ex facie illegal and unsustainable in law as the sweeping direction by the Hon'ble Tribunal to pay Environmental Compensation to the tune of Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, within a period of one month is excessive and arbitrary.

B. FOR THAT the calculation of the fine to be imposed as Environmental Compensation (EC) by the Committee is erroneous. It is submitted that in the formula to calculate Environment Compensation which is as follows:



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$$EC = PI \times N \times R \times S \times LF$$

Where N = Number of days of Violation.

It is submitted that the Committee has taken the value of N as 287, i.e., from the date the complaint is filed 24.09.2020 till the date of visit by the committee, 07.07.2021.

However, it is pertinent to note that the said land was only allotted from 27.11.2020. Therefore, the number of days for violation, if at all, has to be calculated from 27.11.2020 to 07.07.2021, i.e., 222 days.

C. FOR THAT for the purpose of calculation of EC, the committee has taken the value of R which is the factor in Rupees to be taken while calculating EC. It is submitted that the Committee has taken it to be R 250/- in its report. Considering the fact that the Hon'ble NGT has dismissed the OA on the findings of the committee that the dumping site is in conformity to the SWM Rules 2016, it is submitted that the value of R may be taken at the lowest of Rs 100/-.

FOR THAT keeping the above factors in mind and the correct and reasonable value of N and R (other values remaining same), the amount of EC, if any to be imposed, would be approximately:

$$EC = 60 \times 222 \times 100 \times 1 \times 1$$

$$EC = \text{Rs. } 14,32,000/-$$



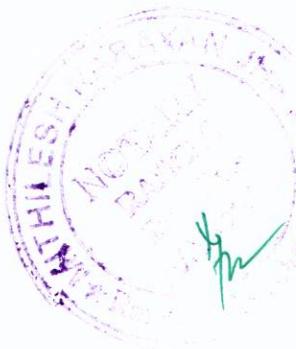
D FOR That Petitioner has duly complied with the statutory compliances in the management of the solid waste at the concerned dump site by conforming to the

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distance criteria mentioned in Schedule-I para (a) sl. no. (vii) of the Solid Waste Management Rules, 2016 as the dump site is approximately 204 m away from the nearest habitation, 531 m from the Maithon dam nearest to the water point, 204 m from the Homeopathic medicine centre, 210 m from the Missionaries of Charity, 210 m from the temple and no river was found within 100 m as well. It is submitted that the abovementioned information shows compliance with the Solid Waste Management Rules, 2016 that land fill site should be 100 m from the river, 200 m from pond, highways, housing sites, public parks, 200 m from wells and 20 km from the airport.

E. FOR That the Hon'ble Tribunal ought to have considered that the Detailed Project Report of the said site was approved on 10.08.2021 after due consideration by the Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after following due process, the technical approval of the DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi.

F. FOR That the Hon'ble Tribunal ought to have considered that the Detailed Project Report was approved on 10.08.2021 and the work of the boundary wall was started prior to this day only to take possession of that said site. Thus, the drain/construction work of



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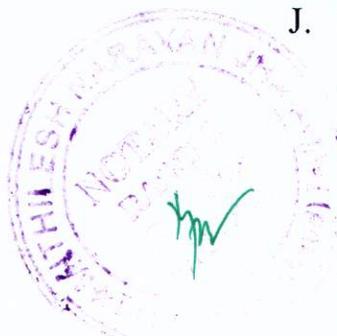
drains was not found started during the visit of the Committee constituted by the Hon'ble Tribunal.

G. FOR That the Hon'ble Tribunal ought to have considered that leachate does not form oil-film unless it contains specific oily material along with solid waste therefore, leading to the possibility that the layer of oil observed/found may have been developed from agricultural activities.

H. FOR That the Hon'ble Tribunal ought to have considered that construction work for the boundary wall was started by the Patheya Mihijam Waste Management LLP, Concessionaire in the month of April, 2021 and substantial portion of the work of the boundary wall was completed. Moreover, as directed by the Committee, the Concessionaire/ Agency has deputed guards in this site.

I. FOR That the Hon'ble Tribunal ought to have considered that the proposed landfill sites have been designed as per the guidelines of the Ministry of Urban Development, Government of India, CPHEEO Manual & EPA as well as Central Pollution Control Board.

J. FOR That the Hon'ble Tribunal ought to have considered that during the visit of the Committee, the Detailed Project Report was in the process of approval and the same was also duly communicated to the Committee. It is submitted that the same was



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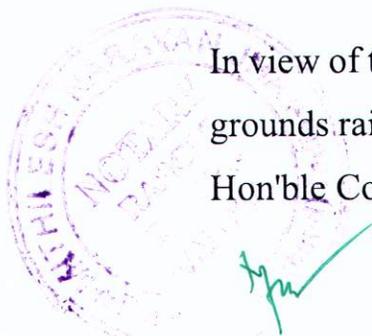
communicated to the Committee by the Executive Officer vide Letter No. 553/MNP dated 19.06.2021.

K. The Appellant may be allowed to alter/amend or add any such further ground(s) as may be required or advised at a later stage.

5. That it is stated that the impugned Order dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata, is liable to be set aside.
6. That the Appellant has not filed any other Appeal against the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata before this Hon'ble Court or any other court.
7. That the Annexures filed along with the Appeal are true and typed copies of their respective originals and form part of the record before the Hon'ble NGT.
8. That the prescribed Court Fees have been paid on the present Appeal.

9. PRAYER

In view of the aforementioned facts and circumstances, and for the grounds raised hereinabove, it is most respectfully prayed that this Hon'ble Court may be pleased to:

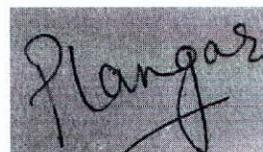


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- A. Admit and allow the present Appeal and set aside impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata.
- B. Pass such other and further order/s as may be deemed fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT SHALL AS IN DUTY BOUND SHALL FOREVER PRAY.

FILED BY



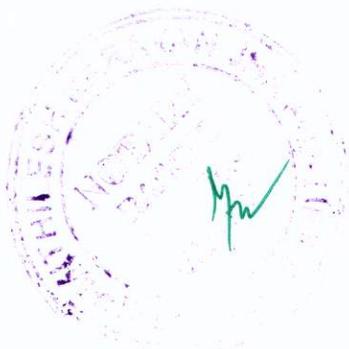
Drawn
on: 20.04.2022

(Pallavi Langar)

Filed
on: 20.05.2022

(Advocate for the Appellant)

Place: New Delhi



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IN THE SUPREME COURT OF INDIA
CIVIL APPELATE JURISDICTION
CIVIL APPEAL NO. OF 2022

IN THE MATTER OF:

Mihijam Nagar parishad & Anr Appellant

Versus

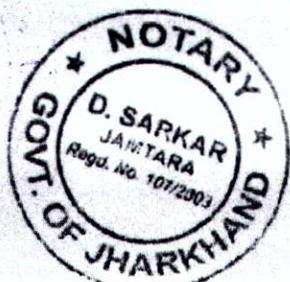
Arti Sinha & Ors Respondents

AFFIDAVIT

I, Kamdeo Das aged about 59 years posted as Executive Officer, Mihijam Nagar Parishad, Mihijam, Jamtara, Jharkhand do hereby solemnly affirm and state as under:

1. That the deponent is Authorized Official in the present Appellant and is fully conversant with the facts and circumstances of the case and is authorized to swear the affidavit on behalf of Appellant and is thus competent to swear the affidavit.
2. I say that I have read the contents and submissions of the accompanying Civil Appeal , made in the List of Dates & Events at Pages B to J , Paras 1 to 9 of Civil Appeal at Pages 60 to 78 and accompanying I.A.s and the same are true and correct to the best of my knowledge and belief.
3. That the Annexures accompanying with the Petition and Applications are true copies of their respective originals.

Debashish Sarkar
 NOTARY
 JAMTARA
 Regd. No.-107/2003
 Govt. of Jharkhand



Kamdeo Das
 17/5/22
 DEPONENT



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VERIFICATION:

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

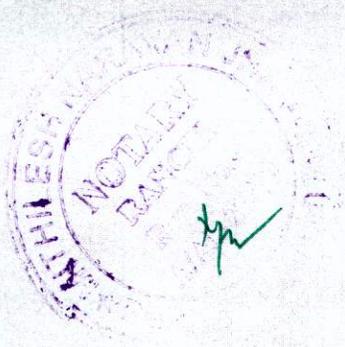
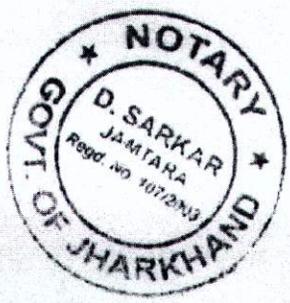
Verified at Jamtara on this 17th day of May 2022.

[Signature]
17/5/22
DEPONENT

[Signature]
Ade
17.5.22

[Signature]
17/5/22
Debashish Sarkar
NOTARY
JAMTARA
Regd. No.-107/2003
Govt. of Jharkhand

Serial No. 2365 Dated 17.5.22
 Sri/Smt. Kamdeo Dae
 Identified by Sri. B.K. Paul
 Solemnly affirm before me Ade



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ANNEXURE A/1

SOLID WASTE MANAGEMENT RULES, 2016

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

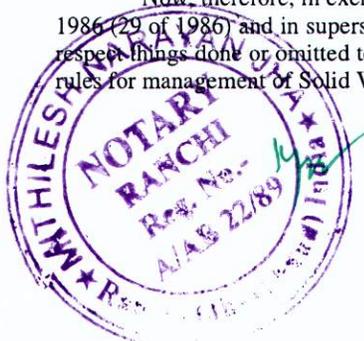
New Delhi, the 8th April, 2016

S.O. 1357(E).—Whereas the draft of the Solid Waste Management Rules, 2015 were published under the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number G.S.R. 451 (E), dated the 3rd June, 2015 in the Gazette of India, part II, Section 3, sub-section (i) of the same date inviting objections or suggestions from the persons likely to be affected thereby, before the expiry of the period of sixty days from the publication of the said notification on the Solid Waste Management Rules, 2015 in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000;

And whereas, copies of the said Gazette were made available to the public on the 3rd June, 2015;

And whereas, the objections or comments received within the stipulated period were duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for management of Solid Waste, namely:-



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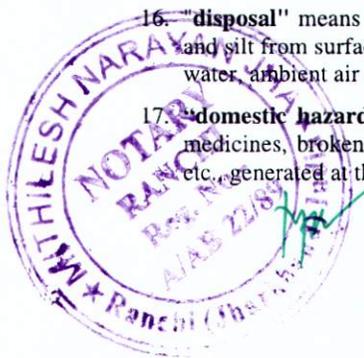
1. **Short title and commencement.-**

- (1) These rules may be called the Solid Waste Management Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.

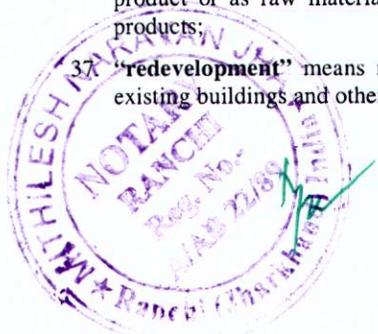
2. **Application.-** These rules shall apply to every urban local body, outgrowths in urban agglomerations, census towns as declared by the Registrar General and Census Commissioner of India, notified areas, notified industrial townships, areas under the control of Indian Railways, airports, airbases, Ports and harbours, defence establishments, special economic zones, State and Central government organisations, places of pilgrims, religious and historical importance as may be notified by respective State government from time to time and to every domestic, institutional, commercial and any other non residential solid waste generator situated in the areas except industrial waste, hazardous waste, hazardous chemicals, bio medical wastes, e-waste, lead acid batteries and radio-active waste, that are covered under separate rules framed under the Environment (Protection) Act, 1986.

3. **Definitions**—(1) In these rules, unless the context otherwise requires,- (1) **“aerobic composting”** means a controlled process involving microbial decomposition of organic matter in the presence of oxygen;

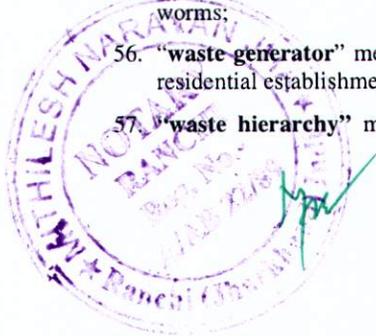
- 2. **“anaerobic digestion”** means a controlled process involving microbial decomposition of organic matter in absence of oxygen;
- 3. **“authorisation”** means the permission given by the State Pollution Control Board or Pollution Control Committee, as the case may be, to the operator of a facility or urban local authority, or any other agency responsible for processing and disposal of solid waste;
- 4. **“biodegradable waste ”** means any organic material that can be degraded by micro-organisms into simpler stable compounds;
- 5. **“bio-methanation”** means a process which entails enzymatic decomposition of the organic matter by microbial action to produce methane rich biogas;
- 6. **“brand owner”** means a person or company who sells any commodity under a registered brand label.
- 7. **“buffer zone”** means zone of no development to be maintained around solid waste processing and disposal facility, exceeding 5 TPD of installed capacity. This will be maintained within total and area allotted for the solid waste processing and disposal facility.
- 8. **“bulk waste generator”** means and includes buildings occupied by the Central government departments or undertakings, State government departments or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadia and sports complexes having an average waste generation rate exceeding 100kg per day;
- 9. **“bye-laws”** means regulatory framework notified by local body, census town and notified area townships for facilitating the implementation of these rules effectively in their jurisdiction.
- 10. **“census town”** means an urban area as defined by the Registrar General and Census Commissioner of India;
- 11. **“combustible waste”** means non-biodegradable, non-recyclable, non-reusable, non hazardous solid waste having minimum calorific value exceeding 1500 kcal/kg and excluding chlorinated materials like plastic, wood pulp, etc;
- 12. **“composting”** means a controlled process involving microbial decomposition of organic matter;
- 13. **“contractor”** means a person or firm that undertakes a contract to provide materials or labour to perform a service or do a job for service providing authority;
- 14. **“co-processing”** means use of non-biodegradable and non recyclable solid waste having calorific value exceeding 1500k/cal as raw material or as a source of energy or both to replace or supplement the natural mineral resources and fossil fuels in industrial processes;
- 15. **“decentralised processing”** means establishment of dispersed facilities for maximizing the processing of biodegradable waste and recovery of recyclables closest to the source of generation so as to minimize transportation of waste for processing or disposal;
- 16. **“disposal”** means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in Schedule I to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds;
- 17. **“domestic hazardous waste”** means discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge, etc., generated at the household level;



18. **"door to door collection"** means collection of solid waste from the door step of households, shops, commercial establishments, offices, institutional or any other non residential premises and includes collection of such waste from entry gate or a designated location on the ground floor in a housing society, multi storied building or apartments, large residential, commercial or institutional complex or premises;
19. **"dry waste"** means waste other than bio-degradable waste and inert street sweepings and includes recyclable and non recyclable waste, combustible waste and sanitary napkin and diapers, etc;
20. **"dump sites"** means a land utilised by local body for disposal of solid waste without following the principles of sanitary land filling;
21. **"extended producer responsibility" (EPR)** means responsibility of any producer of packaging products such as plastic, tin, glass and corrugated boxes, etc., for environmentally sound management, till end-of-life of the packaging products;
22. **"facility"** means any establishment wherein the solid waste management processes namely segregation, recovery, storage, collection, recycling, processing, treatment or safe disposal are carried out;
23. **"fine"** means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non-compliance of the directions contained in these rules and/or bye-laws
24. **"Form"** means a Form appended to these rules;
25. **"handling"** includes all activities relating to sorting, segregation, material recovery, collection, secondary storage, shredding, baling, crushing, loading, unloading, transportation, processing and disposal of solid wastes;
26. **"inerts"** means wastes which are not bio-degradable, recyclable or combustible street sweeping or dust and silt removed from the surface drains;
27. **"incineration"** means an engineered process involving burning or combustion of solid waste to thermally degrade waste materials at high temperatures;
28. **"informal waste collector"** includes individuals, associations or waste traders who are involved in sorting, sale and purchase of recyclable materials;
29. **"leachate"** means the liquid that seeps through solid waste or other medium and has extracts of dissolved or suspended material from it;
30. **"local body"** for the purpose of these rules means and includes the municipal corporation, nagar nigam, municipal council, nagarpalika, nagar Palikaparishad, municipal board, nagar panchayat and town panchayat, census towns, notified areas and notified industrial townships with whatever name they are called in different States and union territories in India;
31. **"materials recovery facility" (MRF)** means a facility where non-compostable solid waste can be temporarily stored by the local body or any other entity mentioned in rule 2 or any person or agency authorised by any of them to facilitate segregation, sorting and recovery of recyclables from various components of waste by authorised informal sector of waste pickers, informal recyclers or any other work force engaged by the local body or entity mentioned in rule 2 for the purpose before the waste is delivered or taken up for its processing or disposal;
32. **"non-biodegradable waste"** means any waste that cannot be degraded by micro organisms into simpler stable compounds;
33. **"operator of a facility"** means a person or entity, who owns or operates a facility for handling solid waste which includes the local body and any other entity or agency appointed by the local body;
34. **"primary collection"** means collecting, lifting and removal of segregated solid waste from source of its generation including households, shops, offices and any other non-residential premises or from any collection points or any other location specified by the local body;
35. **"processing"** means any scientific process by which segregated solid waste is handled for the purpose of reuse, recycling or transformation into new products;
36. **"recycling"** means the process of transforming segregated non-biodegradable solid waste into new material or product or as raw material for producing new products which may or may not be similar to the original products;
37. **"redevelopment"** means rebuilding of old residential or commercial buildings at the same site, where the existing buildings and other infrastructures have become dilapidated;



- 38. **"refused derived fuel"**(RDF) means fuel derived from combustible waste fraction of solid waste like plastic, wood, pulp or organic waste, other than chlorinated materials, in the form of pellets or fluff produced by drying, shredding, dehydrating and compacting of solid waste ;
- 39. **"residual solid waste"** means and includes the waste and rejects from the solid waste processing facilities which are not suitable for recycling or further processing;
- 40. **"sanitary land filling "** means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odour, fire hazard, animal menace, bird menace, pests or rodents, greenhouse gas emissions, persistent organic pollutants slope instability and erosion;
- 41. **"sanitary waste"** means wastes comprising of used diapers, sanitary towels or napkins, tampons, condoms, incontinence sheets and any other similar waste;
- 42. **"Schedule"** means the Schedule appended to these rules;
- 43. **"secondary storage"** means the temporary containment of solid waste after collection at secondary waste storage depots or MRFs or bins for onward transportation of the waste to the processing or disposal facility;
- 44. **"segregation"** means sorting and separate storage of various components of solid waste namely biodegradable wastes including agriculture and dairy waste, non biodegradable wastes including recyclable waste, non-recyclable combustible waste, sanitary waste and non recyclable inert waste, domestic hazardous wastes, and construction and demolition wastes;
- 45. **"service provider"** means an authority providing public utility services like water, sewerage, electricity, telephone, roads, drainage, etc;
- 46. **"solid waste"** means and includes solid or semi-solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non residential wastes, street sweepings, silt removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, treated bio-medical waste excluding industrial waste, bio-medical waste and e-waste, battery waste, radio-active waste generated in the area under the local authorities and other entities mentioned in rule 2;
- 47. **"sorting"** means separating various components and categories of recyclables such as paper, plastic, cardboards, metal, glass, etc., from mixed waste as may be appropriate to facilitate recycling;
- 48. **"stabilising"** means the biological decomposition of biodegradable wastes to a stable state where it generates no leachate or offensive odours and is fit for application to farm land ,soil erosion control and soil remediation;
- 49. **"street vendor"** means any person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- 50. **"tipping fee"** means a fee or support price determined by the local authorities or any state agency authorised by the State government to be paid to the concessionaire or operator of waste processing facility or for disposal of residual solid waste at the landfill;
- 51. **"transfer station"** means a facility created to receive solid waste from collection areas and transport in bulk in covered vehicles or containers to waste processing and, or, disposal facilities;
- 52. **"transportation"** means conveyance of solid waste, either treated, partly treated or untreated from a location to another location in an environmentally sound manner through specially designed and covered transport system so as to prevent the foul odour, littering and unsightly conditions;
- 53. **"treatment"** means the method, technique or process designed to modify physical, chemical or biological characteristics or composition of any waste so as to reduce its volume and potential to cause harm;
- 54. **"user fee"** means a fee imposed by the local body and any entity mentioned in rule 2 on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services.
- 55. **"vermi composting"** means the process of conversion of bio-degradable waste into compost using earth worms;
- 56. **"waste generator"** means and includes every person or group of persons, every residential premises and non residential establishments including Indian Railways, defense establishments, which generate solid waste;
- 57. **"waste hierarchy"** means the priority order in which the solid waste is to should be managed by giving



emphasis to prevention, reduction, reuse, recycling, recovery and disposal, with prevention being the most preferred option and the disposal at the landfill being the least;

58. "waste picker" means a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.

(2) Words and expressions used herein but not defined, but defined in the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977 and the Air (prevention and Control of Pollution) Act, 1981 shall have the same meaning as assigned to them in the respective Acts.

4 Duties of waste generators.- (1) Every waste generator shall,-

(a) segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

(b) wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material as instructed by the local authorities and shall place the same in the bin meant for dry waste or non- bio-degradable waste;

(c) store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016; and

(d) store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time.

(2) No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

(3) All waste generators shall pay such user fee for solid waste management, as specified in the bye-laws of the local bodies.

(4) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body.

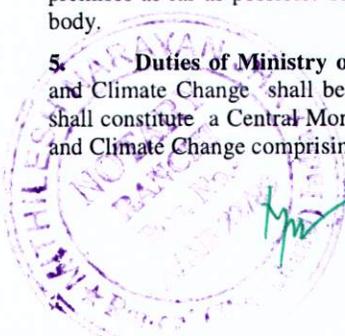
(5) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container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

(6) All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(7) All gated communities and institutions with more than 5,000 sqm area shall, within one year from the date of notification of these rules and in partnership with the local body, ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorized recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

5. Duties of Ministry of Environment, Forest and Climate Change.- (1) The Ministry of Environment, Forest and Climate Change shall be responsible for over all monitoring the implementation of these rules in the country. It shall constitute a Central Monitoring Committee under the Chairmanship of Secretary, Ministry of Environment, Forest and Climate Change comprising officer not below the rank of Joint Secretary or Advisor from the following namely,-



- 1) Ministry of Urban Development
- 2) Ministry of Rural Development
- 3) Ministry of Chemicals and Fertilizers
- 4) Ministry of Agriculture
- 5) Central Pollution Control Board
- 6) Three State Pollution Control Boards or Pollution Control Committees by rotation
- 7) Urban Development Departments of three State Governments by rotation
- 8) Rural Development Departments from two State Governments by rotation
- 9) Three Urban Local bodies by rotation
- 10) Two census towns by rotation
- 11) FICCI, CII
- 12) Two subject experts

2. This Central Monitoring Committee shall meet at least once in a year to monitor and review the implementation of these rules. The Ministry of Environment, Forest and Climate Change may co-opt other experts, if needed. The Committee shall be renewed every three years.

6. Duties of Ministry of Urban Development.- (1) The Ministry of Urban Development shall coordinate with State Governments and Union territory Administrations to,-

- (a) take periodic review of the measures taken by the states and local bodies for improving solid waste management practices and execution of solid waste management projects funded by the Ministry and external agencies at least once in a year and give advice on taking corrective measures;
- (b) formulate national policy and strategy on solid waste management including policy on waste to energy in consultation with stakeholders within six months from the date of notification of these rules;
- (c) facilitate States and Union Territories in formulation of state policy and strategy on solid management based on national solid waste management policy and national urban sanitation policy;
- (d) promote research and development in solid waste management sector and disseminate information to States and local bodies;
- (e) undertake training and capacity building of local bodies and other stakeholders; and
- (f) provide technical guidelines and project finance to states, Union territories and local bodies on solid waste management to facilitate meeting timelines and standards.

7. Duties of Department of Fertilisers, Ministry of Chemicals and Fertilisers.- (1) The Department of Fertilisers through appropriate mechanisms shall,-

- (a) provide market development assistance on city compost; and
- (b) ensure promotion of co-marketing of compost with chemical fertilisers in the ratio of 3 to 4 bags: 6 to 7 bags by the fertiliser companies to the extent compost is made available for marketing to the companies.

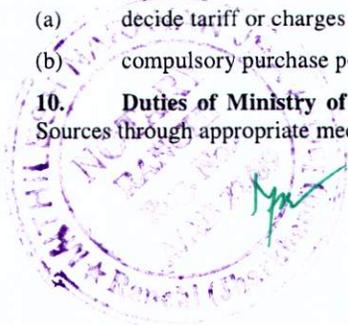
8. Duties of Ministry of Agriculture, Government of India.- The Ministry of Agriculture through appropriate mechanisms shall,-

- (a) provide flexibility in Fertiliser Control Order for manufacturing and sale of compost;
- (b) propagate utilisation of compost on farm land;
- (c) set up laboratories to test quality of compost produced by local authorities or their authorised agencies; and
- (d) issue suitable guidelines for maintaining the quality of compost and ratio of use of compost visa-a-vis chemical fertilizers while applying compost to farmland.

9. Duties of the Ministry of Power.-The Ministry of Power through appropriate mechanisms shall,-

- (a) decide tariff or charges for the power generated from the waste to energy plants based on solid waste.
- (b) compulsory purchase power generated from such waste to energy plants by distribution company.

10. Duties of Ministry of New and Renewable Energy Sources- The Ministry of New and Renewable Energy Sources through appropriate mechanisms shall,-



- (a) facilitate infrastructure creation for waste to energy plants; and
 (b) provide appropriate subsidy or incentives for such waste to energy plants.

11. Duties of the Secretary-in-charge, Urban Development in the States and Union territories.- (1) The Secretary, Urban Development Department in the State or Union territory through the Commissioner or Director of Municipal Administration or Director of local bodies shall,-

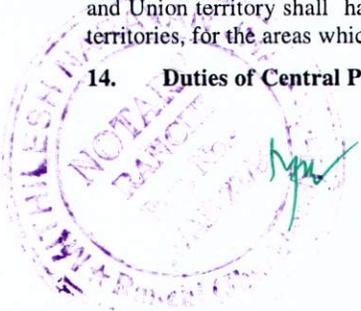
- (a) prepare a state policy and solid waste management strategy for the state or the union territory in consultation with stakeholders including representative of waste pickers, self help group and similar groups working in the field of waste management consistent with these rules, national policy on solid waste management and national urban sanitation policy of the ministry of urban development, in a period not later than one year from the date of notification of these rules;
- (b) while preparing State policy and strategy on solid waste management, lay emphasis on waste reduction, reuse, recycling, recovery and optimum utilisation of various components of solid waste to ensure minimisation of waste going to the landfill and minimise impact of solid waste on human health and environment;
- (c) state policies and strategies should acknowledge the primary role played by the informal sector of waste pickers, waste collectors and recycling industry in reducing waste and provide broad guidelines regarding integration of waste picker or informal waste collectors in the waste management system.
- (d) ensure implementation of provisions of these rules by all local authorities;
- (e) direct the town planning department of the State to ensure that master plan of every city in the State or Union territory provisions for setting up of solid waste processing and disposal facilities except for the cities who are members of common waste processing facility or regional sanitary landfill for a group of cities; and
- (f) ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department;
- (h) direct the town planning department of the State and local bodies to ensure that a separate space for segregation, storage, decentralised processing of solid waste is demarcated in the development plan for group housing or commercial, institutional or any other non-residential complex exceeding 200 dwelling or having a plot area exceeding 5,000 square meters;
- (i) direct the developers of Special Economic Zone, Industrial Estate, Industrial Park to earmark at least five percent of the total area of the plot or minimum five plots or sheds for recovery and recycling facility.
- (j) facilitate establishment of common regional sanitary land fill for a group of cities and towns falling within a distance of 50 km (or more) from the regional facility on a cost sharing basis and ensure professional management of such sanitary landfills;
- (k) arrange for capacity building of local bodies in managing solid waste, segregation and transportation or processing of such waste at source;
- (l) notify buffer zone for the solid waste processing and disposal facilities of more than five tons per day in consultation with the State Pollution Control Board; and
- (m) start a scheme on registration of waste pickers and waste dealers.

12. Duties of District Magistrate or District Collector or Deputy Commissioner.- The District Magistrate or District Collector or as the case may be, the Deputy Commissioner shall, -

- (a) facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban Development Department within one year from the date of notification of these rules;
- (b) review the performance of local bodies, at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or Director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development.

13. Duties of the Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union territory.- (1) The Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union territory shall have the same duties as the Secretary-in-charge, Urban Development in the States and Union territories, for the areas which are covered under these rules and are under their jurisdictions.

14. Duties of Central Pollution Control Board.-The Central Pollution Control Board shall, -

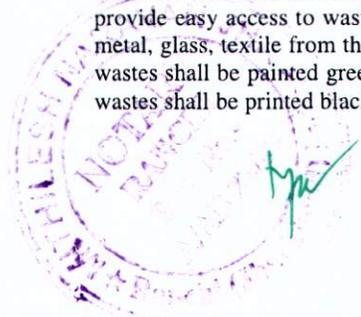


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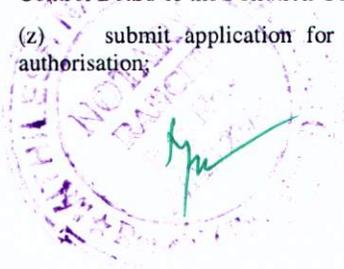
- (a) co-ordinate with the State Pollution Control Boards and the Pollution Control Committees for implementation of these rules and adherence to the prescribed standards by local authorities;
- (b) formulate the standards for ground water, ambient air, noise pollution, leachate in respect of all solid waste processing and disposal facilities;
- (c) review environmental standards and norms prescribed for solid waste processing facilities or treatment technologies and update them as and when required;
- (d) review through State Pollution Control Boards or Pollution Control Committees, at least once in a year, the implementation of prescribed environmental standards for solid waste processing facilities or treatment technologies and compile the data monitored by them;
- (e) review the proposals of State Pollution Control Boards or Pollution Control Committees on use of any new technologies for processing, recycling and treatment of solid waste and prescribe performance standards, emission norms for the same within 6 months;
- (f) monitor through State Pollution Control Boards or Pollution Control Committees the implementation of these rules by local bodies;
- (g) prepare an annual report on implementation of these rules on the basis of reports received from State Pollution Control Boards and Committees and submit to the Ministry of Environment, Forest and Climate Change and the report shall also be put in public domain;
- (h) publish guidelines for maintaining buffer zone restricting any residential, commercial or any other construction activity from the outer boundary of the waste processing and disposal facilities for different sizes of facilities handling more than five tons per day of solid waste;
- (i) publish guidelines, from time to time, on environmental aspects of processing and disposal of solid waste to enable local bodies to comply with the provisions of these rules; and
- (j) provide guidance to States or Union territories on inter-state movement of waste.

15. Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations.- The local authorities and Panchayats shall,-

- (a) prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification of state policy and strategy and submit a copy to respective departments of State Government or Union territory Administration or agency authorised by the State Government or Union territory Administration;
- (b) arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location;
- (c) establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door to door collection of waste;
- (d) facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste;
- (e) frame bye-laws incorporating the provisions of these rules within one year from the date of notification of these rules and ensure timely implementation;
- (f) prescribe from time to time user fee as deemed appropriate and collect the fee from the waste generators on its own or through authorised agency;
- (g) direct waste generators not to litter i.e throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, fruit peel, wrappers, etc., or burn or burry waste on streets, open public spaces, drains, waste bodies and to segregate the waste at source as prescribed under these rules and hand over the segregated waste to authorised the waste pickers or waste collectors authorised by the local body;
- (h) setup material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials to enable informal or authorised waste pickers and waste collectors to separate recyclables from the waste and provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper, plastic, metal, glass, textile from the source of generation or from material recovery facilities; Bins for storage of bio-degradable wastes shall be painted green, those for storage of recyclable wastes shall be printed white and those for storage of other wastes shall be printed black;



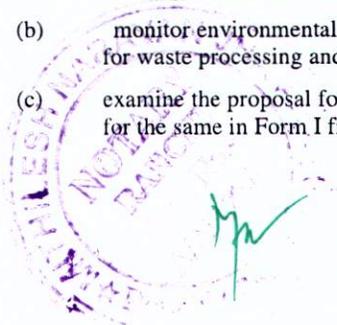
- (i) establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal. Such facility shall be established in a city or town in a manner that one centre is set up for the area of twenty square kilometers or part thereof and notify the timings of receiving domestic hazardous waste at such centres;
- (j) ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility or as may be directed by the State Pollution Control Board or the Pollution Control Committee;
- (k) direct street sweepers not to burn tree leaves collected from street sweeping and store them separately and handover to the waste collectors or agency authorised by local body;
- (l) provide training on solid waste management to waste-pickers and waste collectors;
- (m) collect waste from vegetable, fruit, flower, meat, poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions;
- (n) collect separately waste from sweeping of streets, lanes and by-lanes daily, or on alternate days or twice a week depending on the density of population, commercial activity and local situation;
- (o) set up covered secondary storage facility for temporary storage of street sweepings and silt removed from surface drains in cases where direct collection of such waste into transport vehicles is not convenient. Waste so collected shall be collected and disposed of at regular intervals as decided by the local body;
- (p) collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible;
- (q) 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;
- (r) transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility;
- (s) transport construction and demolition waste as per the provisions of the Construction and Demolition Waste management Rules, 2016;
- (t) involve communities in waste management and promotion of home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility;
- (u) phase out the use of chemical fertilizer in two years and use compost in all parks, gardens maintained by the local body and wherever possible in other places under its jurisdiction. Incentives may be provided to recycling initiatives by informal waste recycling sector.
- (v) facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralised processing to minimize transportation cost and environmental impacts such as-
- a) bio-methanation, microbial composting, vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;
- b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants or cement kilns;
- (w) undertake on their own or through any other agency construction, operation and maintenance of sanitary landfill and associated infrastructure as per Schedule 1 for disposal of residual wastes in a manner prescribed under these rules;
- (x) make adequate provision of funds for capital investments as well as operation and maintenance of solid waste management services in the annual budget ensuring that funds for discretionary functions of the local body have been allocated only after meeting the requirement of necessary funds for solid waste management and other obligatory functions of the local body as per these rules;
- (y) make an application in Form-I for grant of authorisation for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tones per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case may be;
- (z) submit application for renewal of authorisation at least sixty days before the expiry of the validity of authorisation;



- (za) prepare and submit annual report in Form IV on or before the 30th April of the succeeding year to the Commissioner or Director, Municipal Administration or designated Officer;
- (zb) the annual report shall then be sent to the Secretary -in-Charge of the State Urban Development Department or village panchayat or rural development department and to the respective State Pollution Control Board or Pollution Control Committee by the 31st May of every year;
- (zc) educate workers including contract workers and supervisors for door to door collection of segregated waste and transporting the unmixed waste during primary and secondary transportation to processing or disposal facility;
- (zd) ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce;
- (ze) ensure that provisions for setting up of centers for collection, segregation and storage of segregated wastes, are incorporated in building plan while granting approval of building plan of a group housing society or market complex; and
- (zf) frame bye-laws and prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the bye laws framed; and
- (zg) create public awareness through information, education and communication campaign and educate the waste generators on the following; namely:-
 - (i) not to litter;
 - (ii) minimise generation of waste;
 - (iii) reuse the waste to the extent possible;
 - (iv) practice segregation of waste into bio-degradable, non-biodegradable (recyclable and combustible), sanitary waste and domestic hazardous wastes at source;
 - (v) practice home composting, vermi-composting, bio-gas generation or community level composting;
 - (vi) wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners or a suitable wrapping as prescribed by the local body and place the same in the bin meant for non-biodegradable waste;
 - (vii) storage of segregated waste at source in different bins;
 - (viii) handover segregated waste to waste pickers, waste collectors, recyclers or waste collection agencies; and
 - (ix) pay monthly user fee or charges to waste collectors or local bodies or any other person authorised by the local body for sustainability of solid waste management.
- (zh) stop land filling or dumping of mixed waste soon after the timeline as specified in rule 23 for setting up and operationalisation of sanitary landfill is over;
- (zi) allow only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill and the sanitary landfill sites shall meet the specifications as given in Schedule-I, however, every effort shall be made to recycle or reuse the rejects to achieve the desired objective of zero waste going to landfill;
- (zj) investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of bio-mining and bio-remediation and wheresoever feasible, take necessary actions to bio-mine or bio-remediate the sites;
- (zk) in absence of the potential of bio-mining and bio-remediation of dumpsite, it shall be scientifically capped as per landfill capping norms to prevent further damage to the environment.

16. Duties of State Pollution Control Board or Pollution Control Committee.- (1) The State Pollution Control Board or Pollution Control Committee shall,-

- (a) enforce these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department;
- (b) monitor environmental standards and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites;
- (c) examine the proposal for authorisation and make such inquiries as deemed fit, after the receipt of the application for the same in Form I from the local body or any other agency authorised by the local body;



- (d) while examining the proposal for authorisation, the requirement of consents under respective enactments and views of other agencies like the State Urban Development Department, the Town and Country Planning Department, District Planning Committee or Metropolitan Area Planning Committee, as may be applicable, Airport or Airbase Authority, the Ground Water Board, Railways, power distribution companies, highway department and other relevant agencies shall be taken into consideration and they shall be given four weeks time to give their views, if any;
- (e) issue authorisation within a period of sixty days in Form II to the local body or an operator of a facility or any other agency authorised by local body stipulating compliance criteria and environmental standards as specified in Schedules I and II including other conditions, as may be necessary;
- (f) synchronise the validity of said authorisation with the validity of the consents;
- (g) suspend or cancel the authorization issued under clause (a) any time, if the local body or operator of the facility fails to operate the facility as per the conditions stipulated:
provided that no such authorization shall be suspended or cancelled without giving notice to the local body or operator, as the case may be; and
- (h) on receipt of application for renewal, renew the authorisation for next five years, after examining every application on merit and subject to the condition that the operator of the facility has fulfilled all the provisions of the rules, standards or conditions specified in the authorisation, consents or environment clearance.
- (2) The State Pollution Control Board or Pollution Control Committee shall, after giving reasonable opportunity of being heard to the applicant and for reasons thereof to be recorded in writing, refuse to grant or renew an authorisation.
- (3) In case of new technologies, where no standards have been prescribed by the Central Pollution Control Board, State Pollution Control Board or Pollution Control Committee, as the case may be, shall approach Central Pollution Control Board for getting standards specified.
- (4) The State Pollution Control Board or the Pollution Control Committee, as the case may be, shall monitor the compliance of the standards as prescribed or laid down and treatment technology as approved and the conditions stipulated in the authorisation and the standards specified in Schedules I and II under these rules as and when deemed appropriate but not less than once in a year.
- (5) The State Pollution Control Board or the Pollution Control Committee may give directions to local bodies for safe handling and disposal of domestic hazardous waste deposited by the waste generators at hazardous waste deposition facilities.
- (6) The State Pollution Control Board or the Pollution Control Committee shall regulate Inter-State movement of waste.

17. 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 shall provide necessary financial assistance to local authorities for establishment of waste management system.

- (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) All such manufacturers, brand owners or marketing companies shall educate the masses for wrapping and disposal of their products.

18. Duties of the industrial units located within one hundred km from the refused derived fuel and waste to energy plants based on solid waste- All industrial units using fuel and located within one hundred km from a solid waste based refused derived fuel plant shall make arrangements within six months from the date of notification of these rules to replace at least five percent of their fuel requirement by refused derived fuel so produced.

19. Criteria for Duties regarding setting-up solid waste processing and treatment facility.- (1) The department in-charge of the allocation of land assignment shall be responsible for providing suitable land for setting up of the solid waste processing and treatment facilities and notify such sites by the State Government or Union territory Administration.

- (2) The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development.



- (3) The operator of the facility shall obtain necessary approvals from the State Pollution Control Board or Pollution Control Committee.
- (4) The State Pollution Control Board or Pollution Control Committee shall monitor the environment standards of the operation of the solid waste processing and treatment facilities.
- (5) The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time-
- (6) The operator of the solid waste processing and treatment facility shall submit annual report in Form III each year by 30th April to the State Pollution Control Board or Pollution Committee and concerned local body.

20. Criteria and actions to be taken for solid waste management in hilly areas.- In the hilly areas, the duties and responsibilities of the local authorities shall be the same as mentioned in rule 15 with additional clauses as under:

- (a) Construction of landfill on the hill shall be avoided. A transfer station at a suitable enclosed location shall be setup to collect residual waste from the processing facility and inert waste. A suitable land shall be identified in the plain areas down the hill within 25 kilometers for setting up sanitary landfill. The residual waste from the transfer station shall be disposed of at this sanitary landfill.
- (b) In case of non-availability of such land, efforts shall be made to set up regional sanitary landfill for the inert and residual waste.
- (c) Local body shall frame Bye-laws and prohibit citizen from littering wastes on the streets and give strict direction to the tourists not to dispose any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, any other plastic or paper waste on the streets or down the hills and instead direct to deposit such waste in the litter bins that shall be placed by the local body at all tourist destinations.
- (d) Local body shall arrange to convey the provisions of solid waste management under the bye-laws to all tourists visiting the hilly areas at the entry point in the town as well as through the hotels, guest houses or like where they stay and by putting suitable hoardings at tourist destinations.
- (e) Local body may levy solid waste management charge from the tourist at the entry point to make the solid waste management services sustainable.
- (f) The department in- charge of the allocation of land assignment shall identify and allot suitable space on the hills for setting up decentralised waste processing facilities. Local body shall set up such facilities. Step garden system may be adopted for optimum utilisation of hill space.

21. Criteria for waste to energy process.- (1) Non recyclable waste having calorific value of 1500 K/cal/kg or more shall not be disposed of on landfills and shall only be utilised for generating energy either or through refuse derived fuel or by giving away as feed stock for preparing refuse derived fuel.

- (2) High calorific wastes shall be used for co-processing in cement or thermal power plants.
- (3) The local body or an operator of facility or an agency designated by them proposing to set up waste to energy plant of more than five tones per day processing capacity shall submit an application in Form-I to the State Pollution Control Board or Pollution Control Committee, as the case may be, for authorisation.
- (4) The State Pollution Control Board or Pollution Control Committee, on receiving such application for setting up waste to energy facility, shall examine the same and grant permission within sixty days.

22. Time frame for implementation.- Necessary infrastructure for implementation of these rules shall be created by the local bodies and other concerned authorities, as the case may be, on their own, by directly or engaging agencies within the time frame specified below:

Sl. No.	Activity	Time limit from the date of notification of rules
(1)	(2)	(3)
	identification of suitable sites for setting up solid waste processing facilities	1 year

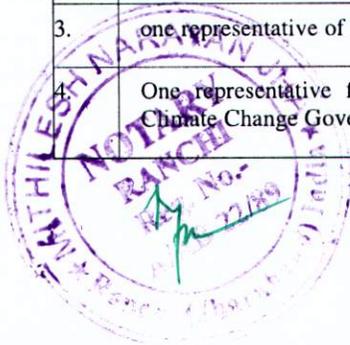


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2.	identification of suitable sites for setting up common regional sanitary landfill facilities for suitable clusters of local authorities under 0.5 million population and for setting up common regional sanitary landfill facilities or stand alone sanitary landfill facilities by all local authorities having a population of 0.5 million or more .	1 year
3.	procurement of suitable sites for setting up solid waste processing facility and sanitary landfill facilities	2 years
4.	enforcing waste generators to practice segregation of bio degradable, recyclable, combustible, sanitary waste domestic hazardous and inert solid wastes at source ,	2 years
5.	Ensure door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities.	2 years
6.	ensure separate storage, collection and transportation of construction and demolition wastes	2 years
7.	setting up solid waste processing facilities by all local bodies having 100000 or more population	2 years
8.	Setting up solid waste processing facilities by local bodies and census towns below 100000 population.	3 years
9.	setting up common or stand alone sanitary landfills by or for all local bodies having 0.5 million or more population for the disposal of only such residual wastes from the processing facilities as well as untreatable inert wastes as permitted under the Rules	3 years
10.	setting up common or regional sanitary landfills by all local bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules	3years
11.	bio-remediation or capping of old and abandoned dump sites	5years

23. State Level Advisory Body. – (1) Every Department in-charge of local bodies of the concerned State Government or Union territory administration shall constitute a State Level Advisory Body within six months from the date of notification of these rules comprising the following members, namely:-

Sl. No	Designation	Member
(1)	(2)	(3)
1.	Secretary, Department of Urban Development or Local self government department of the State	Chairperson, ex-officio
2.	One representative of Panchayats or Rural development Department not below the rank of Joint Secretary to State Government	Member, ex-officio
3.	one representative of Revenue Department of State Government	Member, ex-officio
4.	One representative from Ministry of Environment, Forest and Climate Change Government of India	Member, ex-officio



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5.	One representative from Ministry of Urban Development, Government of India	Member, ex-officio
6.	One representative from Ministry of Rural Development, Government of India	Member, ex-officio
7.	One representative from the Central Pollution Control Board	Member, ex-officio
8.	One representative from the State Pollution Control Board or Pollution Control Committee	Member, ex-officio
9.	One representative from Indian Institute of Technology or National Institute of Technology	Member, Ex-officio
10.	Chief town planner of the state	Member
11.	Three representatives from the local bodies by rotation	Member
12.	Two representatives from census towns or urban agglomerations by rotation.	Member
13.	One representative from reputed Non-Governmental Organisation or Civil Society working for the waste pickers or informal recycler or solid waste management	Member
14.	One representative from a body representing Industries at the State or Central level	Member
15.	one representative from waste recycling industry	member
16.	Two subject experts	Member
17.	Co-opt one representative each from agriculture department, and labour department of State Government.	Member

(2) The State Level Advisory Body shall meet at least one in every six months to review the matters related to implementation of these rules, state policy and strategy on solid waste management and give advice to state government for taking measures that are necessary for expeditious and appropriate implementation of these rules.

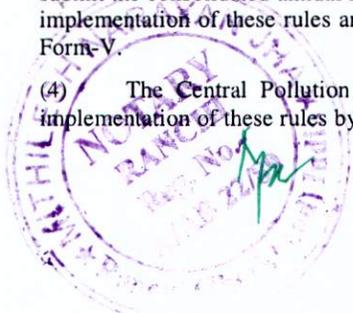
(3) The copies of the review report shall be forwarded to the State Pollution Control Board or Pollution Control Committee for necessary action.

24. Annual report.- (1) The operator of facility shall submit the annual report to the local body in Form-III on or before the 30th day of April every year.

(2) The local body shall submit its annual report in Form-IV to State P Control Board or P Committee and the Secretary-in-Charge of the Department of Urban Development of the concerned State or Union Territory in case of metropolitan city and to the Director of Municipal Administration or Commissioner of Municipal Administration or Officer in -Charge of Urban local bodies in the state in case of all other local bodies of state on or before the 30th day of June every year

(3) Each State Pollution Control Board or Pollution Control Committee as the case may be, shall prepare and submit the consolidated annual report to the Central Pollution Control Board and Ministry of Urban Development on the implementation of these rules and action taken against non complying local body by the 31st day of July of each year in Form-V.

(4) The Central Pollution Control Board shall prepare a consolidated annual review report on the status of implementation of these rules by local bodies in the country and forward the same to the Ministry of Urban Development



and Ministry of Environment, Forest and Climate Change, along with its recommendations before the 31st day of August each year.

(5) The annual report shall be reviewed by the Ministry of Environment, Forest and Climate Change during the meeting of Central Monitoring Committee.

25. Accident reporting- 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 local body in Form-VI and the local body shall review and issue instructions if any, to the in- charge of the facility.

SCHEDULE I

[see rule 15 (w),(zi), 16 (1) (b) (e), 16 (4)]

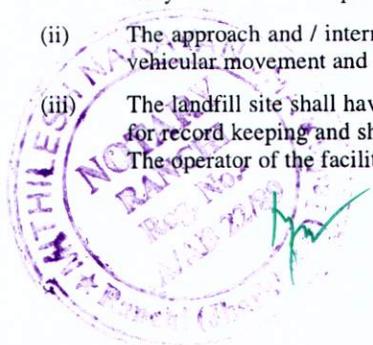
Specifications for Sanitary Landfills

(A) Criteria for site selection.-

- (i) The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities and notify such sites.
- (ii) The sanitary landfill site shall be planned, designed and developed with proper documentation of construction plan as well as a closure plan in a phased manner. In case a new landfill facility is being established adjoining an existing landfill site, the closure plan of existing landfill should form a part of the proposal of such new landfill.
- (iii) The landfill sites shall be selected to make use of nearby wastes processing facilities. Otherwise, wastes processing facility shall be planned as an integral part of the landfill site.
- (iv) Landfill sites shall be set up as per the guidelines of the Ministry of Urban Development, Government of India and Central Pollution Control Board.
- (v) The existing landfill sites which are in use for more than five years shall be improved in accordance with the specifications given in this Schedule.
- (vi) The landfill site shall be large enough to last for at least 20-25 years and shall develop 'landfill cells' in a phased manner to avoid water logging and misuse.
- (vii) The landfill site shall be 100 meter away from river, 200 meter from a pond, 200 meter from Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The Landfill site shall not be permitted within the flood plains as recorded for the last 100 years, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas..
- (viii) The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.
- (ix) A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five Tonnes per day of installed capacity. This will be maintained within the total area of the solid waste processing and disposal facility. The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned State Pollution Control Board.
- (x) The biomedical waste shall be disposed of in accordance with the Bio-medical Waste Management Rules, 2016, as amended from time to time. The hazardous waste shall be managed in accordance with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, as amended from time to time. The E-waste shall be managed in accordance with the e-Waste (Management) Rules, 2016 as amended from time to time.
- (xi) Temporary storage facility for solid waste shall be established in each landfill site to accommodate the waste in case of non- operation of waste processing and during emergency or natural calamities.

(B) Criteria for development of facilities at the sanitary landfills.-

- (i) Landfill site shall be fenced or hedged and provided with proper gate to monitor incoming vehicles, to prevent entry of unauthorised persons and stray animals
- (ii) The approach and / internal roads shall be concreted or paved so as to avoid generation of dust particles due to vehicular movement and shall be so designed to ensure free movement of vehicles and other machinery.
- (iii) The landfill site shall have waste inspection facility to monitor waste brought in for landfilling h, office facility for record keeping and shelter for keeping equipment and machinery including pollution monitoring equipment. The operator of the facility shall maintain record of waste received, processed and disposed.



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- (iv) Provisions like weigh bridge to measure quantity of waste brought at landfill site, fire protection equipment and other facilities as may be required shall be provided.
- (v) Utilities such as drinking water and sanitary facilities (preferably washing/bathing facilities for workers) and lighting arrangements for easy landfill operations during night hours shall be provided.
- (vi) Safety provisions including health inspections of workers at landfill sites shall be carried out made.
- (vii) Provisions for parking, cleaning, washing of transport vehicles carrying solid waste shall be provided. The wastewater so generated shall be treated to meet the prescribed standards.

(C) Criteria for specifications for land filling operations and closure on completion of land filling.-

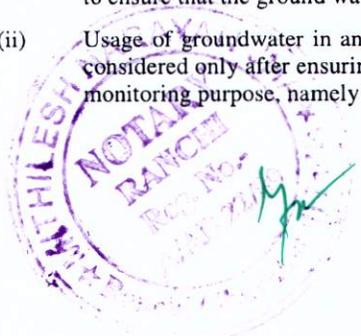
- (i) Waste for land filling shall be compacted in thin layers using heavy compactors to achieve high density of the waste. In high rainfall areas where heavy compactors cannot be used, alternative measures shall be adopted.
- (ii) Till the time waste processing facilities for composting or recycling or energy recovery are set up, the waste shall be sent to the sanitary landfill. The landfill cell shall be covered at the end of each working day with minimum 10 cm of soil, inert debris or construction material..
- (iii) Prior to the commencement of monsoon season, an intermediate cover of 40-65 cm thickness of soil shall be placed on the landfill with proper compaction and grading to prevent infiltration during monsoon. Proper drainage shall be constructed to divert run-off away from the active cell of the landfill.
- (iv) After completion of landfill, a final cover shall be designed to minimise infiltration and erosion. The final cover shall meet the following specifications, namely :--
 - a) The final cover shall have a barrier soil layer comprising of 60 cm of clay or amended soil with permeability coefficient less than 1×10^{-7} cm/sec.
 - b) On top of the barrier soil layer, there shall be a drainage layer of 15 cm.
 - c) On top of the drainage layer, there shall be a vegetative layer of 45 cm to support natural plant growth and to minimise erosion.

(D) Criteria for pollution prevention.-In order to prevent pollution from landfill operations, the following provisions shall be made, namely:-

- (i) The storm water drain shall be designed and constructed in such a way that the surface runoff water is diverted from the landfilling site and leachates from solid waste locations do not get mixed with the surface runoff water. Provisions for diversion of storm water discharge drains shall be made to minimise leachate generation and prevent pollution of surface water and also for avoiding flooding and creation of marshy conditions.
- (ii) Non-permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) shall have liner of composite barrier of 1.5 mm thick high density polyethylene (HDPE) geo-membrane or geo-synthetic liners, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec. The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer provided at the bottom of landfills.
- (iii) Provisions for management of leachates including its collection and treatment shall be made. The treated leachate shall be recycled or utilized as permitted, otherwise shall be released into the sewerage line, after meeting the standards specified in Schedule- II. In no case, leachate shall be released into open environment.
- (iv) Arrangement shall be made to prevent leachate runoff from landfill area entering any drain, stream, river, lake or pond. In case of mixing of runoff water with leachate or solid waste, the entire mixed water shall be treated by the concern authority.

(E) Criteria for water quality monitoring.-

- (i) Before establishing any landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meter of the periphery of landfill site shall be periodically monitored covering different seasons in a year that is, summer, monsoon and post-monsoon period to ensure that the ground water is not contaminated.
- (ii) Usage of groundwater in and around landfill sites for any purpose (including drinking and irrigation) shall be considered only after ensuring its quality. The following specifications for drinking water quality shall apply for monitoring purpose, namely :-

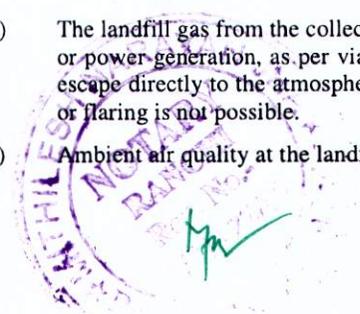


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S. No.	Parameters	IS 10500:2012, Edition 2.2(2003-09) Desirable limit (mg/l except for pH)
(1)	(2)	(3)
	Arsenic	0.01
	Cadmium	0.01
	Chromium(as Cr ⁶⁺)	0.05
	Copper	0.05
	Cyanide	0.05
	Lead	0.05
	Mercury	0.001
	Nickel	-
	Nitrate as NO ₃	45.0
	pH	6.5-8.5
	Iron	0.3
	Total hardness (as CaCO ₃)	300.0
	Chlorides	250
	Dissolved solids	500
	Phenolic compounds (as C ₆ H ₅ OH)	0.001
	Zinc	5.0
	Sulphate (as SO ₄)	200

(F) Criteria for ambient air quality monitoring.-

- (i) Landfill gas control system including gas collection system shall be installed at landfill site to minimize odour, prevent off-site migration of gases, to protect vegetation planted on the rehabilitated landfill surface. For enhancing landfill gas recovery, use of geomembranes in cover systems along with gas collection wells should be considered.
- (ii) The concentration of methane gas generated at landfill site shall not exceed 25 per cent of the lower explosive limit (LEL).
- (iii) The landfill gas from the collection facility at a landfill site shall be utilized for either direct thermal applications or power generation, as per viability. Otherwise, landfill gas shall be burnt (flared) and shall not be allowed to escape directly to the atmosphere or for illegal tapping. Passive venting shall be allowed in case if its utilisation or flaring is not possible.
- (iv) Ambient air quality at the landfill site and at the vicinity shall be regularly monitored. Ambient air quality shall



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meet the standards prescribed by the Central Pollution Control Board for Industrial area.

G. Criteria for plantation at landfill Site.- A vegetative cover shall be provided over the completed site in accordance with the following specifications, namely:-

- (a) Locally adopted non-edible perennial plants that are resistant to drought and extreme temperatures shall be planted;
- (b) The selection of plants should be of such variety that their roots do not penetrate more than 30 cms. This condition shall apply till the landfill is stabilized;
- (c) Selected plants shall have ability to thrive on low-nutrient soil with minimum nutrient addition;
- (d) Plantation to be made in sufficient density to minimise soil erosion.
- (e) Green belts shall be developed all around the boundary of the landfill in consultation with State Pollution Control Boards or Pollution Control Committees .

H. Criteria for post-care of landfill site.- (1) The post-closure care of landfill site shall be conducted for at least fifteen years and long term monitoring or care plan shall consist of the following, namely :-

- (a) Maintaining the integrity and effectiveness of final cover, making repairs and preventing run-on and run-off from eroding or otherwise damaging the final cover;
- (b) Monitoring leachate collection system in accordance with the requirement;
- (c) Monitoring of ground water in and around landfill;
- (d) Maintaining and operating the landfill gas collection system to meet the standards.

(2) Use of closed landfill sites after fifteen years of post-closure monitoring can be considered for human settlement or otherwise only after ensuring that gaseous emission and leachate quality analysis complies with the specified standards and the soil stability is ensured.

I. Criteria for special provisions for hilly areas.-Cities and towns located on hills shall have location-specific methods evolved for final disposal of solid waste by the local body with the approval of the concerned State Pollution Control Board or the Pollution Control Committee. The local body shall set up processing facilities for utilisation of biodegradable organic waste. The non-biodegradable recyclable materials shall be stored and sent for recycling periodically. The inert and non-biodegradable waste shall be used for building roads or filling-up of appropriate areas on hills. In case of constraints in finding adequate land in hilly areas, waste not suitable for road-laying or filling up shall be disposed of in regional landfills in plain areas.

J. Closure and Rehabilitation of Old Dumps- Solid waste dumps which have reached their full capacity or those which will not receive additional waste after setting up of new and properly designed landfills should be closed and rehabilitated by examining the following options:

- (i) Reduction of waste by bio mining and waste processing followed by placement of residues in new landfills or capping as in (ii) below.
- (ii) Capping with solid waste cover or solid waste cover enhanced with geomembrane to enable collection and flaring / utilisation of greenhouse gases.
- (iii) Capping as in (ii) above with additional measures (in alluvial and other coarse grained soils) such as cut-off walls and extraction wells for pumping and treating contaminated ground water.
- (iv) Any other method suitable for reducing environmental impact to acceptable level.

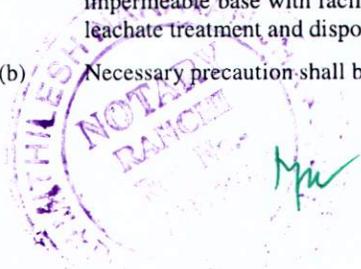
SCHEDULE II

[see rule 16 (1), (b), (e), 16 (4)]

Standards of processing and treatment of solid waste

A. Standards for composting.- The waste processing facilities shall include composting as one of the technologies for processing of bio degradable waste. In order to prevent pollution from compost plant, the following shall be complied with namely :-

- (a) The incoming organic waste at site shall be stored properly prior to further processing. To the extent possible, the waste storage area should be covered. If, such storage is done in an open area, it shall be provided with impermeable base with facility for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility;
- (b) Necessary precaution shall be taken to minimise nuisance of odour, flies, rodents, bird menace and fire hazard;



- (c) In case of breakdown or maintenance of plant, waste intake shall be stopped and arrangements be worked out for diversion of waste to the temporary processing site or temporary landfill sites which will be again reprocessed when plant is in order;
- (d) Pre-process and post-process rejects shall be removed from the processing facility on regular basis and shall not be allowed to pile at the site. Recyclables shall be routed through appropriate vendors. The non-recyclable high calorific fractions to be segregated and sent to waste to energy or for RDF production, co-processing in cement plants or to thermal power plants. Only rejects from all processes shall be sent for sanitary landfill site(s).
- (e) The windrow area shall be provided with impermeable base. Such a base shall be made of concrete or compacted clay of 50 cm thick having permeability coefficient less than 10^{-7} cm/sec. The base shall be provided with 1 to 2 per cent slope and circled by lined drains for collection of leachate or surface run-off;
- (f) Ambient air quality monitoring shall be regularly carried out. Odour nuisance at down-wind direction on the boundary of processing plant shall also be checked regularly.
- (g) Leachate shall be re-circulated in compost plant for moisture maintenance.
- (h) The end product compost shall meet the standards prescribed under Fertilizer Control Order notified from time to time.
- (i) In order to ensure safe application of compost, the following specifications for compost quality shall be met, namely:-

Parameters	Organic Compost (FCO 2009)	Phosphate Rich Organic Manure (FCO 2013)
(1)	(2)	(3)
Arsenic (mg/Kg)	10.00	10.00
Cadmium (mg/Kg)	5.00	5.00
Chromium (mg/Kg)	50.00	50.00
Copper (mg/Kg)	300.00	300.00
Lead (mg/Kg)	100.00	100.00
Mercury (mg/Kg)	0.15	0.15
Nickel (mg/Kg)	50.00	50.00
Zinc (mg/Kg)	1000.00	1000.00
C/N ratio	<20	Less than 20:1
pH	6.5-7.5	(1:5 solution) maximum 6.7
Moisture, percent by weight, maximum	15.0-25.0	25.0
Bulk density (g/cm^3)	<1.0	Less than 1.6
Total Organic Carbon, per cent by weight, minimum	12.0	7.9

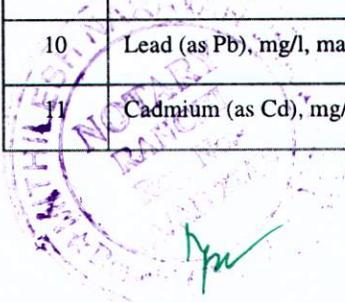
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Total Nitrogen (as N), per cent by weight, minimum	0.8	0.4
Total Phosphate (as P ₂ O ₅) percent by weight, minimum	0.4	10.4
Total Potassium (as K ₂ O), percent by weight, minimum	0.4	-
Colour	Dark brown to black	-
Odour	Absence of foul Odor	-
Particle size	Minimum 90% material should pass through 4.0 mm IS sieve	Minimum 90% material should pass through 4.0 mm IS sieve
Conductivity (as dsm-1), not more than	4.0	8.2

* Compost (final product) exceeding the above stated concentration limits shall not be used for food crops. However, it may be utilized for purposes other than growing food crops.

B. Standards for treated leachates.-The disposal of treated leachates shall meet the following standards, namely:-

S. No	Parameter	Standards (Mode of Disposal)		
		Inland surface water	Public sewers	Land disposal
(1)	(2)	(3)	(4)	(5)
1.	Suspended solids, mg/l, max	100	600	200
2.	Dissolved solids (inorganic) mg/l, max.	2100	2100	2100
3	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
4	Ammonical nitrogen (as N), mg/l, max.	50	50	-
5	Total Kjeldahl nitrogen (as N), mg/l, max.	100	-	-
6	Biochemical oxygen demand (3 days at 27 ^o C) max.(mg/l)	30	350	100
7	Chemical oxygen demand, mg/l, max.	250	-	-
8	Arsenic (as As), mg/l, max	0.2	0.2	0.2
9	Mercury (as Hg), mg/l, max	0.01	0.01	-
10	Lead (as Pb), mg/l, max	0.1	1.0	-
11	Cadmium (as Cd), mg/l, max	2.0	1.0	-



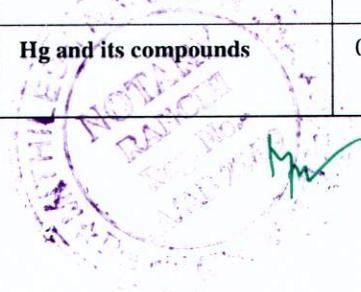
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12	Total Chromium (as Cr), mg/l, max.	2.0	2.0	-
13	Copper (as Cu), mg/l, max.	3.0	3.0	-
14	Zinc (as Zn), mg/l, max.	5.0	15	-
15	Nickel (as Ni), mg/l, max	3.0	3.0	-
16	Cyanide (as CN), mg/l, max.	0.2	2.0	0.2
17	Chloride (as Cl), mg/l, max.	1000	1000	600
18	Fluoride (as F), mg/l, max	2.0	1.5	-
19	Phenolic compounds (as C ₆ H ₅ OH) mg/l, max.	1.0	5.0	-

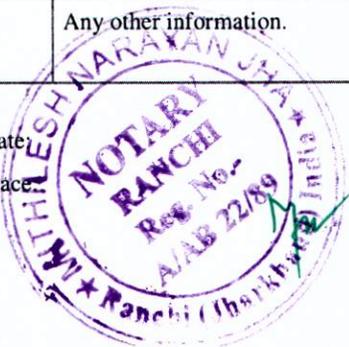
Note : While discharging treated leachates into inland surface waters, quantity of leachates being discharged and the quantity of dilution water available in the receiving water body shall be given due consideration.

C. **Standards for incineration:** The Emission from incinerators /thermal technologies in Solid Waste treatment/disposal facility shall meet the following standards, namely:-

Parameter	Emission standard	
(1)	(2)	(3)
Particulates	50 mg/Nm ³	Standard refers to half hourly average value
HCl	50 mg/Nm ³	Standard refers to half hourly average value
SO₂	200 mg/Nm ³	Standard refers to half hourly average value
CO	100 mg/Nm ³	Standard refers to half hourly average value
	50 mg/Nm ³	Standard refers to daily average value
Total Organic Carbon	20 mg/Nm ³	Standard refers to half hourly average value
HF	4 mg/Nm ³	Standard refers to half hourly average value
NO_x (NO and NO₂ expressed as NO₂)	400 mg/Nm ³	Standard refers to half hourly average value
Total dioxins and furans	0.1 ng TEQ/Nm ³	Standard refers to 6-8 hours sampling. Please refer guidelines for 17 concerned congeners for toxic equivalence values to arrive at total toxic equivalence.
Cd + Th + their compounds	0.05 mg/Nm ³	Standard refers to sampling time anywhere between 30 minutes and 8 hours.
Hg and its compounds	0.05 mg/Nm ³	Standard refers to sampling time anywhere between 30 minutes and 8 hours.



3.	Nodal Officer & designation (Officer authorised by the local body or agency responsible for operation of processing/ treatment or disposal facility)	
4.	Authorisation required for setting up and operation of the facility (Please tick mark)	waste processing recycling treatment disposal at landfill
5.	Attach copies of the Documents Site clearance (local body) Proof of Environmental Clearance Consent for establishment Agreement between municipal authority and operating agency Investment on the project and expected return	
6.	Processing/recycling/treatment of solid waste (i) Total Quantity of waste to be processed per day Quantity of waste to be recycled Quantity of waste to be treated Quantity of waste to be disposed into landfill (ii) Utilisation programme for waste processed (Product utilisation) (iii) Methodology for disposal (attach details) Quantity of leachate Treatment technology for leachate (iv) Measures to be taken for prevention and control of environmental pollution (v) Measures to be taken for safety of workers working in the plant (vi) Details on solid waste processing/recycling/ treatment/disposal facility (to be attached)	
7.	Disposal of solid waste Number of sites identified Quantity of waste to be disposed per day Details of methodology or criteria followed for site selection (attach) Details of existing site under operation Methodology and operational details of landfilling Measures taken to check environmental pollution	
8.	Any other information.	

Date:
Place:Signature:
Designation

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Form- II

[see rule 16 (1) (e)]

Format for issue of authorisation

File No.: _____

Dated: _____

Authorisation No

To

Ref: Your application number _____ dt. _____

The _____ State Pollution Control Board/Pollution Control Committee after examining the proposal hereby authorises _____ having administrative office at _____ to set up and operate waste processing/recycling/ treatment/disposal facility at _____

The authorisation is hereby granted to operate the facility for processing, recycling, treatment and disposal of solid waste.

The authorisation is subject to the terms and conditions stated below and such conditions as may be otherwise specified in these rules and the standards laid down in Schedules I and II under these rules.

The _____ State Pollution Control Board/Pollution Control Committees of the UT _____ may, at any time, revoke any of the conditions applicable under the authorisation and shall communicate the same in writing.

Any violation of the provision of the Solid Waste Management Rules, 2016 will attract the penal provision of the Environment (Protection) Act, 1986 (29 of 1986).

(Member Secretary)

State Pollution Control Board/Pollution Control Committee of the UT

(Signature and designation)

Date:

Place:

Form – III

[see rule 19 (6), 24 (1)]

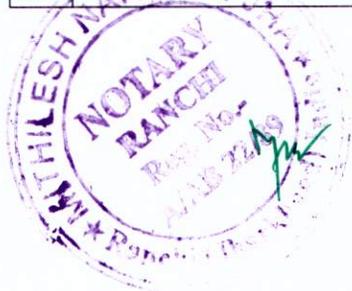
Format of annual report to be submitted by the operator of facility to the local body

1	Name of the City/Town and State	
2	Population	
3	Area in sq. kilometers	
4	Name & Address of the local body Telephone No. Fax No. E-mail:	
5	Name and address of operator of the facility	
6	Name of officer in-charge of the facility Phone No: Fax No: E-mail:	



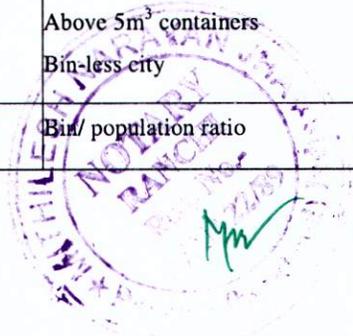
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7	Number of households in the city/town , Number of non-residential premises in the city Number of election/ administrative wards in the city/town	
8	Quantity of Solid waste	
	Estimated Quantity of solid waste generated in the local body area per day in metric tones	/tpd
	Quantity of solid waste collected per day	/tpd
	Per capita waste collected per day	/gm/day
	Quantity of solid waste processed	/tpd
	Quantity of solid waste disposed at landfill	/tpd
9	Status of Solid Waste Management (SWM) service	
	Segregation and storage of waste at source Whether solid waste is stored at source in domestic/commercial/ institutional bins If yes, Percentage of households practice storage of waste at source in domestic bins Percentage of non-residential premises practice storage of waste at source in commercial /institutional bins Percentage of households dispose of throw solid waste on the streets Percentage of non-residential premises dispose of throw solid waste on the streets Whether solid waste is stored at source in a segregated form If yes, Percentage of premises segregating the waste at source	Yes/No % % % % Yes/No %
	Door to Door Collection of solid waste	
	Whether door to door collection (D2D) of solid waste is being done in the city/town	Yes/No
	if yes	
	Number of wards covered in D2D collection of waste	
	No. of households covered	
	No. of non-residential premises including commercial establishments ,hotels, restaurants educational institutions/ offices etc covered	



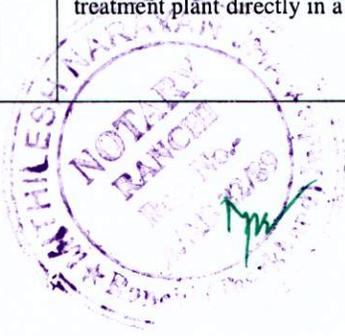
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	Percentage of residential and non-residential premises covered in door to door collection through : Motorized vehicle Containerized tricycle/handcart Other device	% % %															
	If not, method of primary collection adopted																
	Sweeping of streets																
	Length of roads, streets, lanes, bye-lanes in the city that need to be cleaned	km															
	Frequency of street sweepings and percentage of population covered Tools used Manual sweeping Mechanical sweeping Whether long handle broom used by sanitation workers Whether each sanitation worker is given handcart/tricycle for collection of waste Whether handcart / tricycle is containerized Whether the collection tool synchronizes with collection/ waste storage containers utilized	<table border="1"> <thead> <tr> <th data-bbox="940 705 1042 840">frequency</th> <th data-bbox="1042 705 1105 840">Daily</th> <th data-bbox="1105 705 1199 840">Alternate days</th> <th data-bbox="1199 705 1262 840">Twice a week</th> <th data-bbox="1262 705 1395 840">Occasionally</th> </tr> </thead> <tbody> <tr> <td data-bbox="940 840 1042 974">% of population covered</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td data-bbox="940 974 1042 1411"></td> <td data-bbox="1042 974 1105 1411"></td> <td data-bbox="1105 974 1199 1411"></td> <td data-bbox="1199 974 1262 1411"></td> <td data-bbox="1262 974 1395 1411"></td> </tr> </tbody> </table>	frequency	Daily	Alternate days	Twice a week	Occasionally	% of population covered									
frequency	Daily	Alternate days	Twice a week	Occasionally													
% of population covered																	
	Secondary Waste Storage facilities																
	No. and type of waste storage depots in the city/town Open waste storage sites Masonry bins Cement concrete cylinder bins Dhalao/covered rooms/space Covered metal/plastic containers Upto 1.1 m ³ bins 2 to 5 m ³ bins Above 5m ³ containers Bin-less city	No. Capacity in m ³															
	Bin/ population ratio																



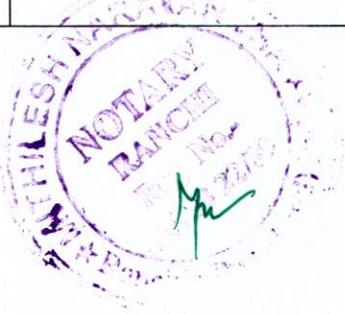
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Ward wise details of waste storage depots (attach) : Ward No: Area: Population: No. of bins placed Total volume of bins placed		
Total storage capacity of waste storage facilities in cubic meters		
Total waste actually stored at the waste storage depots daily		
Give frequency of collection of waste from the depots Number of bins cleared	Frequency	No. of bins
	Daily	
	Alternate day	
	Twice a week	
	Once a week	
	Occasionally	
Whether storage depots have facility for storage of segregated waste in green, blue and black bins	Yes/ No (if yes, add details) No. of green bins: No. of blue bins: No. of black bins:	
Whether lifting of solid waste from storage depots is manual or mechanical. Give percentage	(%) of Manual Lifting of SOLID WASTE	%
	(%) of Mechanical lifting	%
If mechanical – specify the method used	front-end loaders/ Top loaders	
Whether solid waste is lifted from door to door and transported to treatment plant directly in a segregated form	Yes/ No (if yes, specify)	



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	<p>Waste Transportation per day Type and Number of vehicles used (pl tick or add)</p>	<p>No. Trips made waste transported</p>
	<p>Animal cart Tractors Non tipping Truck Tipping Truck Dumper Placers Refuse collectors Compactors Others JCB/loader</p>	
	<p>Frequency of transportation of waste</p>	<p>Frequency (%) of waste transported Daily Alternate day Twice a week Once a week Occasionally</p>
	<p>Quantity of waste transported each day</p>	<p>/tpd</p>
	<p>Percentage of total waste transported daily</p>	<p>%</p>
	<p>Waste Treatment Technologies used</p>	
	<p>Whether solid waste is processed</p>	<p>Yes/No</p>
	<p>If yes, Quantity of waste processed daily</p>	<p>/tpd</p>
	<p>Land(s) available with the local body for waste processing (in Hectares)</p>	
	<p>Land currently utilized for waste processing</p>	
	<p>Solid waste processing facilities in operation</p>	
	<p>Solid waste processing facilities under construction</p>	
	<p>Distance of processing facilities from city/town boundary</p>	
	<p>Details of technologies adopted</p>	



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Composting ,	Qty. raw material processed Qty. final product produced Qty. sold Qty. of residual waste landfilled
vermi composting	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Bio-methanation	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Refuse Derived Fuel	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Waste to Energy technology such as incineration, gasification, pyrolysis or any other technology (give detail)	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Co-processing	Qty. raw material processed
Combustible waste supplied to cement plant	
Combustible waste supplied to solid waste based power plants	
Others	Qty.
Solid waste disposal facilities	
No. of dumpsites sites available with the local body	
No. of sanitary landfill sites available with the local body	
Area of each such sites available for waste disposal	
Area of land currently used for waste disposal	
Distance of dumpsite/landfill facility from city/town	kms
Distance from the nearest habitation	kms
Distance from water body	kms

NOTARIAL
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	Distance from state/national highway	kms
	Distance from Airport	kms
	Distance from important religious places or historical monument	kms
	Whether it falls in flood prone area	Yes/No
	Whether it falls in earthquake fault line area	Yes/No
	Quantity of waste landfilled each day	tpd
	Whether landfill site is fenced	Yes / No
	Whether Lighting facility is available on site	Yes / No
	Whether Weigh bridge facility available	Yes / No
	Vehicles and equipments used at landfill (specify)	Bulldozer, Compacters etc. available
	Manpower deployed at landfill site	Yes/No (if yes, attach details)
	Whether covering is done on daily basis	Yes/No
	If not, Frequency of covering the waste deposited at the landfill	
	Cover material used	
	Whether adequate covering material is available	Yes/No
	Provisions for gas venting provided	Yes/No, (if yes, attach technical data sheet)
	Provision for leachate collection	Yes/No, (if yes, attach technical data sheet)
10	Whether an Action Plan has been prepared for improving solid waste management practices in the city	Yes/No (if Yes attach Action Plan details)
11	What separate provisions are made for : Dairy related activities : Slaughter houses waste : C&D waste (construction debris) :	Attach details on Proposals, Steps taken, Yes/No Yes/No Yes/No
12	Details of Post Closure Plan	Attach Plan
13	How many slums are identified and whether these are provided with Solid Waste Management facilities :	Yes/ No (if Yes, attach details)
14	Give details of manpower deployed for collection including street sweeping, secondary storage, transportation, processing and disposal of waste	

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15	Mention briefly, the difficulties being experienced by the local body in complying with provisions of these rules	
16	Mention briefly, if any innovative idea is implemented to tackle a problem related to solid waste, which could be replicated by other local bodies.	

Signature of Operator

Dated :

Place:

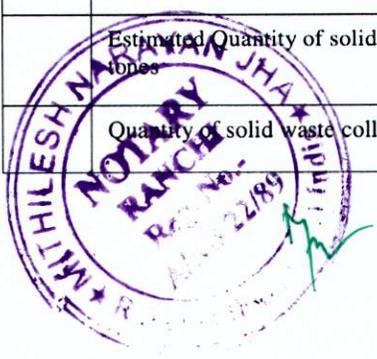
Form - IV

[see rules 15(za), 24(2)]

Format for annual report on solid waste management to be submitted by the local body

CALENDAR YEAR:	DATE OF SUBMISSION OF REPORT:

1	Name of the City/Town and State	
2	Population	
3	Area in sq. kilometers	
4	Name & Address of local body Telephone No. Fax No. E-mail:	
5	Name of officer in-charge dealing with solid waste management (SOLID WASTEM)Phone No: Fax No: E-mail:	
6	Number of households in the city/town Number of non-residential premises in the city Number of election/ administrative wards in the city/town	
7	Quantity of Solid waste (solid waste)	
	Estimated Quantity of solid waste generated in the local body area per day in metric tones	/tpd
	Quantity of solid waste collected per day	/tpd

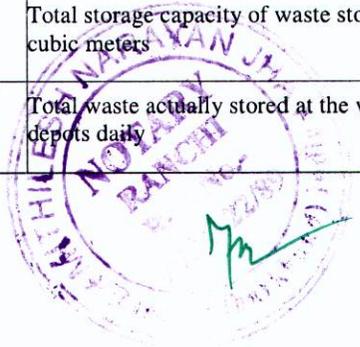


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	Per capita waste collected per day	/gm/day
	Quantity of solid waste processed	/tpd
	Quantity of solid waste disposed at dumpsite/ landfill	/tpd
8	Status of Solid Waste Management service	
	Segregation and storage of waste at source Whether SOLID WASTE is stored at source in domestic/commercial/ institutional bins, If yes, Percentage of households practice storage of waste at source in domestic bins Percentage of non-residential premises practice storage of waste at source in commercial /institutional bins Percentage of households dispose or throw solid waste on the streets Percentage of non-residential premises dispose of throw solid waste on the streets Whether solid waste is stored at source in a segregated form, If yes, Percentage of premises segregating the waste at source	Yes/No % % % % Yes/No %
	Door to Door Collection of solid waste	
	Whether door to door collection (D2D) of solid waste is being done in the city/town	Yes/No
	if yes	
	Number of wards covered in D2D collection of waste	
	No. of households covered	
	No. of non-residential premises including commercial establishments ,hotels, restaurants educational institutions/ offices etc covered	
	Percentage of residential and non-residential premises covered in door to door collection through : Motorized vehicle Containerized tricycle/handcart Other device	 % % %
	If not, method of primary collection adopted	
	Sweeping of streets	
	Length of roads, streets, lanes, bye-lanes in the city that need to be cleaned	km



Frequency of street sweepings and percentage of population covered	frequency	Daily	Alternate days	Twice a week	Occasionally
	% of population covered				
Tools used					
Manual sweeping			%		
Mechanical sweeping			%		
Whether long handle broom used by sanitation workers			Yes/No		
Whether each sanitation worker is given handcart/tricycle for collection of waste			Yes/No		
Whether handcart / tricycle is containerized			Yes/No		
Whether the collection tool synchronizes with collection/ waste storage containers utilized			Yes/No		
Secondary Waste Storage facilities					
No. and type of waste storage depots in the city/town	No.	Capacity in m ³			
Open waste storage sites					
Masonry bins					
Cement concrete cylinder bins					
Dhalao/covered rooms/space					
Covered metal/plastic containers					
Upto 1.1 m ³ bins					
2 to 5 m ³ bins					
Above 5m ³ containers					
Bin-less city					
Bin/ population ratio					
Ward wise details of waste storage depots (attach) :					
Ward No:					
Area:					
Population:					
No. of bins placed					
Total volume of bins placed					
Total storage capacity of waste storage facilities in cubic meters					
Total waste actually stored at the waste storage depots daily					

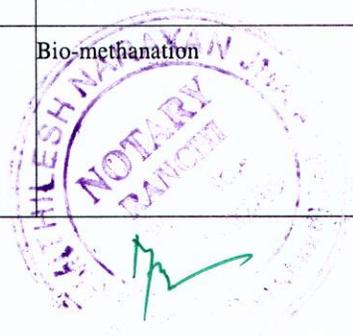


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<p>Give frequency of collection of waste from the depots</p> <p>Number of bins cleared</p>	<p>Frequency</p>	<p>No. of bins</p>
	<p>Daily</p>	
	<p>Alternate day</p>	
	<p>Twice a week</p>	
	<p>Once a week</p>	
	<p>Occasionally</p>	
<p>Whether storage depots have facility for storage of segregated waste in green, blue and black bins</p>	<p>Yes/ No (if yes, add details) No. of green bins: No. of blue bins: No. of black bins:</p>	
<p>Whether lifting of solid waste from storage depots is manual or mechanical. Give percentage (%) of Manual Lifting of solid waste (%) of Mechanical lifting</p>	<p>% %</p>	
<p>If mechanical – specify the method used</p>	<p>front-end loaders/ Top loaders</p>	
<p>Whether solid waste is lifted from door to door and transported to treatment plant directly in a segregated form</p>	<p>Yes/ No (if yes, specify)</p>	
<p>Waste transportation per day Type and Number of vehicles used</p>	<p>No. Trips made waste transported</p>	
<p>Animal cart Tractors Non tipping Truck Tipping Truck Dumper Placers Refuse collectors Compactors Others JCB/loader</p>		

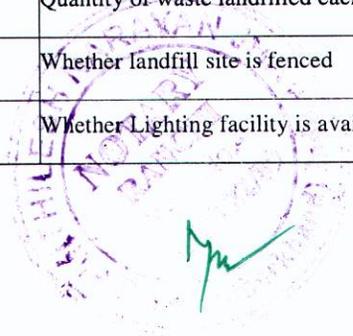


Frequency of transportation of waste	Frequency (%) of waste transported Daily Alternate day Twice a week Once a week Occasionally
Quantity of waste transported each day	/tpd
Percentage of total waste transported daily	%
Waste Treatment Technologies used	
Whether solid waste is processed	Yes/No
If yes, Quantity of waste processed daily	/tpd
Whether treatment is done by local body or through an agency	
Land(s) available with the local body for waste processing (in Hectares)	
Land currently utilized for waste processing	
Solid waste processing facilities in operation	
Solid waste processing facilities under construction	
Distance of processing facilities from city/town boundary	
Details of technologies adopted	
Composting ,	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Vermi composting	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Bio-methanation	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled



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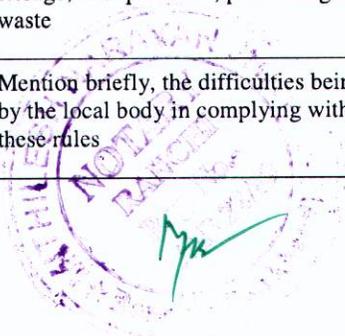
Refuse Derived Fuel	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Waste to Energy technology such as incineration, gasification, pyrolysis or any other technology (give detail)	Qty. raw material processed Qty. final product produced Qty. sold Quantity of residual waste landfilled
Co-processing	Qty. raw material processed
Combustible waste supplied to cement plant	
Combustible waste supplied to solid waste based power plants	
Others	Qty.
Solid waste disposal facilities	
No. of dumpsites sites available with the local body	
No. of sanitary landfill sites available with the local body	
Area of each such sites available for waste disposal	
Area of land currently used for waste disposal	
Distance of dumpsite/landfill facility from city/town	kms
Distance from the nearest habitation	kms
Distance from water body	kms
Distance from state/national highway	kms
Distance from Airport	kms
Distance from important religious places or historical monument	kms
Whether it falls in flood prone area	Yes/No
Whether it falls in earthquake fault line area	Yes/No
Quantity of waste landfilled each day	tpd
Whether landfill site is fenced	Yes / No
Whether Lighting facility is available on site	Yes / No



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	Whether Weigh bridge facility available	Yes / No
	Vehicles and equipments used at landfill (specify)	Bulldozer, Compacters etc. available
	Manpower deployed at landfill site	Yes/No (if yes, attach details)
	Whether covering is done on daily basis	Yes/No
	If not, Frequency of covering the waste deposited at the landfill	
	Cover material used	
	Whether adequate covering material is available	Yes/No
	Provisions for gas venting provided	Yes/No (if yes, attach technical data sheet)
	Provision for leachate collection	Yes/No (if yes, attach technical data sheet)
9	Whether an Action Plan has been prepared for improving solid waste management practices in the city	Yes/No (if Yes attach Action Plan details)
10	What separate provisions are made for : Dairy related activities : Slaughter houses waste : C&D waste (construction debris) :	Attach details on Proposals,Steps taken, Yes/No Yes/No Yes/No
11	Details of Post Closure Plan	Attach Plan
12	How many slums are identified and whether these are provided with Solid Waste Management facilities :	Yes/ No (if Yes, attach details)
13	Give details of: Local body's own manpower deployed for collection including street sweeping, secondary storage, transportation, processing and disposal of waste	
14	Give details of: Contractor/ concessionaire's manpower deployed for collection including street sweeping, secondary storage, transportation, processing and disposal of waste	
15	Mention briefly, the difficulties being experienced by the local body in complying with provisions of these rules	



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16	Mention briefly, if any innovative idea is implemented to tackle a problem related to solid waste, which could be replicated by other local bodies	
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Signature of CEO/Municipal Commissioner/
Executive Officer/Chief Officer

Date:

Place:

Form – V
[see rule 24(3)]

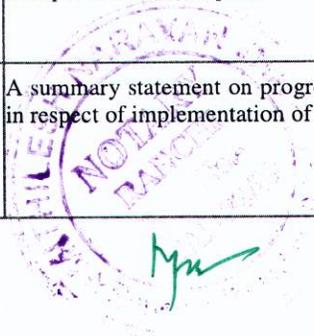
Format of annual report to be submitted by the state pollution control board or pollution control committee committees to the central pollution control board

PART A

To,

The Chairman
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
DELHI- 110 0032

1.	Name of the State/Union territory	:	
2.	Name & address of the State Pollution Control	:	
3.	Number of local bodies responsible for management of solid waste in the State/Union territory under these rules	:	
4.	No. of authorisation application Received	:	
5.	A Summary Statement on progress made by local body in respect of solid waste management	:	Please attach as Annexure-I
6.	A Summary Statement on progress made by local bodies in respect of waste collection, segregation, transportation and disposal	:	Please attach as Annexure-II
7.	A summary statement on progress made by local bodies in respect of implementation of Schedule II	:	Please attach as Annexure-III



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Date:	Chairman or the Member Secretary State Pollution Control Board/ Pollution Control Committee
Place:	

PART B

Towns/cities

- Total number of towns/cities
- Total number of ULBs
- Number of class I & class II cities/towns

Authorisation status (names/number)

- Number of applications received
- Number of authorisations granted
- Authorisations under scrutiny

SOLID WASTE Generation status

- Solid waste generation in the state (TPD)
 - collected
 - treated
 - landfilled

Compliance to Schedule I of SW Rules (Number/names of towns/capacity)

- Good practices in cities/towns
- House-to-house collection
- Segregation
- Storage
- Covered transportation

Processing of SW (Number/names of towns/capacity)

Solid Waste processing facilities setup:

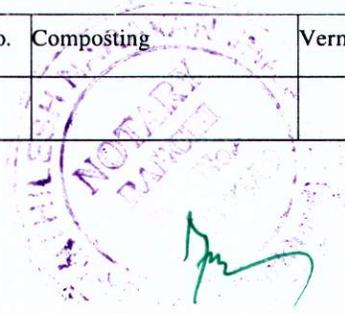
Sl. No.	Composting	Vermi-composting	Biogas	RDF/Pelletization

Processing facility operational:

Sl. No.	Composting	Vermi-composting	Biogas	RDF/Pelletization

Processing facility under installation/planned:

Sl. No.	Composting	Vermi-composting	Biogas	RDF/Pelletisation



Waste-to-Energy Plants: (Number/names of towns/capacity)

Sl. No.	Plant Location	Status of operation	Power generation (MW)	Remarks

Disposal of solid waste (number/names of towns/capacity):

Landfill sites identified

Landfill constructed

Landfill under construction

Landfill in operation

Landfill exhausted

Landfilled capped

Solid Waste Dumpsites (number/names of towns/capacity):

Total number of existing dumpsites

Dumpsites reclaimed/capped

Dumpsites converted to sanitary landfill

Monitoring at Waste processing/Landfills sites

Sl. No.	Name of facilities	Ambient air	Groundwater	Leachate quality	Compost quality	VOCs
1.						
2.						
3.						

Status of Action Plan prepared by Municipalities

Total number of municipalities:

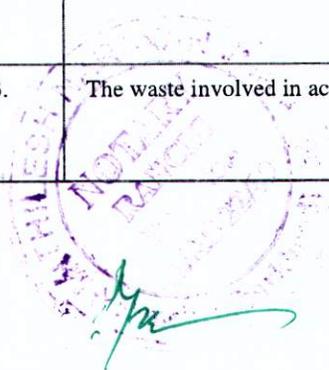
Number of Action Plan submitted:

Form - VI

[see rule 25]

Accident Reporting

1.	Date and time of accident	:	
2.	Sequence of events leading to accident	:	
3.	The waste involved in accident	:	

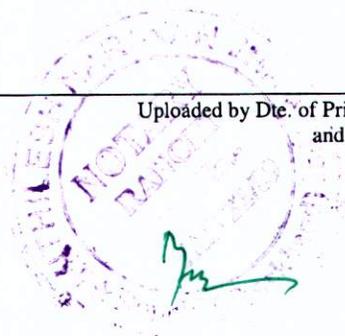


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4.	Assessment of the effects of the accidents on human health: and the environment	:	
5.	Emergency measures taken	:	
6.	Steps taken to alleviate the effects of accidents	:	
7.	Steps taken to prevent the recurrence of such an accident	:	
Date:		Signature:.....	
Place:		Designation:	

[F. No. 18-3/2004-HSMD]

BISHWANATH SINHA, Jt. Secy.



ANNEXURE A/ 2

FORM 1

[See rule 8 (1)]

Before the National Green Tribunal sitting at Kolkata

MEMORANDUM OF APPLICATION/APEAL

(Under Section 18(1) read with Sections 14, 15, 16 & 17
of National Green Tribunal Act, 2010)

Application/ Appeal No.of

Between:

1. Arti Sinha, Secretary of Legal Rights and Social Development Foundation, an N.G.O. Registration no. 46/10/2018 dated 15th March, 2018 having it's office address at Rajbari, Mihijam, P.O. and P.S. Mihijam, Dist: Jamtara, in the State of Jharkhand - 815354 (Aadhaar No. 3121 9227 8639 Mobile no. 8092661244)

... Applicant/ Appellant

And

- 1. The Executive Officer, Mihijam Nagar Parishad, P.O. and P.S.-Mihijam, District: Jamtara, Jharkhand-815534. Mobile no.: 9934434611. E-mail id: nagarpanchayatmihijam@yahoo.in
- 2. The Secretary, State of Jharkhand officiating at Project Building, P.O. and P.S. Dhurwa, District: Ranchi, Jharkhand- 834004. Phone no.: 0651-2400221; Email id: dopjharkhand@gmail.com

Ch. Sugan
Advocate



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Housing Department, officiating at the address Nirman Bhawan, C-Wing, Dr. Maulana Azad Road, New Delhi - 110011, P.O. and P.S. Maulana Azad Road, New Delhi. Phone (Office) : 91 11 23062377; FAX: +91 11 23061459; E-mail id: secyurban@nic.in

... .. Respondents

- 1) The address of the Applicant/ Appellant is as given above for the service of notices of this Application/ Appeal and that of their representatives.
- 2) The address of the Respondents are given above for service of notices of the Application/ Appeal.
- 3) The Applicant/ Appellant above named begs to present the Memorandum of Application/ Appeal as various letters, applications, representations and protests were made at various departments of Local Municipality, State and Central Government authorities, Pollution Control Boards etc. but no proper reply with justifications has been received by the Applicant/ Appellant from them so far. The present Application/ Appellant is being submitted on the grounds set out hereunder:

FACTS IN BRIEF:

1. The Applicant is Secretary of a Non-Government Organisation (NGO) namely Legal Rights and Social Development Foundation, Registration no. 46/10/2018 dated 15th March, 2018 having its office address at Rajbari, P.O. and P.S. Mihijam, 815354, Dist: Jamtara, in the

Arati Sinha
Secretary

Legal Rights & Social
Development Foundation

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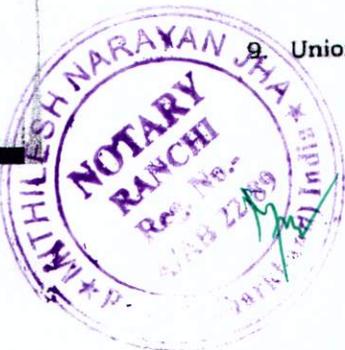


3. The Principal Chief Conservator of Forests, Department of Forests, Environment and Climate Change, officiating at Room no. 108, B Block, 1st floor, Van Bhawan, P.O. and P.S.-Dorando, District: Ranchi, Jharkhand- 834002; Email id: jhar@envis.nic.in.
4. The Chairman, Jharkhand State Pollution Control Board, officiating from HEC Campus, P.O. and P.S. Dhurwa, District: Ranchi, Jharkhand-834004. Phone nos.: 2400894/851/852/902/979/138. Fax: 0651-2400850, E-mail id: ranchijspcb@gmail.com and info@jspcb.org.
5. The Regional Officer, Jharkhand State Pollution Control Board, Ashram Road, Tower Chowk, Dudhani Dumka, 814101. Phone: 06434-230203, Mobile (Ravinder Prasad): 8877295147. E-mail id: jspcbdumka@gmail.com.
6. The Deputy Commissioner, Jamtara, P.O. and P.S. and District: Jamtara, Jharkhand- 815351. Phone (Res.): 06433222435; Office: 06433 222011; Mobile no.: 9431130960; Fax no: 06433-222011; E-mail id: dc-jam@nic.in.
7. The Superintendent of Police, Jamtara, Dist: Jamtara, Jharkhand. Phone: 06433-222021; Fax: 06433-223096, 222020; Mobile no. 9431130811; Email id: sp-jamtara@jhpolicе.gov.in.
8. The Secretary, Department of Forest, Environment and Climate Change, officiating at A-306, Agni Block, 3rd Floor, Indira Parayavaran Bhawan, Aliganj, P.O. and P.S.: Jorbagh Road, New Delhi-110003. Phone no. (Office): 91 11 24695262; 24695265; Fax: +91 11 24695270; E-mail id: secy-moef@nic.in.

9. Union of India, through the Secretary, Urban Development and

Arati Sinha
Secretary

Legal Rights & Social
Development Foundation



SYNOPSIS

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA BENCH

Arti Sinha, Secretary of Legal Rights and Social Development Foundation,

an N.G.O. **Applicant**

Versus

The Executive Officer, Mihijam Nagar Parishad, P.O. and P.S.-
Mihijam,

District: Jamtara, Jharkhand-815534 & Ors. **Respondents**

Mihijam Nagar Parishad (MNP) along with other Jharkhand State and Central Government Departments and Agencies had originally and initially got prepared from an independent professional agency a detailed Feasibility Scheme and Plan of collection, accumulation, storage and dumping of solid waste at a site at Chandradeepa village at Jharkhand.

Due to strong objections from the local residents at Chandradeepa village in faulty planning and certain other reasons, the said Scheme and Plan of dumping solid waste at Chandradeepa village, did not materialise. Thus having failed to utilise the agreed, planned and accepted dumping site at Chandradeepa village, Mihijam Nagar Parishad illegally and unauthorisedly started collecting, accumulating, storing and dumping hazardous solid wastes near a residential area at Mihijam only for it's convenience and to save costs



Arti Sinha
Secretary
Legal Rights & Social
Development Foundation

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LIST OF DATES

10.09.2020	Resolution of Applicant/ Appellant	Resolution
Recent	Map of present illegal site	Map of present illegal site
15.02.2018	Pre Feasibility Report of Chandradeepa site	Pre Feasibility Report of Chandradeepa site
25.03.2020	Applicant - Arti Sinha	Hon'ble Prime Minister of India
03.07.2020	Applicant	Dy. Commissioner, Jamtara
24.07.2020	Applicant	Dy. Commissioner, Jamtara
03.07.2020	Bipin Das & others	Mihijam Nagar Parishad
07.07.2020	Bidhan Chandra Das	Power Grid Corpn. of India Ltd.
08.07.2020	Applicant	Jharkhand State Pollution Control Board
07.07.2020	Applicant	Central Pollution Control Board, Delhi
22.07.2020	Jharkhand State Pollution Control Board	Mihijam Nagar Parishad
06.07.2020	Local people signature campaign	Local people signature campaign
17.07.2020	Birendra Kumar	Dy. GM, CLW, Chittaranjan
24.06.2020	Photographs	Photographs
19.12.2019	Local people's protest & news Reports	Local people's protest & news Reports
29.07.2020	Damodar Valley Corporation	Dy. Commissioner-cum D.M., Jamtara
14.08.2020	Power Grid Corpn. of India Ltd.	Dy. Commissioner-cum D.M., Jamtara
17.07.2020	Applicant	DVC, HQ
19.12.2019	Jharkhand State Pollution Control Board	Sri Rama Das, Complainant
Latest	Solid Waste Management Rules	Solid Waste Management Rules
19.06.2020	High Court Order, Jharkhand	High Court Order, Jharkhand

C.B. Sengupta
Advocate



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FACTS IN BRIEF:

1. The Applicant is Secretary of a Non-Government Organisation (NGO) namely Legal Rights and Social Development Foundation, Registration no. 46/10/2018 dated 15th March, 2018 having its office address at Rajbari, P.O. and P.S. Mihijam, 815354, Dist: Jamtara, in the State of Jharkhand. The Applicant has been authorised by the N.G.O. to file this Application before the Hon'ble Tribunal. A copy of the Resolution dated 10th September, 2020 passed by the N.G.O. is enclosed with this Application/ Appeal marked as "ANNEXURE - A 1."

2. **Solid Waste Management activities are being managed and carried out illegally in utter violation and disregard of the Solid Waste Management Rules, 2016 and Environment (Protection) Act, 1986** at the specific land situated at Mauza No 15, Khata No-223, Plot No-1865 at a total area of 4 acres and 85 decimals at Rajbari, Mihijam which is a densely populated residential area. This illegal and unauthorised site of Solid Waste Management is a constant danger to the lives of thousands of local people who reside at nearby close areas. This unauthorised and illegal site of Solid Waste Management has been earmarked and prepared by the Respondents for the purpose and activities of collecting, dumping and storing hazardous wastes including infectious bio wastes from nearby villages in carrying out Solid Waste Management activities against the consent and wishes of thousands of local residential people. The

C.P. Sengupta
Advocate



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entire area of the Mihijam Nagar Parishad (MNP) is spread over an area of 11; 02 sq. km. is divided into 20 wards. Mihijam is one of the largest growing cities in the State of Jharkhand with a present population of 40,463 as per the last available census report of year 2011 with a Decadal growth rate of 21.74 % and the urban migration has led to a troublesome increase in the solid waste generation being stored at the city. The huge storage, compilation and collection of solid waste at the alleged site has become horrible and unbearable for the residents including older sick senior citizens, infants and small school going children at a stone's throw area. The entire area has been polluted so much that it has become impossible to lead a healthy life in nearby areas. The site map of the present illegal existing Solid Waste Management area is annexed hereto marked as Annexure "A 2".

3. Solid Waste Management activities are illegally and unauthorisedly being carried out at the present site **without any proper planning, discussions and decisions.** No planning was ever made, no survey was ever conducted and **no Feasibility Report** was ever prepared by any organisation/ agency or Mihijam Nagar Parishad (MNP), and the entire process of dumping solid waste is being carried out illegally and without any proper planning causing risks to the lives of thousands of people living near the present existing site of solid waste management. At present the daily solid waste generation, collection, compilation and storage is in huge quantity 12-13 MT per day appx. Proper solid waste disposal in compliance with the Solid Waste Management Rules, 2016 or

C.P. Sengupta
Advocate



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Municipal Solid Wastes (Management and Handling) Rules, 2000 is not being carried out by the Mihijam Nagar Parishad (MNP) whereas the entire waste is only being dumped for the last two years together in a dump yard situated at Mauza No 15, Khata No-223, Plot No-1865 at a total area of 4 acres and 85 decimals which is situated at a stone's throw away from the large habitation of Rajbari, Mihijam. In fact, on the instructions of the State and Central Government departments, Solid Waste Management exercise was done by an independent agency and the relevant portions of the **Pre-Feasibility Report** prepared by that independent agency in February, 2018 for Mihijam Nagar Parishad (MNP) for **Environment Clearance of Solid Municipal Waste Management at Chandradeepa village, Thana no. 10, Khasra no. 1422/3788, Jamabandi no. 102, Mihijam, Jharkhand** is enclosed hereto and marked as "Annexure- A 3".

4. That the said existing land where Solid Waste Management is being carried out illegally and unauthorisedly against the statutory rules and norms is situated nearby the residential area which is hardly 50 meters away from the residential houses. Besides, following amongst other renowned and reputed public service institutions are working near the dump-yard area :

- (a) Missionaries of Charity where more than 50 TB patients are under isolation and getting treatment,
- (b) Homeopathic Hospital of Mihijam,
- (c) Basudeb Mission a NGO.

C.B. Singh
Advocate



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- (d) LRSDF a NGO.
- (e) Maria Montessori School for Children,
- (f) Bedlao Foundation and
- (g) Temples for worship

In order to save huge population residing at nearby areas, the dumping at the illegal and unauthorisedly prepared dump-yard must stopped immediately and the entire dump-yard be removed at the earliest from the existing site to some other area strictly as per the rules and norms of Solid Waste Management Rules, 2016. Unless the existing dump yard is stopped from being dumped every day and shifted at some other place as per the statutory Rules and Norms, there continues to remain and exist almost certain risk of spreading highly infectious diseases such as Cancer, Cholera, Malaria, Gastroenteritis, Jaundice, Plague, etc.

5. In February, 2018 a Pre-Feasibility Report was prepared by an independent organisation for Mihijam Nagar Parishad for Environment Clearance of the proposed Common Municipal Solid Waste Management Facility at Chandradeepa village, Thana no. 10, Khasra no. 1422/3788, Jamabandi no. 102, Mihijam, Jharkhand. But due to objection of the local residents of that place, the planning authority of Mihijam Nagar Parishad (MNP) illegally and unauthorisedly shifted the planned and decided dump yard from the earmarked place to the present site at Mauza No 15, Khata No223,

C.P. Sengupta
Advocate



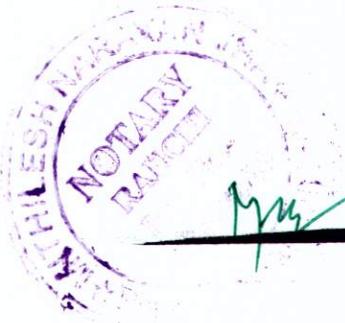
Plot No-1865 at a total area of 4 acres and 86 decimals at Rajbari, Mihijam.

6. It has been more than 2 years since the entire waste generated in the municipal limits of the Mihijam Nagar Parishad (MNP) is collected by the MNP and dumped at the present site illegally and unauthorisedly in the village Rajbari, Mihijam.

7. That the NGOs as well as local residents of Rajbari, Mihijam conducted a signature campaign and submitted a representation before the Executive Officer, Mihijam Nagar Parishad, Mihijam, SDO Jamtara, S.P. Jamtara and before the Deputy Commissioner, Jamtara dated 03/07/2020 and also filed representation before the Regional Officer Jharkhand State Pollution Control Board dated 08/07/2020 and to the Secretary, Jharkhand State and to the Chairman, Jharkhand State Pollution Control Board dated 07/07/2020 to remove and shift the present Solid Waste Management area to another far away area for dumping away the huge quantity of garbage which has been seriously damaging public health. Following correspondences have been made by the applicant and other prominent citizens of the locality with the relevant authorities to redress the serious grievances which have not been redressed so far:

1. Complain letter dated 25th March, 2020 by Applicant/ Appellant to the Hon'ble Prime Minister of India enclosed as "Annexure- A 4".
2. Complain letter by Applicant/ Appellant to the Dy. Commissioner,

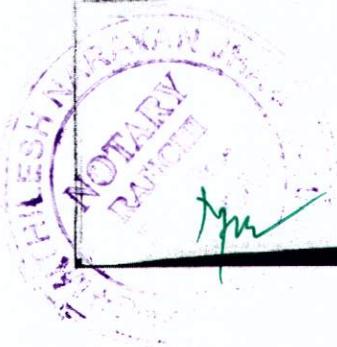
C.P. Sengupta
Advocate



(278)

- Jamtara dated 03.07.2020 enclosed marked as "Annexure- A 5".
3. Complain letter by Applicant/ Appellant to the Dy. Commissioner, Jamtara dated 24.07.2020 enclosed marked as "Annexure- A 6"
 4. Complain letter by Sri Bipin Das and 36 others to Mihijam Nagar Parishad dated 03.07.2020 enclosed marked as "Annexure - A 7".
 5. Complain letter by Shri Bidhan Chandra Das to Power Grid, Maithon, dated 07.07.2020 enclosed Marked As "Annexure - A 8".
 6. Complaint letter issued by the Applicant/ Appellant dated 08.07.2020 to Regional Officer, Jharkhand State Pollution Control Board, Dumka is enclosed marked as "Annexure- A 9".
 7. Complain letter of Applicant/ Appellant to CPCB, New Delhi Dated 07.072020 enclosed marked as "Annexure - A 10".
 8. Letter dated 22.07.2020 from Jharkhand State Pollution Control Board to Mihijam Nagar Parishad enclosed and marked as "Annexure - A 11".
 9. Mass signatures of 49 local residents raising their strong objection against the present illegal dumping site of Solid Waste are enclosed hereto marked as "Annexure - A 12".
 - 10 Representation by Shri Birendra Kumar to G.M. CLW, Chittaranjan dated

C.P. Sengupta
Advocate



17/07/2020 enclosed marked as "Annexure - A 13".

11. 2 Photographs of the recent present dumping Site Photos enclosed marked as "Annexure - A 14".

12. 4 Newspaper reports on the local peoples objection against the illegal dumping site I enclosed an marked as "Annexure - A 15".

8. That the site earmarked for the SWM dumping yard at Rajbari, Mihijam is against all guidelines/norms of the various Acts/Rules of the Central as well as State Govt in which it is stated that Solid Waste Management (SWM) should not be constructed within 100 meters of any river/Nalia and also should be 500 meters away from nearby notified habitation which is violated in the present case as the nearest banks of the Maithon Dam Reservoir/DVC is hardly 100 meters away from the proposed site of dumping waste for which the DVC has given a written correspondence to the DC Jamtara raising objection to the dumping of garbage nearby the banks of the Maithon Dam causing contamination of the reservoir water. Copy of the letter no. M-PL/HR/-Gen1/278 dated 29th July, 2020 issued by DVC to Dy. Commissioner cum District Magistrate, Jamtara is enclosed herewith marked as "Annexure- A 16".

9. That following filing representation to the Power Grid Corporation of India by the NGO in respect of dumping of Garbage underneath the high tension cable,

C.P. Sengupta
Advocate



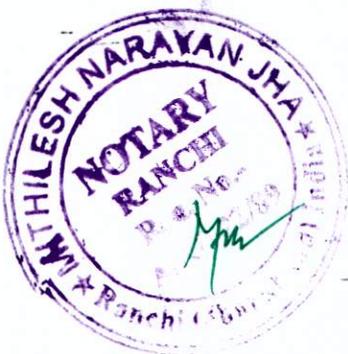
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the representatives of the agencies carried out inspection of the site and raised objection to the dumping of garbage underneath the high tension cable following a correspondence to the DC Jamtara vide Memo no-Eastern Region/Maithon TLO/ROW dated 14/08/20 requesting to instruct concerned officer to stop the dumping of solid waste/garbage in the vicinity or below of the transmission line and further removal of garbage from the site citing rules. Copy of the Memo no: Eastern Region-1/Maithon TLO/ ROW dated 14.08.2020 issued by Power grid Corporation of India Limited to the Deputy Commissioner cum District Magistrate, Jamtara is enclosed hereto and marked as "Annexure - A 17."

10. That another complaint was filed by the Secretary, Legal Rights and Social Development Foundation with the Chairman, Damodar Valley Corporation, Headquarters, Kolkata with copies to Senior Chief Engineer, DVC, Maithon vide it's letter dated the 17th July, 2020 regarding contamination of drinking water in the banks of Maithon Dam used due to open dumping of municipal waste in the area. Copy of the said letter dated 17th July, 2020 is enclosed herewith marked as Annexure - A 18."

11. That the applicant as well as local citizens has requested for information related to the proposed SWM at Mihijam Nagar Parishad dated 27/07/2020 under the provisions of RTI but till today the information were not provided by the local authorities after many requests/appeal.

L.P. Singh
Advocate



12. The Solid Waste Management Rules, 2016 mandate that the disposal of solid waste has to involve various stages of collection, segregation, processing and treatment to ensure limited impact on the environment. It is mandatory for the planning authority to get a site identified and approved from the Ministry of Environment and Ministry of Urban Development Department after clearance from the Jharkhand State Pollution Control Board to use a site as Solid Waste Land-fill (SWL) or as Solid Waste Treatment Plant but Mihijam Nagar Parishad has totally failed to obtain the most necessary authorization from the Board.

13. That the said land where Solid Waste Management is being presently carried out illegally and in utter violation of the prescribed Rules and Norms, was meant to be used for grazing of milking animals and livestock of the villagers of Rajbari. However, the same is presently being used as a dump-yard for Solid Waste generated within the Mihijam Nagar Parishad (MNP) limits, that too without obtaining necessary no-objection from the Jharkhand State Pollution Control Board. The clear Memo no 1749 dated 19/12/2019 issued by Jharkhand State Pollution Control Board to Sri Rama Das is attached hereto marked as Annexure "A- 19".



C. Sugan
Advocate

14. Another very important letter no 1223 dtd 22/07/2020 of Regional Office Jharkhand State Pollution Control Board, Dumka to Executive Officer Mihijam Nagar Parishad (MNP) following complain to the office by the NGO, clearly state that it was found during investigation that mandatory rules were not followed and observed at solid waste dumping at Rajbari, Mihijam. JSPCB further directed MNP to implement the Solid Waste Management only after obtaining the proper authorization from the JSPCB a copy of the said letter no 1223 dtd 22/07/2020 has been enclosed herewith and marked **Annexure "A-11"**

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GROUNDS:

(1) That the Respondents nos. 1 to 9 including Mihijam Nagar Parishad (MNP), the State Government of Jharkhand, Union of India and other Central and State Government agencies and departments have set up, constructed and are collecting, storing, dumping and carrying out other illegal activities in utter violation, disregard and flouting the Rules and norms enumerated in Solid Waste Management Rules, 2016 and Environment (Protection) Act, 1986 at the existing present site at Mauza No 15, Khata No-223, Plot No-1865 at a total area of 4 acres and 85 decimals at Rajbari, Mihijam within Mihijam municipal limits at Rajbari, without obtaining necessary approvals.

Arti Shukla
Secretary

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S. Sanyal
Advocate

(2) The dumping of the solid waste for two years together without any processing or treatment is a criminal act not even a stone thrown away from thick habitation of concrete villages has already posed fatal health hazards to the villagers.

(3) For more than 32 years the solid waste including industrial and hospital/medical waste is being dumped in the land adjoining the villages of the Applicant/ Appellants and piled up in garbage mountains up to as high as 10-15 ft height and this has caused severe contamination of water leading to serious water borne diseases including insects, flies and has become a breeding ground of life threatening mosquitos which is bound to have an ill-effect on their future generations as well.

(4) Such illegal action by the Mihajam Nagar Parishad (MNP) is the most brutal violation of human rights of the class of people who do not have a strong voice and a grave pity to our democratic governance system.

(5) The Applicant/ Appellant and other residents of Rajbart area have made several representations, conducted meetings with political leaders, government officials and MNP personnel, and undertaken protests, however, the same have yielded no results.

(6) That the huge pile of garbage will surely effect future generations by accumulating hundreds of tonnes of solid waste in mixed condition emitting fugitive gas fumes and contaminating the ground-water and causing fatal health hazards to the residents and villagers. The polluted air of the Solid Waste Management area has already polluted the air quality to a very dangerous level which is unfit for human living.

Arif Sahu
Secretary

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(7) That mass scale protests were conducted by the residents many times since last two years but the local authorities are not willing to listen and kept assuring falsely that the present site of the Solid Management Waste is going to be shifted to its original site soon.

(8) That there is immense pressure on the Mihijam Nagar Parishad (MNP) to remove the waste from the city limits to its original location at Chandradeepa, thus the Mihijam Nagar Parishad (MNP) is creating untellable pressure indirectly on the Applicant/ Appellant to withdraw his protest and to allow continuation of dumping of solid wastes at existing place at Rajbari and using different tactics to create fear among the residents even threatening to file criminal cases against the protestors.

(9) The intentional pollution of clean environment of villages for selfish and myopic purpose of conveniently dumping solid waste generated by the domestic, industrial, commercial, hospital and construction activities within MNP limits without taking adequate steps to dispose the waste in accordance with the Rules and directions of Hon'ble Supreme Court and in several cases touching the subject-matter, is nothing but the most brutal violation of human rights and a shame for Indian democracy and governance. This is a threat and direct danger to the lives of thousands of local innocent residents.

(10) The Applicant/ Appellant and other local residents of the area are agitating against the flagrant and deliberate threat to their 'Right to life' by being pushed into constant exposure to severely contaminated air, water and soil which has been guaranteed by the under Article 21 of the Constitution of India.



Arati Sinha
Secretary
Legal Rights & Social
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(11) Similarly, the Mihijam Nagar Parishad (MNP), the State government of Jharkhand and the Union of India have shirked away their constitutional and statutory obligations by continuing illegal and unauthorised dumping of solid waste without necessary treatment in violation of Article 47, 48-A, 51-A (g) of the Constitution of India.

(12) The duties and responsibilities of the Secretary, Urban Development Department under Section 11 (f) of Solid Waste Management Rules, 2016 has been enumerated as under:

(a) To ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department;" Whereas it is the duty on the District Collector or Divisional Commissioner to facilitate in the same as per Rule 12.

Similarly, it is required under Rule 11 [1] as under:

"(1) notify buffer zone for the solid waste processing and disposal facilities of more than five tons per day in consultation with the State Pollution Control Board;" The same is not possible to be done at the present dump site as there is a School named Maria Montessori Public School as well as residential tenements right next to the dump site. Thus, processing the waste in the present site is not permissible under the Rules. The solid waste cannot either be collected, accumulated, dumped or processed at the present existing dump site as per the

Rules. A copy of the relevant Section 15 (a) to (zk) of the said Solid Waste Management Rules, 2016 is enclosed hereto marked as "Annexure A- 20".



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(13) It is in light of these legal considerations that the processing plant should not be and cannot be constructed at the dump site and the entire waste will have to be transported to another location away from residential/habitat area in a waste land where it can be safely processed.

(14) Further, land fill is even more so illegal in the present dump site and it will be necessary to remove the same from the present dump site, as it was without authorisation from the Jharkhand State Pollution Control Board (JSPCB), and post-facto approval can not now be sought to be given as it does not meet the entire criteria of the site selection which requires a minimum of 500 meters distance from the residential area.

(15) The residents of the surrounding villages of the present dump site, have been exposed to severe air pollutants and continuous intake of contaminated drinking water rising mortality risks from life threatening diseases such as cancer of liver/pancreas/kidney/lungs and other respiratory diseases. There are several studies conducted and published in International Journal of Epidemiology and other reputed journals showing findings of diseases and risks attached to staying in vicinity of such land filled sites. The residents of village Rajbari and others have faced much worse by being exposed to open dump which is several times more dangerous and can also contaminate land and water and may emit foul odour. Recurrence of diseases like gastroenteritis, cholera, jaundice, plague, etc is a consequence of unsanitary conditions due to unhygienic disposal of wastes. Improper disposal of trash material may cause and spread diseases by harbouring pathogenic microbes and diseases vectors such as flies, mosquitos, rodents and

Arli Singh
Secretary

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animals and even by attracting destitute and rag pickers. Similarly, there are studies about the microbiological content of the ground water at the dump site and its ill-effects.

(16) It is necessary for the State Government of Jharkhand and Mihijam Nagar Parishad (MNP) to ensure that the harmful effect of the illegal dumping for years together and land fill without authorisation and in flagrant violation of norms, shall have to be reversed so as to ensure availability of clean water and air to be afforded by the villagers.

(17) That various studies have demonstrated the ill-effect of dumping solid waste for years together and its impact upon the environment, drinking water, birds and animals. Attention is invited to the report of the study undertaken by one Mohammed Asef Iqbal, Ph.D. student of Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, wherein it is stated that, with the passage of time the Solid Waste Management dumping site is increasing the pollutant load in the soils, which in course of time percolates down the ground to reach the underground waters and pollute them.

(18) That it may be appropriate to rely upon the observations of the Hon'ble Supreme Court (Court on its own Motion) in the case of Amaranth Shrine vs. Union of India and others. While considering and explaining the ambit and scope of Article 21 of the Constitution of India, the Hon'ble Supreme Court held thus

"The Right to life under Article 21 is a right to live with dignity, safety and in a clean environment. The ambit of 13 (2013) 3 SCC 247 pil33.18 Article 21 of the Constitution has been expanded by judicial pronouncements consistently. The judgments have accepted such right

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and placed a clear obligation on the part of the State to ensure meaningful fulfillment of such right. Socio-economic justice for people is the very spirit of the Preamble of our Constitution. "Interest of the general public" in Article 19 [5] is a comprehensive expression comprising several issues which affect public welfare, public convenience, public order, health, morality, safety, etc., all intended to achieve the socio-economic justice for people. The expression "life" enshrined in Article 21 of the Constitution does not connote mere animal existence or continued drudgery through life. It has a much wider meaning which includes right to livelihood, better standard of living, hygienic conditions in the workplace and leisure. The right to life with human dignity encompasses within its fold, some of the finer facets of human civilisation which make life worth living. The expanded connotation of life would mean the traditional and cultural heritage of the persons concerned."



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(19) As already observed the Mihijam Nagar Parishad, Mihijam in breach of right guaranteed under Article 21 of the Constitution of India, to live with dignity, safety and in a clean environment, had continued to dump the solid waste/ garbage in Rajbari, Mihijam, without taking appropriate measures/ steps for segregation, processing of the solid waste. The solid waste/ garbage is dumped even underneath up to considerable depth and no steps have been taken to process the same so as to avoid the serious consequences such as air pollution, and also to avoid contamination of water due to dumping of such huge quantity of the solid waste/ garbage and other pollutants and health hazards.

(20) That the Applicant/ Appellant has got no private interest in the matter and this Application/Appeal is being filed purely as a citizen of India in his own interest and also in the interest of general public at large living in the nearby area of Rajbari, Mihijam, Jamtara, Jharkhand.

(21) That a Writ Petition WP (PIL) registration no. 1883/2019 was filed by a resident Shri Rama Das vs. Union of India at the Hon'ble Jharkhand High Court which was withdrawn by the Petitioner so as to seek proper reliefs from the National Green Tribunal instead of the Hon'ble High Court at Jharkhand. A copy of the Order dated 19th June, 2019 of the Hon'ble High Court, Jharkhand is enclosed hereto marked as "Annexure- A 21."

(22) The Applicant/ Appellant is representing herself as the Secretary of a Non-Government Organisation as well as the cause of thousands of villagers of Gram Panchayats against the irregularities and illegalities committed by Mihijam Nagar Parishad (for short "MNP") in dumping solid waste without processing and treating, at the land bearing Mauza

Arati Singh
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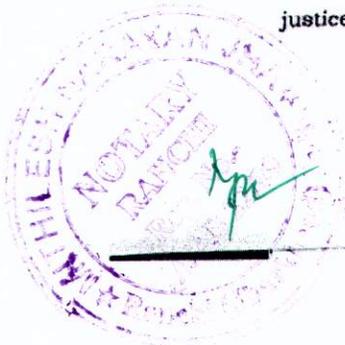
No 15, Khata No-223, Plot No1865 at a total area of 4 acres and 85 decimals at Rajbari, Mihijam. The Applicant/ Appellant is working as a Secretary of a reputed N.G.O. and is acting for the social cause of thousands of local residents and of those of nearby villages adjoining the land bearing Mauza No 15, Khata No-223, Plot No-1865 at a total area of 4 acres and 85 decimals at Rajbari, Mihijam which is used as dumping ground for solid waste generated in MNP limits and earlier also the Applicant/Appellant has raised various public issues involving corruption and got justice.

(23) The Applicant/ Appellant and thousands of the residents of the area have got no other alternative remedy than to move before this Hon'ble National Green Tribunal, Kolkata Bench, and Kolkata by way of this Application / Appeal.

(24) That the Applicant/ appellant relies on the documents being annexed hereto and the Acts and Rules framed by the Central and state Governments. The applicant most humbly states that it may be permitted to add or submit any further document/s which may be available or procured in future to meet the ends of justice.

(25) That some of the Annexures attached hereto have contents in Hindi language. The same may be translated into English language in future in case the Hon'ble Tribunal finds it necessary and directs the Applicant/ Appellant to do so.

(26) That this application is being made bonafide and in the interest of justice.



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LIMITATION:

The present Application/Appeal being filed is within the period of Limitation. The cause of action arose on the day when Mihijam Nagar Parishad (MNP) started to dump solid waste at the present existing site illegally and unauthorisedly in utter violation of the statutory rules and norms. The cause of action also arose on 19th December, 2019 when the first demand was made to stop construction, accumulation, storage and dumping the Solid Waste and its Management project at the present site and shift it at some other place. Since then several demands and protests have been made and the cause of action is continuing since then.

PRAYER:

The Applicant/ Appellant most humbly prays for the following permanent reliefs including Interim Reliefs:

(A) INTERIM RELIEFS:

(i) For necessary Orders and Directions to the Respondents from nos. 1 to 9 to stop all sorts of operations, jobs and activities and prohibiting some or all of them forthwith from carrying out any further activity at the present existing Solid Waste Management site at Rajbari, Mihijam, Dist-Jamtara, Jharkhand till further Orders.

(ii) For a direction that during the pendency of this instant petition the dumping of the garbage and the work of the Solid Waste Management undertaken by the respondents be stayed till the final disposal of this Application/ Appeal.

Anli Singh
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(iii) Any other Relief or Reliefs which the Applicant/ Appellant is entitled under law, equity and justice which the Hon'ble Tribunal deems fit and proper.

(B) RELIEFS:

1. For necessary Orders and Directions to the Respondents from nos. 1 to 9 to permanently stop all sorts of operations, jobs and activities and prohibiting some or all of them forthwith from carrying out any further activity at the present existing Solid Waste Management site at Rajbari, Mihijam, Dist: Jamtara, Jharkhand.
2. For a direction upon the respondents to permanently prohibit collecting, dumping and storing any garbage nearby the residential area to ensure that the livelihood of the local residents is not hampered by such actions on the part of the respondents.
3. For a direction upon the respondents to carry out the Solid Waste Management's Program at an alternative place which is not a residential area strictly as per Rules and Norms so as to ensure that the livelihood of the local residents is not hampered.
4. For a direction that the dumping of the garbage and the work of the Solid Waste Management undertaken by the respondents be permanently stayed.
5. To direct the Mihijam Nagar Parishad (MNP) P.O. and P.S. Mihijam, Dist: Jamtara, Jharkhand-815354 to remove all the waste on the surface and filled below the land surface at Rajbari, land situated at Mauza No 15, Khata No-223, Plot No-1865 at a total area of 4 acres and 85 decimals at Rajbari, Mihijam., and make there clean open land by

issuing Orders and Directions



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6. To direct the respondents to ensure that no new solid, dry or wet waste is permitted to be dumped for disposal on the land situated at Mauza No 15, Khata No-223, Plot No-1865 at a total area of 4 acres and 85 decimals at Rajbari, Mihijam, by issuing necessary Order/s or direction/s as the case may be.

7. The Applicant/ Appellant prays the Hon'ble Tribunal to enable him to make corrections, amendments and other changes in this Application/ Appeal at a later stage if required.

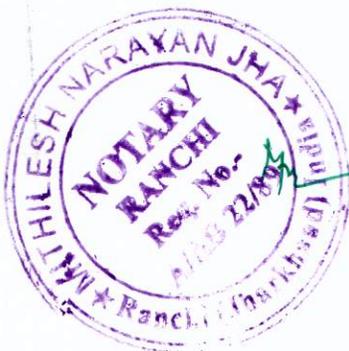
8. The Applicant/ Appellant prays for such other Relief/ Reliefs to which it is entitled under law, equity and justice.

And for this your Applicant/ Appellant shall be ever grateful.

Arati Sinha
Secretary
Legal Rights & Social
Development Foundation

Signature of Applicant/ Appellant
Arati Sinha
Secretary
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Development Foundation

Signature of Authorised Representative of Applicant/ Appellant



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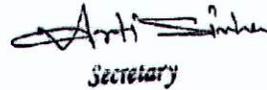
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VERIFICATION

I, ARTI SINHA (Name of Applicant/ Appellant) Daughter of Late Ramesh Chandra aged about 36 years resident of Near Missionaries of Charity, Rajbari, Mihijam, P.O. and P.S.- Mihijam, Dist- Jamtara, Jharkhand- 815354, being the Secretary of Legal Rights and Social Development Foundation, an N.G.O. Registration no. 46/10/2018 dated 15th March, 2018 having it's office address at Rajbari, Mihijam, Dist: Jamtara, in the State of Jharkhand - 815354 (Mobile no.: 8092661244) do hereby verify that the contents of paras 1 to 26 are true to my personal knowledge and paras (i) to (iii) of Interim Relief and Para 1 to 8 of Reliefs are believed to be true on legal advice and that I have not suppressed any material fact.

Date: 23rd September, 2020

Place: Mihijam, Jharkhand



Secretary

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Signature of the Applicant/ Appellant



जिला दण्डाधिकारी -सह- उपायुक्त का कार्यालय, जामताड़ा

जिला राजस्व शाखा

आदेश

ज्ञापांक-1012/रा0, दिनांक-27/11/2020

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सेवा में,

महालेखाकार (लेखा एवं हकदारी),
झारखण्ड, राँची।

विषय :-

जामताड़ा अंचल के अंतर्गत मौजा- मिहिजाम, थाना सं0-15, खाता सं0-223, दाग सं0-1865, रकवा-4.85 एकड़, किस्म- पुरातन पतित भूमि मिहिजाम नगर परिषद के लिए ठोस अपशिष्ट प्रबंधन संयंत्र के अधिष्ठापन हेतु नगर विकास एवं आवास विभाग, झारखण्ड, राँची को अन्तर्विभागीय निःशुल्क हस्तानांतरण की स्वीकृति के संबंध में।

आदेश :-

जामताड़ा अंचल के अंतर्गत मौजा- मिहिजाम, थाना सं0-15, खाता सं0-223, दाग सं0-1865, रकवा-4.85 एकड़, किस्म- पुरातन पतित भूमि मिहिजाम नगर परिषद के लिए ठोस अपशिष्ट प्रबंधन संयंत्र के अधिष्ठापन हेतु नगर विकास एवं आवास विभाग, झारखण्ड सरकार, राँची को अन्तर्विभागीय निःशुल्क हस्तानांतरण की स्वीकृति निम्न शर्तों के अनुसार दी जाती है :-

1. जिस प्रयोजन हेतु भूमि हस्तांतरित की जा रही है, उस प्रयोजन में इसका उपयोग नहीं किये जाने पर यह जमीन स्वतः राजस्व, निबंधन एवं भूमि सुधार विभाग को वापस हो जायेगी।
2. इस भूमि को किसी संस्था, कम्पनी, सोसाईटी, सरकारी संस्था, ट्रस्ट, अन्य विभाग या अन्य व्यक्ति को किसी प्रकार के उपयोग के लिये हस्तानांतरण (स्थायी अथवा अस्थायी) नहीं किया जायेगा।
3. जिस प्रयोजन के लिये भू-हस्तानांतरण किया जा रहा है, इस भूमि का उपयोग केवल उसी प्रयोजन के लिये किया जायेगा।
4. उक्त भूमि का 6 (छः) माह के अंतर्गत उपयोग नहीं किये जाने पर आवंटन आदेश स्वतः निरस्त माना जायेगा एवं उक्त भूमि वापस ले ली जायेगी।
5. अन्य सभी शर्तें इस्टेट मैन्युअल में निहित प्रावधानों एवं समय-समय पर सरकार द्वारा निर्गत निदेशों के अनुरूप लागू होंगी।

उपायुक्त
जामताड़ा।

ज्ञापांक-1012/रा0, दिनांक-27/11/2020

प्रतिलिपि:- कार्यपालक पदाधिकारी, नगर परिषद, मिहिजाम को सूचनार्थ एवं आवश्यक कार्याथ प्रेषित।

प्रतिलिपि:- अंचल अधिकारी, जामताड़ा को सूचनार्थ प्रेषित। निदेश दिया जाता है कि हस्तांतरित भूमि का सीमांकन कर तथा इसकी प्रविष्टि पंजी-11 में करते हुए अधियाचित विभाग नगर विकास एवं आवास विभाग झारखण्ड, राँची को दखल दिहानी दिलाना सुनिश्चित करें।

प्रतिलिपि:- अनुमंडल पदाधिकारी, जामताड़ा एवं भूमि सुधार उपसमाहर्ता, जामताड़ा को सूचनार्थ प्रेषित।

प्रतिलिपि:- निदेशक, राज्य शहरी विकास अभिकरण, नगर विकास एवं आवास निदेशालय झारखण्ड, राँची को सूचनार्थ प्रेषित।

प्रतिलिपि:- आयुक्त, संचाल परगना प्रमण्डल, दुमका को उनके पत्रांक-372/रा0, दिनांक-07.12.2013 के क्रम में सादर सूचनार्थ प्रेषित।

प्रतिलिपि:- सरकार के संयुक्त सचिव, नगर विकास एवं आवास विभाग, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि:- सरकार के सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड, राँची को विभागीय संकल्प ज्ञापांक-5504/रा0, दिनांक-07.10.2016 के क्रम में सूचनार्थ प्रेषित।

प्रतिलिपि:- सरकार के सचिव, नगर विकास एवं आवास विभाग झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

उपायुक्त
जामताड़ा।

जिला दण्डाधिकारी -सह- उपायुक्त का कार्यालय, जामताड़ा

जिला राजस्व शाखा

आदेश

ज्ञापांक 1012/रा0, दिनांक 27/11/2020

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सेवा में,

महालेखाकार (लेखा एवं हकदारी),
झारखण्ड, राँची।

विषय :- जामताड़ा अंचल के अंतर्गत मौजा- मिहिजाम, थाना सं0-15, खाता सं0-223, दाग सं0-1865, रकवा-4.85 एकड़, किस्म- पुरातन पतित भूमि मिहिजाम नगर परिषद के लिए ठोस अपशिष्ट प्रबंधन संयंत्र के अधिष्ठापन हेतु नगर विकास एवं आवास विभाग, झारखण्ड, राँची को अन्तर्विभागीय निःशुल्क हस्तानांतरण की स्वीकृति के संबंध में।

आदेश :- जामताड़ा अंचल के अंतर्गत मौजा- मिहिजाम, थाना सं0-15, खाता सं0-223, दाग सं0-1865, रकवा-4.85 एकड़, किस्म- पुरातन पतित भूमि मिहिजाम नगर परिषद के लिए ठोस अपशिष्ट प्रबंधन संयंत्र के अधिष्ठापन हेतु नगर विकास एवं आवास विभाग, झारखण्ड सरकार, राँची को अन्तर्विभागीय निःशुल्क हस्तानांतरण की स्वीकृति निम्न शर्तों के अनुसार दी जाती है :-

1. जिस प्रयोजन हेतु भूमि हस्तांतरित की जा रही है, उस प्रयोजन में इसका उपयोग नहीं किये जाने पर यह जमीन स्वतः राजस्व, निबंधन एवं भूमि सुधार विभाग को वापस हो जायेगी।
2. इस भूमि को किसी संस्था, कम्पनी, सोसाईटी, सरकारी संस्था, ट्रस्ट, अन्य विभाग या अन्य व्यक्ति को किसी प्रकार के उपयोग के लिये हस्तानांतरण (स्थायी अथवा अस्थायी) नहीं किया जायेगा।
3. जिस प्रयोजन के लिये भू-हस्तानांतरण किया जा रहा है, इस भूमि का उपयोग केवल उसी प्रयोजन के लिये किया जायेगा।
4. उक्त भूमि का 6 (छः) माह के अंतर्गत उपयोग नहीं किये जाने पर आवंटन आदेश स्वतः निरस्त माना जायेगा एवं उक्त भूमि वापस ले ली जायेगी।
5. अन्य सभी शर्तें इस्टेट मेन्युअल में निहित प्रावधानों एवं समय-समय पर सरकार द्वारा निर्गत निदेशों के अनुरूप लागू होगी।

ज्ञापांक 1012/रा0, दिनांक 27/11/2020

प्रतिलिपि:- कार्यपालक पदाधिकारी, नगर परिषद, मिहिजाम को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

प्रतिलिपि:- अंचल अधिकारी, जामताड़ा को सूचनार्थ प्रेषित। निदेश दिया जाता है कि हस्तांतरित भूमि का सीमांकन कर तथा इसकी प्रविष्टि पंजी-11 में करते हुए अधियाचित विभाग नगर विकास एवं आवास विभाग झारखण्ड, राँची को दखल दिहानी दिलाना सुनिश्चित करें।

प्रतिलिपि:- अनुमंडल पदाधिकारी, जामताड़ा एवं भूमि सुधार उपसमाहर्ता, जामताड़ा को सूचनार्थ प्रेषित।

प्रतिलिपि:- निदेशक, राज्य शहरी विकास अभिकरण, नगर विकास एवं आवास निदेशालय झारखण्ड, राँची को सूचनार्थ प्रेषित।

प्रतिलिपि:- आयुक्त, संचाल परगना प्रमण्डल, दुमका को उनके पत्रांक-372/रा0, दिनांक-07.12.2013 के क्रम में सादर सूचनार्थ प्रेषित।

प्रतिलिपि:- सरकार के संयुक्त सचिव, नगर विकास एवं आवास विभाग, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि:- सरकार के सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड, राँची को विभागीय संकल्प ज्ञापांक-5504/रा0, दिनांक-07.10.2016 के क्रम में सूचनार्थ प्रेषित।

प्रतिलिपि:- सरकार के सचिव, नगर विकास एवं आवास विभाग झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

उपायुक्त
जामताड़ा

Item No. 01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 81/2020/EZ

Arti Sinha

Applicant(s)

Versus

Mihijam Nagar Parishad & Ors.

Respondent(s)

Date of hearing: 21.05.2021

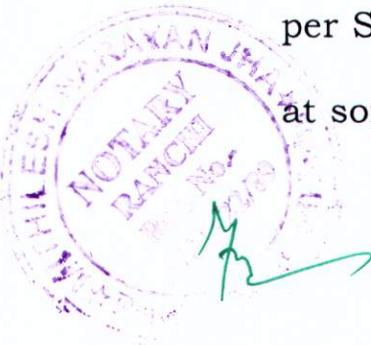
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Chhatrapal Saugandh, Advocate

For Respondent(s) : None

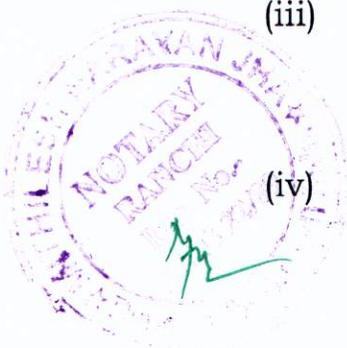
ORDER

1. Mr. Chhatrapal Saugandh, learned Counsel appearing for the Applicant.
2. In this matter, the grievance of the Applicant is that certain solid waste is being dumped which was earlier, as per Solid Waste Management Rule, 2016, to be deposited at some other place but is now being deposited in Mouza



No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, Jharkhand which is about 50 meters from the residential houses and near to water bodies, therefore, causing severe environmental pollution, including air and water pollution to the residents.

3. In our opinion matter requires consideration.
4. Issue notice to the Respondents 4, 5 and 6, returnable within two weeks.
5. We, therefore, direct the Respondent Nos. 4, 5 and 6 to file their counter-affidavit/reply before 17.06.2021.
6. We feel it proper at this stage to call for a report from the authorities. We, therefore, direct that a Committee be constituted comprising of the following:-
 - (i) A Senior Scientist of Central Pollution Control Board, Regional Office, Kolkata;
 - (ii) A Senior Scientist from the Integrated Regional Office of MoEF & CC, Ranchi;
 - (iii) Regional Officer, Jharkhand State Pollution Control Board; and
 - (iv) Deputy Commissioner , Jamtara, Jharkhand.



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7. The Committee shall conduct an on-site inspection of Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, State of Jharkhand and submit its report positively on or before 17.06.2021.
8. The Committee constituted above would look into the following aspects while submitting its report:-
 - (i) Violation of siting criteria as per Solid Waste Management Rules, 2016 ;
 - (ii) The amount of legacy waste dumped in the disputed area and the efforts taken by the Mihijam Nagar Parishad, District-Jamtara, Jharkhand for segregation and removal of the same as per the Solid Waste Management Rules, 2016 ;
 - (iii) The Committee shall also identify an alternate site for disposal of the solid waste/biomedical waste which is as per the criteria given in the Solid Waste Management Rules, 2016;
 - (iv) The Committee is also directed to assess the amount of leachate which may have infiltrated



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into the soil causing water pollution and accordingly water samples from the nearby lake/pond can be analysed for contamination;

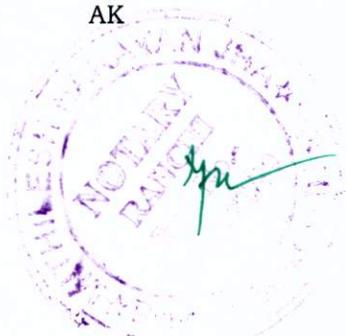
- (v) On account of the illegal dumping of solid waste/biomedical waste, the Committee is also directed to assess the Environmental Compensation caused on account of degradation of the environment in this case. The Environmental Compensation shall be calculated as per the guidelines issued by the Central Pollution Control Board.

9. List on 17.06.2021.

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

May 21, 2021
Original Application No. 81/2020/EZ
AK



ANNEXURE A/ 5

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BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O.A. No: 81 of 2021(EZ)

Arti Sinha

Applicant

Vs.

Mihijam Nagar Parishad & Ors.

Respondents

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1.	Counter Affidavit on Behalf of Respondent No. - 4	79-82
2.	Annexure - A: The Photocopy of the Report of the committee forwarded by the Regional Officer, JSPCB Regional Office Cum Laboratory, Dumka vide his letter No 1143 Dumka/dated 28.08.2021.	83-114

Filed By: -

Surendra Kumar

Advocate

Jharkhand State Pollution Control Board



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Authorised under Notaries Act 1952 & Notaries Rules 1956 by Govt. of Jharkhand, Ranchi (India)

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O.A. No:81 of 2021 (EZ)

Arti Sinha

Applicant

Vs.

Mihijam Nagar Parishad & Ors.

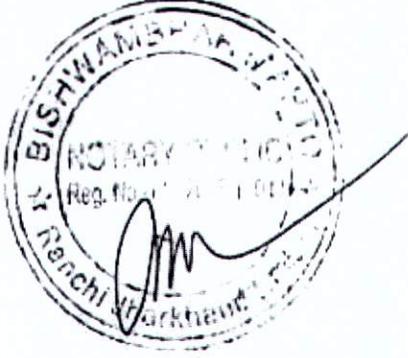
Respondents

1501 31 AUG 2021

Counter Affidavit on behalf of Respondent No. 4 Jharkhand State Pollution Control Board in compliance of order dated 21.05.2021.

I, Yatindra Kumar Das, son of Late K.K.Das presently posted as Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi, and am duly authorized and here by solemnly state and affirm as follows :-

Ref No.....Date.....



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1. That at present, I am working and posted as Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.

2. That I have gone through the order dated 21.05.2021 passed by Hon'ble NGT and has understood the contents therein.

3. That, I have been authorized to swear this affidavit on behalf of the Respondent No-4. Jharkhand State Pollution Control Board (JPSCB) by the competent authority. Further, it is stated that I have gone through the relevant files and records.

4. That, it is humbly stated and submitted that no Consent to Establish (CTE)/Consent to Operate (CTO) has been issued to the Municipal Waste Treatment Facility located at Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, Jharkhand in Jamtara by the Jharkhand State

Ref No...../501
Date.....
31 AUG 2021



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Pollution Control Board as per the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

5. That, the committee as constituted by the Hon'ble NGT, EZB by its order dated 21.05.2021 has inspected/visited the site in question on 07.07.2021 and 08.07.2021 and the Regional Officer, JSPCB Regional Office Cum Laboratory, Dumka has forwarded the report of the Committee vide his letter No 1143 Dumka/dated 28.08.2021.

The Photocopy of the Report of the committee forwarded by the Regional Officer, JSPCB Regional Office Cum Laboratory, Dumka vide his letter No 1143 Dumka/dated 28.08.2021 is annexed and marked as Annexure-A.

Ref No.../501
Date... 31 AUG 2021



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6. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

[Signature]
DEPONENT

[Signature]
EN 4899/06

VERIFICATION:

31 AUG 2021

Verified at Ranchi on this day of August, 2021 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

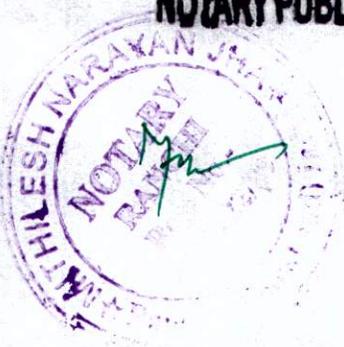
[Signature]
DEPONENT

1 D by
[Signature]
EN 4899/06

Ref No. 1501 Date 31 AUG 2021



[Signature]
31/8/21
NOTARY PUBLIC, RANCHI



Signature Attested and Identification of Lawyer



Jharkhand State Pollution Control Board

Regional Office-Cum-Laboratory, Dumka- 814101

Ph: 06434-230203, www.jspcb.nic.in

By Email/Speed post

Dumka/dated: 28/08/2021

Ref. No. ...1143.

From,

Kamalakant Pathak,
Regional Officer, Dumka.

To,

The Member Secretary,
Jharkhand State Pollution Control Board,
Ranchi.

Sub: - Submission of Committee's Report in O.A. No. 81/2020 EZ in the matter of Arti Sinha Vs Mihijam Nagar Parishad and Ors.- Regarding.

Sir,

With reference to the above mentioned subject, it is to inform that the committee as constituted by the Hon'ble National Green Tribunal, Eastern Zonal Bench, Kolkata vide its order dated 21/05/2021 in the O.A. No. 81/2020 EZ in the matter of Arti Sinha Vs Mihijam Nagar Parishad and Ors. has visited/inspected the site in question and has finalized its report. Sri Sanjay Pandey, SDM, Jamtara (On behalf of Deputy Commissioner, Jamtara) has visited the site as the committee member but has not signed the report. The report was sent to him via Email at sdojamtara@gmail.com. He was requested several times over phone by the undersigned and other committee members to sign the report, still he didn't sign.

In light of the above, the report of the committee in the abovementioned matter is forwarded with a request to file it before the Hon'ble Tribunal. This is for your information and necessary action please.

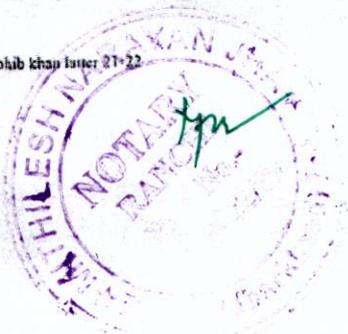
Thanking you.

Yours sincerely,

Kamalakant Pathak
(Kamalakant Pathak)
Regional Officer



Pr. Mohab Khan Jamer 21-22



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Report on solid waste management in Mihijam in the District Jamtara, Jharkhand in the matter of O.A No. 81/2020/EZ pending before Hon'ble National Green Tribunal, Eastern Zone, Kolkata (Arti Sinha Vs Mehijam Nagar Parishad and Ors.)

I. Background

The Original Application vide. O.A No. 81/2020/EZ (Arti Sinha Vs Mehijam Nagar Parishad and Ors.) has been filed with the grievance that certain solid waste is being dumped which was earlier, as per Solid Waste Management Rule, 2016, to be deposited at some other place but now being deposited in Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, Jharkhand which is about 50 meters from the residential houses and near to water bodies, therefore, causing severe environmental pollution, including air and water pollution to the residents.

In view of the above Hon'ble NGT, Eastern Zone Bench-Kolkata vide its order dated- 21.05.2021 directed to constitute a committee comprising of following members-

- (i) A Senior Scientist, Central Pollution Control Board, Regional office, Kolkata.
- (ii) A Senior Scientist from Integrated Regional Office of MoEF&CC, Ranchi.
- (iii) Regional officer, Jharkhand State Pollution Control Board.
- (iv) Deputy Commissioner, Jamtara, Jharkhand.

As per the direction of the Hon'ble NGT, the committee shall conduct an on-site inspection of Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, State of Jharkhand.

Hon'ble NGT instructed that the Committee constituted would look into the following aspects while submitting its report: -

- a. Violation of siting criteria as per Solid Waste Management Rules, 2016 ;
- b. The amount of legacy waste dumped in the disputed area and the efforts taken by the Mihijam Nagar Parishad, District-Jamtara, Jharkhand for segregation and removal of the same as per the Solid Waste Management Rules, 2016 ;



- c. The Committee shall also identify an alternate site for disposal of the solid waste/biomedical waste which is as per the criteria given in the Solid Waste Management Rules, 2016;
- d. The Committee is also directed to assess the amount of leachate which may have infiltrated into the soil causing water pollution and accordingly water samples from the nearby lake/pond can be analysed for contamination;
- e. On account of the illegal dumping of solid waste/biomedical waste, the Committee is also directed to assess the Environmental Compensation caused on account of degradation of the environment in this case. The Environmental Compensation shall be calculated as per the guidelines issued by the Central Pollution Control Board.

Accordingly, a committee was constituted with the following members:

1. Shri Rajeev Ranjan, Scientist-E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.
2. Shri Sandeep Roy, Scientist-D, Central Pollution Control Board, Regional Directorate, Kolkata.
3. Shri K.K Pathak, Regional Officer, Jharkhand State Pollution Control Board, Dumka.
4. Shri Sanjay Pandey, S.D.M, Jamtara, Jharkhand on behalf of Deputy Commissioner, Jamtara.

II .Detailed Description of the on-site inspection of Mouza No. 15, Khata No. 223, Plot No. 1865, Rajbari, Mihijam, District Jamtara, and other proposed dump sites in Mihijam and Jamtara, Jharkhand.

The Committee members inspected/visited the site on 07.07.2021 and 08.07.2021.

At first, it is pertinent to mention about some important definitions from the Solid Waste Management rules, 2016 (SWMR, 2016). They are

- a. "Dump sites" means a land utilized by local body for disposal of solid waste without following the principles of sanitary land filling".



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- b. "Sanitary land filling" means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odor, fire hazard, animal menace bird menace, pests and rodents, green house gas emissions, persistent organic pollutants slope instability and erosion.
- c. "Residual solid waste" means and include the waste and rejects from the solid waste processing facilities which are not suitable for recycling or further processing.
- d. "Disposal" means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in schedule 1 to prevent contamination of ground water, surface water, ambient air and attraction of animals of birds.

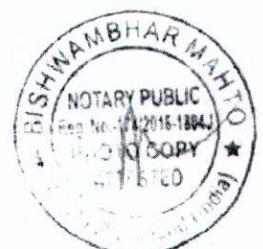
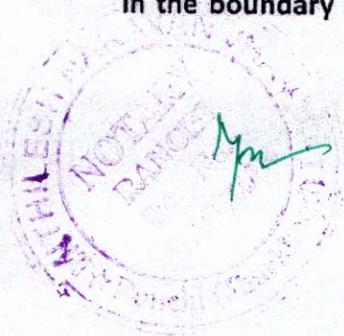
The inspected place at Rajbari in Mihijam, Distt.-Jamtara i.e. Mouza no. 45, Khata 223, Plot no. 1865 is not a sanitary land filling site as per the definition provided in solid waste management rules 2016 because of that site there was dumping of all solid wastes and not the "Residual solid waste and inert wastes"

There were no protective measures against pollution of ground water, surface water (Non-permeable lining system at the base and walls of waste disposal area) and fugitive air dust, wind blown litter, animal menace, bird menace, posts or rodents etc.

In view of the above the inspected site Mauza No. 15, Khata no. 223, Plot no. 1865, Rajbari Mihijam is referred to as dump site in this report as per the definition provided in SWMR 2016.

Description of the sites inspected by the team constituted by Hon'ble NGT in OA 81/2020/EZ.

1. Boundary wall was observed at the site (see photos 1, 2, 13 & 14) but it was not a **continuous boundary**. There were many areas/places where boundary wall was not provided or there were gaps between the wall, **no gates were provided at any place in the boundary wall** and it may cause for trespassing (persons, animals, vehicles,



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etc.) (see photos 2,19). Also, at many places in the boundary wall gaps/leakage points in the bottom portion was observed i.e. from where fluid/liquid can pass through during rain and flow outside (see photos 8, 9, 15, 16). It should be ensured that the boundary wall is completely sealed and there should not be any gaps, leakages through which liquid/fluid can come out from the waste dumping site.

- 2. Inside the boundary wall area some solid wastes were observed but over most of the solid waste soil, earth material was put (see photos 1,2). To ensure about the dumping, committee members decided to dig the said ground a few locations on random basis 3-4 locations. However, after digging the soil, earth material, solid waste was observed (see photos 20, 21,22). At some places inside the boundary wall no solid waste dumping could be observed even after digging (see photos 23, 24). It implies that solid waste dumping activity has been carried out in some areas inside the boundary and not in the whole ground area.
- 3. There were no drains found inside the boundary to collect the overflow/ leachate.
- 4. Near the dump sites agricultural fields were observed (see photos 03, 04). Thin layer of oil was observed in an agriculture field, and therefore water samples were taken from that place (latitude 24°50'49" N, longitude 26°52'1" E) .
- 5. Water in Maithan dam was observed at some distance from the dump site. From the annexure II (distance of various important places adjacent of dump site superimposed on Google map) it can be seen that closest point of the Maithan dam from dump site is at a distance of 531 m.
- 6. High tension electric grid transmission lines were observed adjacent to the dump site (both side) (see photos 1,2,7) but no transmission lines were observed passing over on top of the dump site.
- 7. Just outside the boundary of the dump site in the eastern side there was an another dump site where solid waste was dumped over a large area (see photos 12, 13, 18, 25). There were no drains around that solid waste dump. District authorities informed that solid waste of Mihijam was dumped at that site from earlier times. Adjacent to this dump site (i.e. without any boundary wall) there was a slope and it



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was connected to low lying area (see photo 14) agricultural fields and a small nallah (see photos 15). The nallah seemed to be flowing through agricultural fields may be only in rainy season. Since there were probabilities that contaminated water from dump site could reach to low lying areas and subsequently into the nallah (of photo 15) therefore sample of water from there was also collected.

8. There was a small artificial pond/trench like structure near the dump inside the boundary wall (see photo 11). Since it was within 30-35 m of the solid waste disposed place sample of water was collected from that place.
9. Near to the dump site in Mauza 15, Khata no. 223, Plot no. 1865, Rajbari Mihijam there were some prominent building observed. Some of them are:
 - a. Homeopathic medicine centre (see photo 26)- Approximate distance from dump site is 204 m (see annexure II). There was a well inside the premises of Homeopathic Medicine centre (see photos 27) and water sample from that well was also collected. (see photo 28).
 - b. Missionaries of charity (see photo 31) – The building/missionary was at further distance from Homeopathic Medicine centre (i.e. more than 210 m from dump site)
 - c. A temple (see photo 32)- Temple was more than 210 m from dump site
10. Water sample was also collected from an old well near the dump site (see photo 33).
11. Some cows were observed grazing grass adjacent to the dump site (see photo 35). **In the absence of any gate, incomplete boundary these cows could enter the solid waste area.**
12. The committee members visited the place at **Chandradeepa village** (see photos 39) where solid waste dump site /sanitary land filling was earlier planned by distinct authorities/Mihijam Nagar Parishad. It was informed by district authorities that local population of that area/village strongly objected to the solid waste dump site/ Sanitary land filling site there. **District authorities informed that there may be law and order problem if they forced solid waste dump site in that area.** Local villagers



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gathered at the place when committee members were inspecting the area (see photo 39) and they told they will not allow any solid waste dump site in the area (Chandradeepa Village). An artificial pond was observed adjacent to the area (see photo 36). There was a non-operational crushing unit near (within 200-300m) of the area (see photo 38). A state road was observed adjacent to the site (see photo 37).

13. Committee members also visited proposed solid waste dump site at Jamtara. The place was Vaidyanathdih with thana no. 22, Khata no. 61, Khesra no.- 510, 13.61 acre (see photos40). The site was adjacent to a road (see photos 41). District authorities informed that local people are opposing any solid waste dump site/ sanitary land fill site at that place too. The land was flat at that the place and some trenches were observed on the site(see photos 42 & 43)

Note : Photos related to inspection as given above are provided in annexure I

III. Pointwise observations w.r.to objectives of the committee:

A. Violation of siting criteria as per Solid Waste Management Rules, 2016

;Observations/findings of the committee :

As can be seen in Annexure (Distance – latitude-longitude taken during site inspection superimposed on Google map) the dump site is approx 204 m from nearest habitation approx 250m from nearest well, approx. 531 m from Maithan dam nearest water point that can be seen from Google map. There is no river within 100m from dump site. However a rainy season/seasonal nala flowing between agricultural fields flows within approx 204 m from dump site. It is more than 20 km away from Airport or Airbase.

The Distance of the sensitive location observed by the committee member from the Dump site of Mihijam Nagar Parishad, located in Mouza-15, Khata No.223, Plot No.1865 at Rajbari meets the distance criteria of sanitary landfill mentioned in schedule I, Para (A)& serial no.(vii) of Solid Waste Management Rules,2016 but the dump site/sanitary landfill site of Mihijam Nagar Parishad located in said site does not meet the other specifications as given in Schedule-I , of Solid Waste Management rules,2016.



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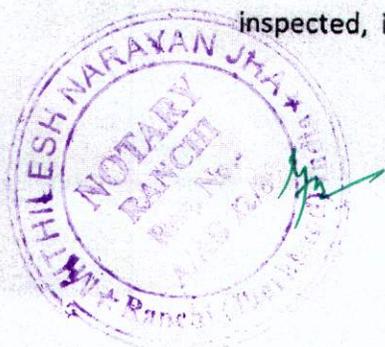
Landfill allows only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre processing rejects and residues from waste processing facilities. But the dump site/sanitary landfill site of Mihijam Nagar Parishad located in Rajbari dump all the municipal waste without segregation and processing facilities.

There are many non-compliances observed with reference to Schedule I of Solid waste Management Rules 2016. Please refer to annexure III i.e. compliance status given in Schedule I of Solid waste Management. Rules 2016 (Criteria for site selection; Criteria for development of facilities at the sanitary landfills; Criteria for specifications for land filling operations and closure on completion of land filling; Criteria for pollution prevention;).

- B. The amount of legacy waste dumped in the disputed area and the efforts taken by the Mihijam Nagar Parishad, District-Jamtara, Jharkhand for segregation and removal of the same as per the Solid Waste Management Rules, 2016 ;

Observations/findings of the committee : Due to non-installation of MSW plant and without segregation of waste in the said dump site/sanitary landfill site there was continuous dumping of municipal waste being done by Mihijam Nagar parishad for the last few years, resulting in the formation of heaps which can be termed as legacy waste. Based on the survey done by the committee member, about (L=39m, B=38 m, H=0.5 m) 741 cubic meter of waste was found inside the boundary wall of said dump site, as well as about (l=107 m ,B=44 m, H=0.6 m) 2824.8 cubic meter legacy waste was found outside the boundary wall of the said dump site. It was also observed during inspection that most of the waste has been dumped outside the boundary and the waste inside the boundary has been covered with soil.

According to executive officer of Mihijam Nagar Parisad the department has taken initiative for compliance of Solid Waste Management Rules, 2016. For this Patheya Mihijam Waste Management LLP (concessionaire), Nagar Parishad Mihijam has been authorized to comply. But when the said dump site was inspected, it was found that the Mihijam Nagar Parishad, has not taken any



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permission whatsoever from Jharkhand State Pollution Control Board for dumping on said site. It was observed that the municipal solid waste received on site was found being dumped in an unscientific manner and same was not being segregated to ensure recovery of reusable and recyclable material. Also, no liner has been put to avoid contamination of sub-surface water in long run due to percolation of leachates.

- C. The Committee shall also identify an alternate site for disposal of the solid waste/biomedical waste which is as per the criteria given in the Solid Waste Management Rules, 2016;

Observations/findings of the committee : The earlier planned solid waste dump site/sanitary landfill site by district authorities/Mihijam Nagar Parishad at Village **Chandradeepa** was inspected by committee member on 07/07/2021.

The following facts were observed during the site inspection:-

- (i) The above proposed dump site/sanitary landfill site was observed away from the habitation as per the distance criteria of Solid Waste Management Rules, 2016.
- (ii) An artificial pond and district road was observed adjacent the proposed dump site/sanitary landfill site.
- (iii) During the inspection of above site, the local villagers started gathering at that place and they told that they would not allow any solid waste dump site in that place.

As per the information received from district authorities that local population of that area strongly objected to the solid waste dump site/sanitary landfill site there. Also, district authorities informed that there may be law order problem if they forced solid waste dump site in that area.

Committee member also visited proposed solid waste dump site/sanitary landfill site at **Vaidyanathdih**, distt.-Jamtara, on 08/07/2021.

The following facts were observed during the site inspection :-

- (i) The above proposed site is also located away from the habitation as per the distance criteria of Solid Waste Management Rules, 2016.
- (ii) The proposed site was observed near the state road.



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(iii) Some trenches were observed at the proposed site.

It was also informed by the district authorities/Mihijam Nagar Parishad that at Viadyanathdih there is a huge protest of local villagers against the proposed dump site.

D. The Committee is also directed to assess the amount of leachate which may have infiltrated into the soil causing water pollution and accordingly water samples from the nearby lake/pond can be analysed for contamination;

Observations/findings of the committee :

- During visit of the area, as observed, the MSW Dumping site is not constructed in Scientific Manner for collection of any type Leachate. Thus, the amount of Leachate flow could not be ascertained.
- Garland drain, to collect the Leachate/ Overflow from the dumping site, was not found.
- As per the direction of Hon'ble NGT, the water samples were collected from 5 locations (Agriculture land (near waste dumping area), Kaccha Pit (Inside the boundary of waste dumping yard), Small stream (Eastern side of dumping), Well(Homeopathic medical college), Old damaged wall (near dumping area)) surrounding to the said Dumping site. The analysed result shows that Water Quality in the Well (Homeopathic Medical College) was not confirming for few parameters (Phenolic Compound, Cu, Pb, Ni Mn and Cr) and Water Quality in the Old damaged wall (near dumping area) was not confirming for few parameters (Fe, Cr, Ni and Pb). Surface water quality at Small stream (Eastern side of dumping) was not confirming for parameter Pb.

E. On account of the illegal dumping of solid waste/biomedical waste, the Committee is also directed to assess the Environmental Compensation caused on account of degradation of the environment in this case. The Environmental Compensation shall be calculated as per the guidelines issued by the Central Pollution Control Board.



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Observations/findings of the committee :

Committee suggested to impose environmental compensation based on methodology given in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" formulated in response to OA No. 593/2017(PB), for an industry can be assessed using the following formulae:

$$EC = PI \times N \times R \times S \times LF \quad \dots\dots\dots(1)$$

where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

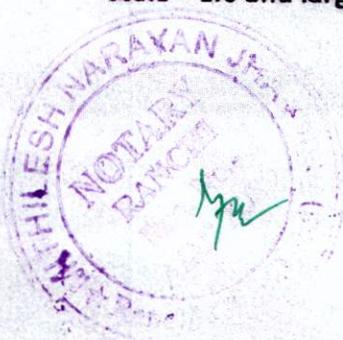
The above formulae incorporate the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to large habitations. As per CPCB's classification of Industrial Sectors under Red, Orange, Green and White Categories the existing industry can be categorized as red category of industry.

PI is Pollution Index for Red category of industrial sectors having Index score is 60 and above. In the present study it may be considered as 60.

R is a factor in rupees for estimating environmental compensation which as per CPCB guidelines is taken as Rs. 250/-.

N is the number of days of violation, in this case N may be considered as 287 days (considering the duration from Filing date of Original Application OA 81/2020/EZ on 24th September 2020 to Date of Inspection as 7th July 2021).

S is a factor representing the scale of operation of the industry (small scale = 0.5, medium scale = 1.0 and large scale = 1.5). Present operation considered as medium scale.



LF is the location factor depending on the population of the areas per recent census 2011 is below 1 million, so LF may be taken as 1 following CPCB's guidelines.

S. No.	Population* (million)	Location Factor# (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

*Population of the city/town as per the latest Census of India
 #LF will be 1.0 in case unit is located >10km from municipal boundary
 LF is presumed as 1 for city/town having population less than one million

Now, using formulae (1), environmental compensation is:

Environmental Compensation calculation = 60 X 287 X 250 X 1 X 1

= INR 43,05,000/-

The Environment Compensation may be recovered from Local District Administration, involved in operation of Mihijam MSW Site.

Recommendations:

- Specifications provided in Schedule I of Solid Waste Management Rules should be followed. Please refer to annexure III i.e. compliance status given in Schedule I of Solid waste Management. Rules 2016 (Criteria for site selection; Criteria for development of facilities at the sanitary landfills; Criteria for specifications for land filling operations and closure on completion of land filling; Criteria for pollution prevention;).
- Seepage of leachate from the fresh dumpsite should be managed as per SWM rule 2016. Proper drainage and pumping of the leachate to the leachate treatment unit must be given special attention.
- Protective measures against pollution of ground water, surface water (Non-permeable lining system at the base and walls of waste disposal area) and fugitive air dust, wind blown litter, animal menace, bird menace, posts or rodents etc. should be done/taken up.



- Walls around the dump site be made continuous and Gates should be provided at proper locations. Gaps/ leakages in the wall should not be left out in any portion.
- Sprinkling of water on roads and other areas may be actively considered to control dust emissions.
- Ensure advance demarcation and declaration of a buffer zone of no new habitation for upto 500 meters.
- The standard plan addressing the potential risks was not present in the site for any disaster while working therefore, it is proposed to have that at site at the earliest.
- Action may be initiated for Bio-mining by the Authority and to be completed as per CPCB guidelines and need to be completed at the earliest.
- The aesthetic view of the area should be enhanced by extensive plantation around the boundary.

Signature of committee members

Rajeev
26.8.21

(Rajeev Ranjan)

Scientist-E, Integrated Regional Office, Ranchi
MoEF&CC, Govt. of India.

Sandeep Roy

(Sandeep Roy)

Scientist-D, Central Pollution Control Board,
Regional Directorate, Kolkata.

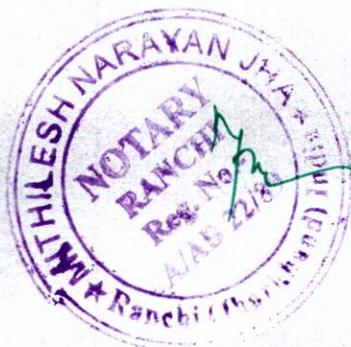
Kamal

(K.K Pathak)

Regional Officer,
Jharkhand State Pollution Control Board, Dumka.

(Sanjay Pandey)

S.D.M, Jamtara,
Jharkhand on behalf of Deputy Commissioner,
Jamtara.



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Annexure- I

Photographs of the solid waste dump sites, adjacent places, proposed other sites in Mihijam, Jamtara inspected by committee members



Photo 01: Photo of boundary wall around the dump site at Rajbari



Photo 02: Photo of discontinuous boundary wall around the dump site



Photo 03: Photo of agricultural fields near the dump site



Photo 04: Photo of oily substance visible in agricultural fields near Dump site at Rajbari



Photo 05& 06: Photos of water in Maithon dam and its extended portions.



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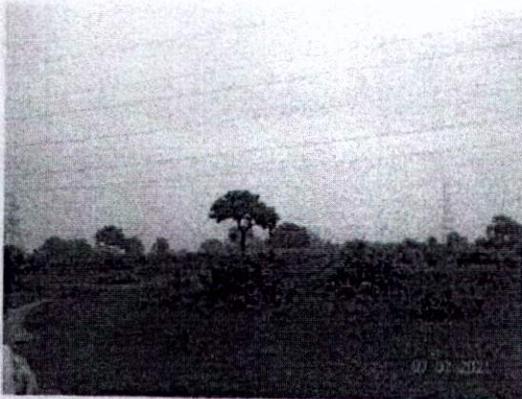


Photo 07: Photo of high tension transmission Line adjacent to the dump site at Rajbari



Photo8:Photo of gaps below the boundary wall around the dump site through which fluids can leak

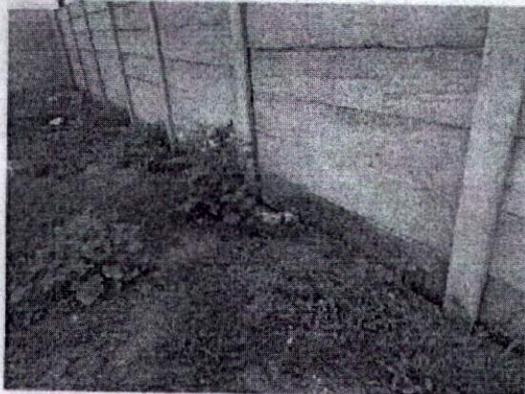


Photo 09: Photo of boundary wall. Small gaps can be seen below

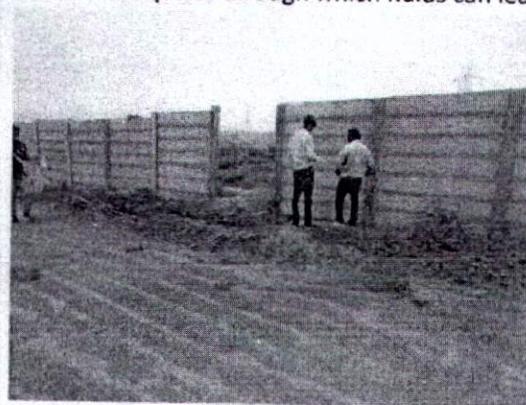


Photo 10: Photo of measurements being taken during committee members inspection



Photo 11: Photo of small ditch filled with water inside the boundary of dump site



Photo12:Photo of large and open solid waste dump just outside the boundary of Rajbari dump site



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Photo13:Photo of large and open solid waste dump just outside the boundary of Rajbari dump site



Photo 14: Photo of slope connecting the low lying agricultural fields to open dump site.

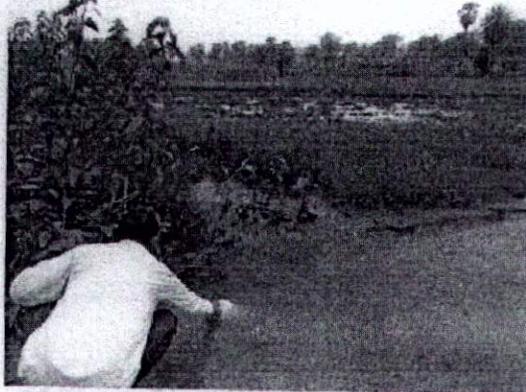


Photo15:Photo of agricultural fields and a seasonal nallah in between the fields

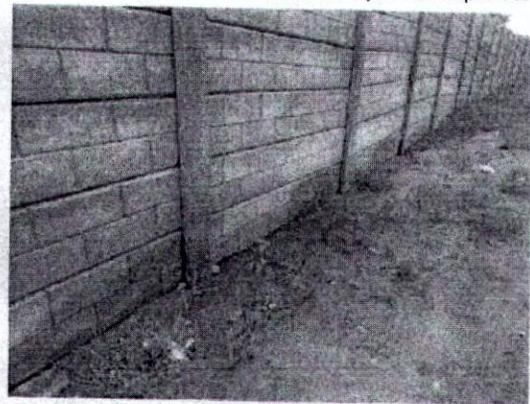


Photo 16: Photo of gaps below the boundary wall around the dump site through which fluids can leak

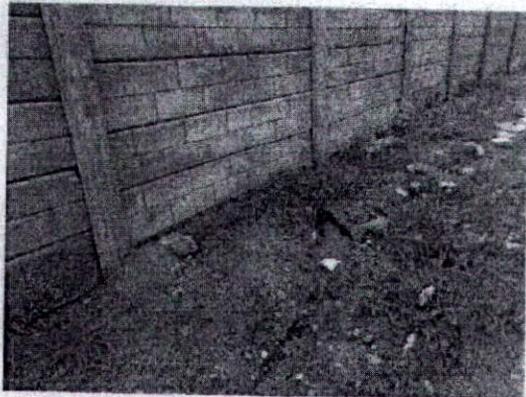


Photo 17: Photo of gaps below the boundary wall around the dump site through which fluids can leak

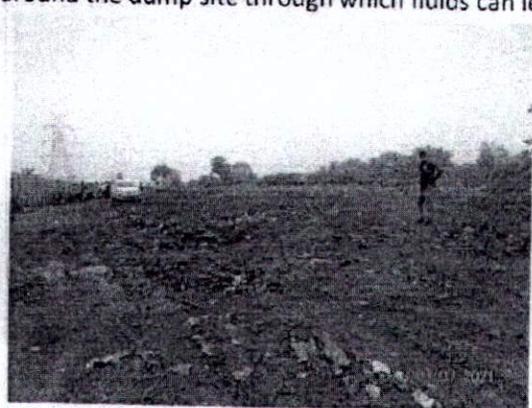


Photo 18: Photo of open solid waste dump outside the Rajbari dump site



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Photo 19: Photo of discontinuous boundary Wall around the dump site



Photo 20: Photo of digging done to ascertain the depth till which solid waste was dumped and also its extent



Photo 21 & 22: Photo of digging done at the Rajbari dump site to ascertain the depth till which solid waste was dumped and also its extent

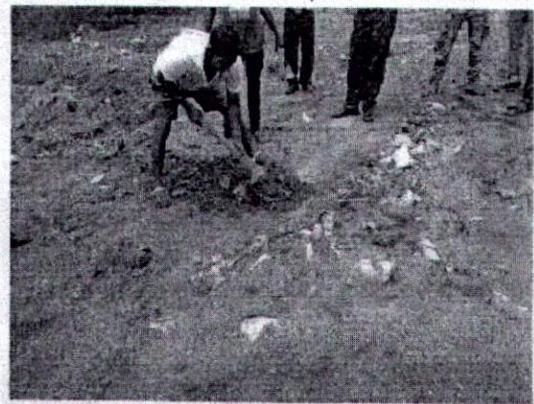


Photo 23 & 24: Photo of digging done at the Rajbari dump site to ascertain the depth till which solid waste was dumped and also its extent. As can be seen no solid waste was observed at some digged place.

MAHILESH NARAYAN JHAPPA
NOTARY
RANGELI
[Signature]

DISHWANANDHAR MANI
NOTARY
[Signature]

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Photo 25: Photo of open solid waste dump outside the Rajbari dump site

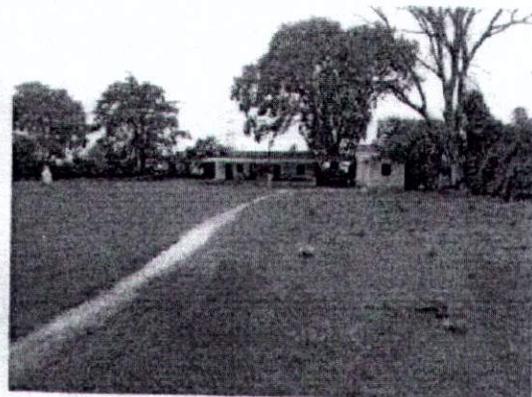


Photo 26: Photo of homeopathic hospital near to the dump site at Rajbari

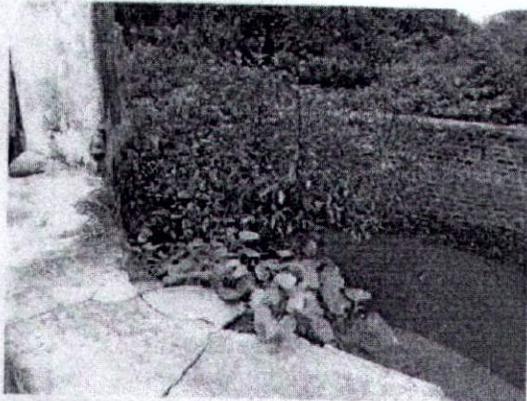


Photo 27& 28: Photo of a well and water sample collected from well in the Homeopathic hospital premises

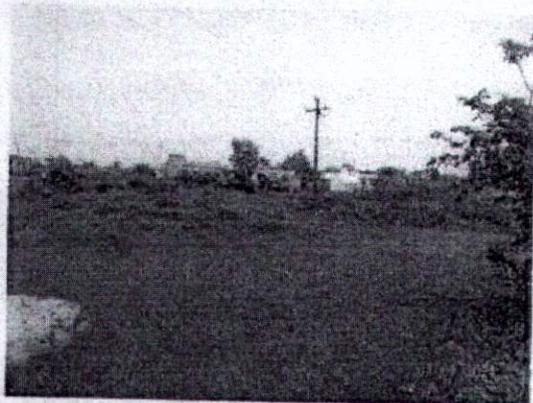


Photo 29& 30: Photo of habitations on the route to Rajbari waste dump site



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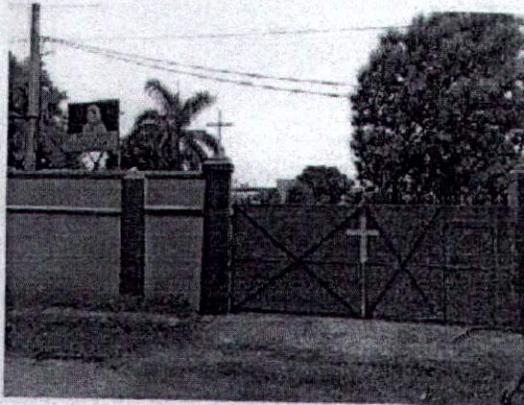


Photo 31: Photo of Missionaries of Charity

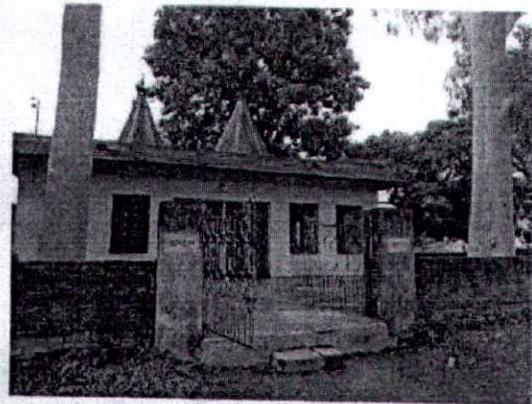


Photo 32: Photo of a temple



Photo 33: Photo of water sample collected from a well near the dump site



Photo 34: Photo of water sample collection from agricultural field near dump site at Rajbari, Mihijam



Photo 35: Photo of cows grazing near the dump site At Rajbari, Mihijam





Earlier proposed dump site/land fill site at Chandradeepa village, Mihijam



Photo 36: Photo of an artificial pond near the proposed sanitary land fill site at Chandreepea village

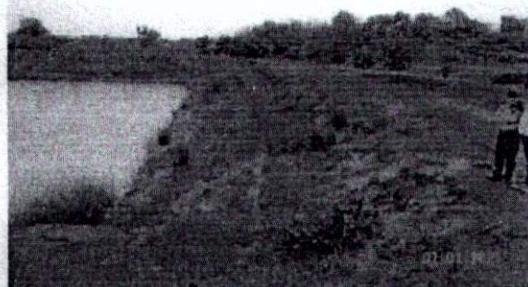


Photo 37: Photo of road adjacent to the site near at Chandradeepa village



Photo 38: Photo of non-operational crusher unit behind the pond



Photo 39: Photo of local villagers gathered during inspection of the committee members

Proposed dump site/landfill site at Vaidyanathdih in Jamtara

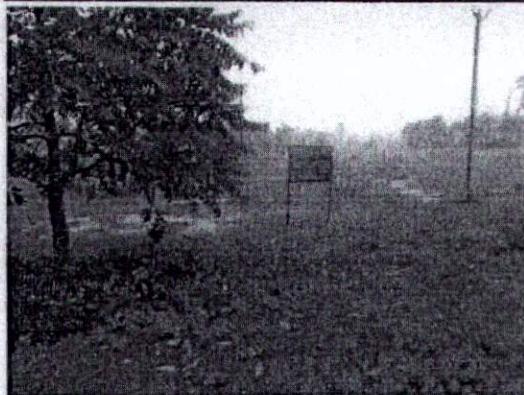


Photo 40: Photo of sign board at proposed dump site/landfill site at Vaidyanathdih in Jamtara

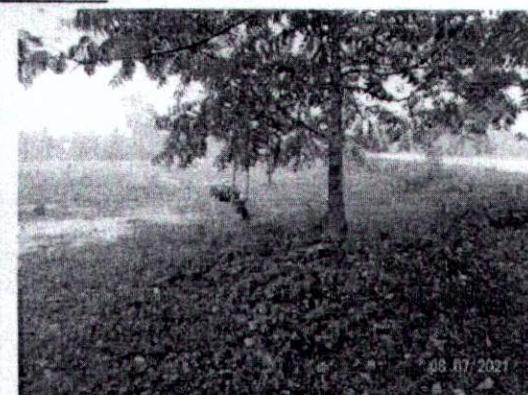
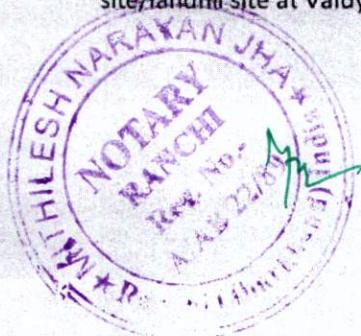


Photo 41: Photo of road adjacent to the site at Vaidyanathdih in Jamtara



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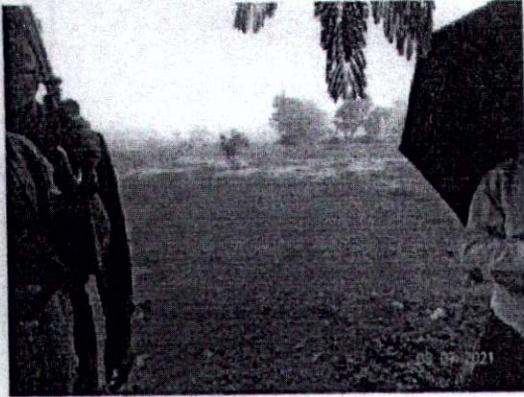


Photo 42: Photo of the proposed dump site/landfill site at Vaidyanathdih in Jamtara



Photo 43: Photo of road adjacent to the site at Vaidyanathdih in Jamtara





NOTARY PUBLIC
 RAJESH KUMAR
 Panchayat

NOTARY PUBLIC
 BISHWAMBHAR SAHOO
 Reg. No. 171/2014-10M
 Cuttack, Jharkhand (India)



	health inspections of workers at landfill sites shall be carried out made.	inspection of workers at dump site made available to committee members.	available
(vii)	Provisions for parking, cleaning, washing of transport vehicles carrying solid waste shall be provided. The wastewater so generated shall be treated to meet the prescribed standards.	No provision for cleaning, washing of transport vehicles carrying solid waste has been provided at the dump site.	Not complied

(C) Criteria for specifications for land filling operations and closure on completion of land filling.-

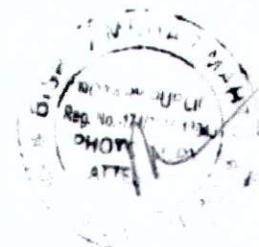
SL. NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS
(i)	Waste for land filling shall be compacted in thin layers using heavy compactors to achieve high density of the waste. In high rainfall areas where heavy compactors cannot be used, alternative measures shall be adopted.	No heavy compactors could be observed at the dump site for solid waste compaction.	Not complied
(ii)	Till the time waste processing facilities for composting or recycling or energy recovery are set up, the waste shall be sent to the sanitary landfill. The landfill cell shall be covered at the end of each working day with minimum 10 cm of soil, inert debris or construction material	At the Rajbari dump site soil/earth material was observed covering the solid waste. However it was unknown that such covering by soil, inert debris etc. is done at the end of each working day.	
(iii)	Prior to the commencement of monsoon season, an intermediate cover of 40-65 cm thickness of soil shall be placed on the landfill with proper compaction and grading to prevent infiltration during monsoon. Proper drainage shall be constructed to divert run-off away from the active cell of the landfill.	Intermediate cover of 40-65 cm thickness of soil was not placed on solid waste dump site, though inspection was done during monsoon. No drainage was constructed inside the dump site.	Not complied
(iv)	After completion of landfill, a final cover shall be designed to minimise infiltration and erosion. The final cover shall meet the following specifications, namely :-- (a) The final cover shall have a barrier soil layer comprising of 60 cm of clay or amended soil with permeability coefficient less than 1×10^{-7}	Not applicable now.	



cm/sec. (b) On top of the barrier soil layer, there shall be a drainage layer of 15 cm. (c) On top of the drainage layer, there shall be a vegetative layer of 45 cm to support natural plant growth and to minimise erosion.		
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(D) **Criteria for pollution prevention.**-In order to prevent pollution from landfill operations, the following provisions shall be made, namely:-

SL. NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS
(i)	The storm water drain shall be designed and constructed in such a way that the surface runoff water is diverted from the landfilling site and leachates from solid waste locations do not get mixed with the surface runoff water. Provisions for diversion of storm water discharge drains shall be made to minimise leachate generation and prevent pollution of surface water and also for avoiding flooding and creation of marshy conditions.	No stream water drain constructed at the dump site.	Not complied.
(ii)	Non-permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) shall have liner of composite barrier of 1.5 mm thick high density polyethylene (HDPE) geomembrane or geo-synthetic liners, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec. The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer provided at the bottom of landfills.	Non-permeable lining system at the base and walls of waste disposal area not provided.	Not complied.



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(iii)	Provisions for management of leachates including its collection and treatment shall be made. The treated leachate shall be recycled or utilized as permitted, otherwise shall be released into the sewerage line, after meeting the standards specified in Schedule- II. In no case, leachate shall be released into open environment.	No provisions for management of leachates (including its collection and treatment) made.	Not complied.
(iv)	Arrangement shall be made to prevent leachate runoff from landfill area entering any drain, stream, river, lake or pond. In case of mixing of runoff water with leachate or solid waste, the entire mixed water shall be treated by the concern authority.	There were gaps in the boundary wall and there were many places at the bottom of boundary wall from where leachate can come out and flow into low lying areas, agriculture fields.	Not complied.

(E) Criteria for water quality monitoring.-

SL. NO.	CONDITIONS	STATUS AS ON	REMARKS
(i)	Before establishing any landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meter of the periphery of landfill site shall be periodically monitored covering different seasons in a year that is, summer, monsoon and post-monsoon period to ensure that the ground water is not contaminated.	Baseline data of groundwater quality in the area not made available to committee members.	



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IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH KOLKATA

SL No. 31

In the matter of:

O.A No. 81 /2020/EZ

ARTI SINHA

...Applicant

-Versus-

MIHIJAM NAGAR PARISHAD & ORS.

...Respondents.



COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6 HEREIN DEPUTY COMMISSIONER, JAMTARA.

I, Kamdeo Das, Son of Late Babulal Das, aged about 59 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of Nagar Parishad, Mihijim, Jamtara, Jharkhand, office at Mihijam Nagar Parishad, Jamtara - 815354, Jharkhand, do hereby solemnly affirm and state as follows;

1. That I am the Executive Officer at Mihijim Nagar Parishad and dealing with the connected records of the case in possession the Respondent No. 6 herein i.e. Deputy Commissioner, Jamtara, and as such is well acquainted with the facts and circumstances of the case, and as such I am competent and duly authorized by the Respondent No. 6 to make and affirm the instant Counter Affidavit.
2. That I am a law abiding Citizen of India and very much respect the Constitution and Judicial System of India.



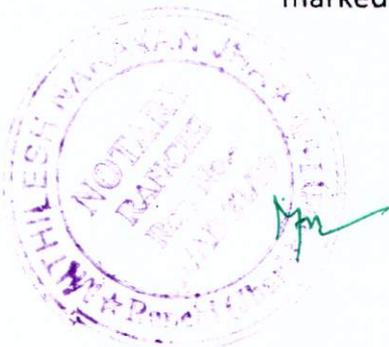
07 SEP 2021

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3. That, at the very outset the deponent tenders unconditional and unqualified apology to this Hon'ble Tribunal for unable to sign the Committee Report as per the direction of the Hon'ble Tribunal dated 21.05.2021.
4. That I have gone through the aforesaid Original Application and understood the import and purport thereof.
5. That I do not admit any statement and allegation made by the Applicant which is inconsistent with or contrary to the records of the case.
6. That I state and submit that;
 - a) It is most respectfully submitted that for the management and carrying out the disposal of the solid waste (hereinafter referred as the "said scheme") as per the Solid Waste Management Rules, 2016 the plot no. 1865 which is a patit land of Mouza - Mihijam was selected and vide letter no. 1012 Ra dated 27.11.2020 by the office of Deputy Commissioner, Jamtara allotted the said patit land for the purpose of solid waste and the said plot was transferred for the said purpose, and thereafter send the said letter to Accountant General (Mahalekhagar "Lekha & Hakdari"), Ranchi Jharkhand.

The said letter no. 1012 Ra dated 27.11.2020 is annexed hereto and marked as *Annexure – A1*.



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- b) That thereafter the said plot no. 1865 patit land of Mouza - Mihijam was transferred to the Nagar Parishad Mihijam on 27.11.2020.
- c) That the deponent received letter, vide letter no. 659 Ra dated 16.07.2021 from Circle Officer, Jamtara informing about the said land and that a heavy amount has till date been spent on construction of the dumping of solid waste at the said plot no. 1865 of Mouza – Mihijam.

The said letter no. 659 Ra dated 16.07.2021 is annexed hereto and marked as *Annexure – A2*.

- d) That it is submitted, the constructing agency is Patheya Mihijam Waste Management L.L.P., New Delhi and vide letter no. 91 dated 30.01.2021 and vide letter no. 2346 dated 02.12.2020, both of the Executive Magistrate Nagar Parishad Mihijam has been instructed to proceed with the said scheme as per the Solid Waste Management Rules, 2016 and thereafter directions for regular compliance were sent to the constructing agency “Patheya Mihijam Waste Management L.L.P., New Delhi through his director to continue with the construction as per Solid Waste Management Rules 2016 and Environment (Protection) Act, 1986, time and again.

The said letter no. 91 dated 30.01.2021 and letter no. 2346 dated 02.12.2020 are annexed hereto and marked as *Annexure – A3*

Collectively.

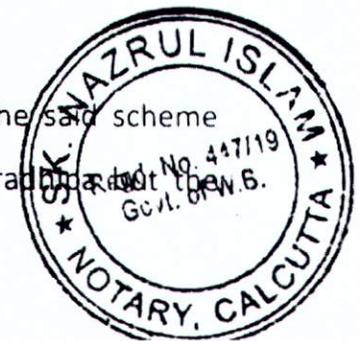


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- e) That the deponent state and submit that as the said scheme of constructing dumping site for the management and carrying out the disposal of the solid waste at the said plot no. 1865 of Mouza - Mihijam is still in Primary and Pre-matured stage. Also as the construction is still going on hence the gate of entrance at the dumping site has not been fitted as of now.
- f) That it is submitted, as per the Solid Waste Management Rule, 2016 which is being carried out legally with proper planning, and several meetings were called in which all the stake holders were present at the time of the meetings and gave their written consents, and only thereafter the said patit land of the Rajbari mohulla which is at a considerable distance away from the residential area, the said scheme had started.
- g) That the deponent beg to state that the lands proposed and allotted for dumping of the solid waste as per the Solid Waste Management Rule, 2016 is the patit land of the Rajbari mohulla of Mouza – Mihijam, and that there is no other lands available for the construction of dumping site of solid waste and, management and carrying out the disposal of the solid waste and that only after taking consent of the local people and inhabitant, the plot no. 1865 of Mihijam Rajbari was selected for the said scheme.

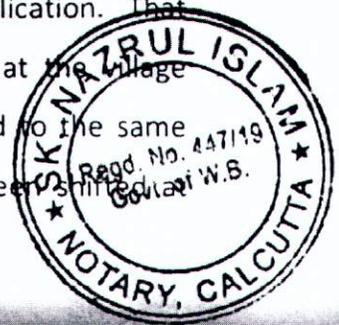
- h) That the deponent begs to state that previously the said scheme was proposed to get started at the village Chandradhara but then



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local people and inhabitant objected to the same and as such to control the law and order the site was been shifted at Mihijam.

7. That the statement made in paragraph 1 of the Original Application is submissions of the petitioner.
8. That I deny and dispute the statement made in paragraph 2 of the Original Application.
9. That I deny and dispute the statement made in paragraph 3 of the Original Application. The said scheme is being carried out legally with proper planning, and several meetings were called in which all the stake holders were present at the time of the meetings and gave their written consents and that only after taking consent of the local people and inhabitant, the plot no. 1865 of Mihijam Rajbari was selected for the said scheme.
10. That I deny and dispute the statement made in paragraph 4 of the Original Application. The Applicant has not presented the correct facts before this Hon'ble Tribunal by falsely stating that the residential areas are within 50 metres of the said dumping site, but the actual fact is that the residential areas are about more than 500 metres away from the same.
11. Save and except what are matters of records, I deny and dispute the statements made in paragraph 5 of the Original Application. That previously the said scheme was proposed to get started at the village Chandradhipa but the local people and inhabitant objected to the same and as such to control the law and order the site was been shifted at Mihijam.



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12. That I deny and dispute the statement made in paragraph 6 of the Original Application.
13. Save and except what are matters of records, I deny and dispute the statements made in paragraph 7 of the Original Application.
14. That I deny and dispute the statement made in paragraph 8 of the Original Application. The Applicant has not presented the correct facts before this Hon'ble Tribunal since the proposed place for dumping of the solid waste as per the Solid Waste Management Rule, 2016 at the patit land of the Rajbari mohulla of Mouza – Mihijam is not adjacent to Maithan Dam, but rather situated at a distance of more than 500 meters from the Maithan Dam.
15. Save and except what are matters of records, I deny and dispute the statement made in paragraphs 9 to 12 of the Original Application.
16. That I deny and dispute the statement made in paragraph 13 of the Original Application. That the dumping site at plot no. 1865 of Mihijam Rajbari of Mouza – Mihijam is not a gotchar land rather is a patit land and as such there is no question of grazing or any such purpose.
17. Save and except what are matters of records, I deny and dispute the statement made in paragraph 14 of the Original Application.
18. That the grounds mentioned in paragraph 15 of the Original Application are all vague, baseless and has no legal stand.



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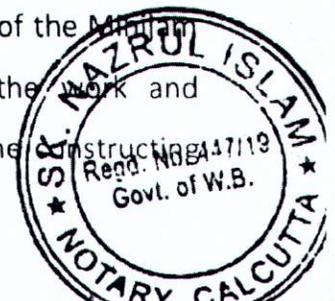
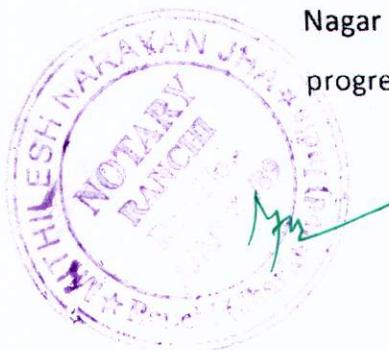
19. That the statements made in paragraphs 16 to 26 of the Original Application are the submissions of the petitioner.

20. That in view of the submissions made above, the instant Original Application does not hold any merit and is not maintainable either in the eyes of law or on facts and accordingly is fit to be dismissed at the outset with cost and penalty on the applicant.

21. That in view of the above, it is prayed before the Hon'ble Tribunal that the Original Application of the applicant is not tenable and may kindly be dismissed in limine.

22. That your deponent crave leave of this Hon'ble Tribunal to state and submit the following facts:-

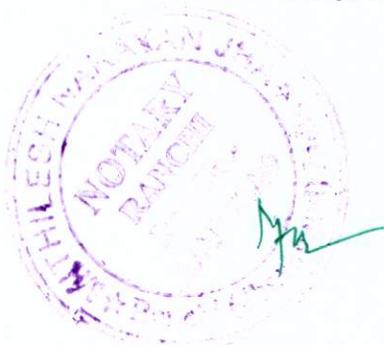
- i.) That as per the direction of the Hon'ble Tribunal the constituted committee of four members visited/inspected the dumping site of solid waste at plot no. 1865 of Mihijam Rajbari of Mouza – Mihijam on 07.07.2021 and 08.07.2021.
- ii.) That on 07.07.2021 the Executive Officer of the Mihijam Nagar Parishad, Jamtara informed the Constituted Committee members that the said plot no. 1865 patit land of Mouza - Mihijam was transferred to the Nagar Parishad Mihijam only on 27.11.2020 vide letter no. 1012 Ra dated 27.11.2020 by the office of Deputy Commissioner, Jamtara.
- iii.) That thereafter on 07.05.2021, the Executive Officer of the Mihijam Nagar Parishad, Jamtara inspected the site for the work and progress made and observing the same informed the



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agency Patheya Mihijam Waste Management L.L.P., New Delhi for
 pacing up the process for completing the work at the dumping site
 as soon as possible.

- iv.) That the said scheme was been sanctioned in the year 2016, and
 after 4 years of continuous efforts and after several meetings with
 all the stake holders and taking consent of the local people and
 inhabitant, the plot no. 1865 of Mihijam Rajbari was selected for the
 said scheme., the then only said scheme could be started.
- v.) That one of the committee member Shri Kamal Kant Pathak,
 Regional Officer, Jharkhand Pollution Control Board, Dumka which is
 also the officer from the nodal office, provided a drafted copy of the
 Committee Report for reference. But there was no
 whisper/reference of the above facts and as such a legal advice was
 been sought from the Government Counsel in this regard.
- vi.) The on the observation and suggestion of the said Government
 Counsel it was found that the Environment Compensation of
 amount Rupees Fifty Five Lakhs calculated therein does not seem to
 be correct. The same was been informed back to the nodal office.
- vii.) Thereafter, an copy of the same Committee Report having amended
 Environmental Compensation of Rs 43,05,000/- was been provided
 by the Nodal office for signing the said Committee Report. The
 Environmental Compensation was calculated from 24.09.2020, i.e.
 the date of filing of the Original Application by the Applicant.
- viii.) That certain fact was not commented in the said committee report
 like the date of the said land being transferred to Nagar Parishad
 Mihijam, i.e., 27.11.2020. It seems before this date no construction

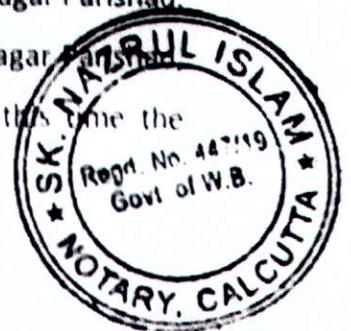


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or management work of the dumping site for solid waste was carried out.

- ix.) That on the date of inspection by the constituted committee, the Executive Officer of the Mihijam Nagar Parishad, Jamtara onsite informed the committee members about the other alternatives available such as in Mouza – Botberia, Nawadih, Duladih and Dudhkewra which has 4 to 5 Acres (approximately) available for the dumping site of the solid waste but as the work for the said scheme has to be started afresh after getting the consent of the local peoples/inhabitants which may take considerable amount of time further raising a new issue of Solid Waste Management for the time being. Due to time constraint the Committee Members was unable to visit the said alternatives places.
- x.) That Shri Kamal Kant Pathak, Regional Officer, Jharkhand Pollution Control Board, Dumka on a number of occasions has inspected the dumping site at the plot no. 1865 of Mihijam Rajbari but when he was asked to provide a copy of the inspection reports, he was unable to provide the same. Due to which it was not possible to know the date from which the dumping of the solid waste at the dumping site had started.
- xi.) That after receiving the committee report for signing the same on 26.08. 2021 at night, it was necessary to clarify some other facts of the committee report was made before the Mihijam Nagar Parishad Jamtara vide letter dated 27.08.2021. The Mihijam Nagar Parishad Jamtara replied to the same on 01.09.2021 but till this time the



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committee report was already been forwarded by Shri Kamal Kant Pathak to the nodal office for further process.

The said letter dated 27.08.2021 and 01.09.2021 are annexed hereto and marked as *Annexure – A4 Collectively*.

- xii.) That the deponent had no objection in signing for the rest of details in the committee report, but due to requirement of necessary clarification on some facts in the committee report which might have caused financial loses to the state government, and also due to receiving the committee report at a very late stage, the deponent was unable to signature on the same.

23. That the deponent has restricted his statements based on the facts and circumstances mentioned supra and, therefore, crave leave of this Hon'ble Tribunal to submit reply or further reply if needed or directed by the Hon'ble Tribunal.





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VERIFICATION

I, Kamdeo Das, Son of Late Babulal Das, aged about 59 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of Nagar Parishad, Mihijim, Jamtara, Jharkhand, office at Mihijam Nagar Parishad, Jamtara - 815354, Jharkhand, and do hereby verify and state that the statements contained in paragraph Nos. 1, 2, 4 & 5 are true to my knowledge, the statements contained in paragraph Nos. 6 to 19 and 22 are true to my information derived from the official records of the case, which I verily believe to be true and the statements contained in paragraph Nos. 3, 20, 21, 23 are my respectful submissions before this Hon'ble Tribunal.

Date: 07/09/2021

Place:

Prepared in my Office
and identified by me.

Kamdeo Das.
07/09/21

Deponent

Aishwarya Rajyashree

Advocate

07 SEP 2021

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) Cr.P.C.

Notary

SK. Nazrul Islam
Notary, Govt. of W.B.
Regd. No. 447/19
City Civil Court, Calcutta

07 SEP 2021



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IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH KOLKATA

In the matter of:

O.A No.81/2020/EZ

ARTI SINHA

...Applicant

-Versus-

MIHIJAM NAGAR PARISHAD &ORS.

...Respondents.

**AAFFIDAVIT-IN-REPLY ON BEHALF OF THE DEPUTY COMMISSIONER, JAMTARA
RESPONDENT NO.6 HEREIN.**

I, Faiz Aq Ahmed Mumtaz, Son of Aquil Ahmed Mumtaz, aged about 34 years, by Religion - Islam, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Jamtara, having its office at Combined Building, Collectorate, Jamtara – 815351, Jharkhand, do hereby solemnly affirm and state as follows:

1. That I am the Deputy Commissioner, Jamtara, Jharkhand and I am aware to the facts in the instant case and as such I am competent to make and affirm the instant Counter Affidavit.
2. That I am a lawabiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That, at the very outset I tender my unconditional and unqualified apology to this Hon'ble Tribunal for being unable to sign the Committee Report as





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certain facts and details were not readily available with me when the same was received for my signature on 26.08.2021 at night.

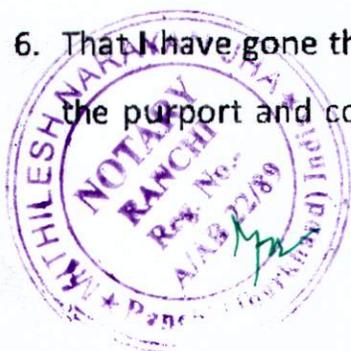
4. That by my letter dated 27.08.2021, I called upon Mihijam Nagar Parishad, Jamtara to provide the following clarifications:-

- i.) When departmental approval was given to Mihijam Nagar Parishad, Jamtara to carry out the Solid Waste Management Program?
- ii.) When was the tender floated followed by appointment of the concessionaire?
- iii.) When was the Detailed Project Report (DPR) approved?
- iv.) Which department allocated by transferred the said plot of land to the Mihijam Nagar Parishad, Jamtara?, and
- v.) When was dumping of Solid Waste commenced on the said plot of land?

5. The Mihijam Nagar Parishad, Jamtara replied to my letter on 01.09.2021 but by this time the Committee Report had already been forwarded to the nodal office for further process and filing it before this Hon'ble Tribunal. I tender my unqualified apology and humbly seek pardon from the Hon'ble Tribunal and beseech that the order dated 09.09.2021

The said letters dated 27.08.2021 and 01.09.2021 are annexed hereto and marked as *Annexure – A1 Collectively*.

6. That I have gone through the aforesaid Committee Report and understood the purport and contents thereof. Save what is expressly admitted by me





hereinafter, I deny the contents of the said Report as if the same were set out in seriatim and specifically traversed.

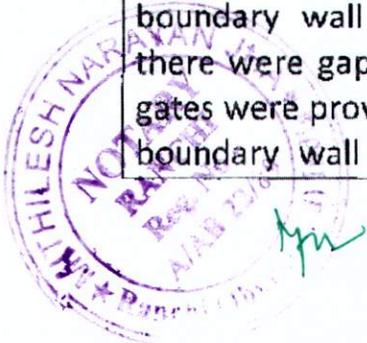
7. That I state and submit that;

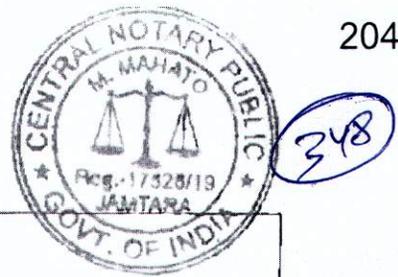
- a) For the management and carrying out the disposal of the solid waste as per the Solid Waste Management Rules, 2016 the plot no. 1865 which is a patit land of Mouza - Mihijam was selected and vide letter no. 1012 Ra dated 27.11.2020 by the office of Deputy Commissioner, Jamtara allotted the said patit land for the purpose of solid waste and the said plot was transferred for the said purpose, and thereafter sent the said letter to Accountant General (Mahalekhagar "Lekha & Hakdari"), Ranchi Jharkhand.

The said letter no. 1012/Revenue dated 27.11.2020 is annexed hereto and marked as *Annexure – A2*.

- b) The tabulated pointwise reply to the brief description of the site inspected by the team constituted by the Hon'ble NGT in this Original Application is as follows: -

NGT Committee Report	Reply to the NGT Committee Report
<p>1. Boundary wall was observed at the site (see photos 1, 2, 13 & 14) but it was not a continuous boundary. There were many areas/places where boundary wall was not provided or there were gaps between the wall, no gates were provided at any place in the boundary wall and it may cause for</p>	<p>1. The approval of Solid Waste Management (SWM) scheme of Mihijam was given by Urban Development Department on 26.08.2016.</p> <p>The said Letter is annexed as</p>





trespassing (persons, animals, vehicles etc.) (see photos 2,19). Also, at many places in the boundary wall gaps/leakage points in the bottom portion was observed i.e. from where fluid/liquid can pass through during rain and flow outside (see photos 8, 9, 15, 16). It should be ensured that the boundary wall is completely sealed and there should not be any gaps, leakages through which liquid/fluid can come out from the waste dumping site.

Annexure-A3.

2. Earlier the site for this scheme was selected at Chandradeepa and Sabdiha village in the year 2017-18. Due to protest of the villagers and local inhabitants of Chandradeepa and Sabdiha village it became necessary to find alternative site and the present site of Rajbari was found suitable in reference to Solid Waste Management Rules, 2016. During this process it was noticed that some persons wanted to illegally capture the said land of Rajbari. A Jamabandi Case was started by Circle Officer, Jamtara on 10.04.2019 and after hearing, S.D.M., Jamtara passed an order and confirmed the order passed by Circle Officer, Jamtara regarding the illegal Jamabandi which was created in the name of C.P. Singh on 04.11.2019.

The said Letter is annexed as Annexure-A4.

3. During the selection of the present site the consent of the respective stake holders were taken after meeting with the villagers and other public



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representatives. Nearly twelve meetings were held and after the consent of the villagers and implementing the due process the land was transferred by the Deputy Commissioner, Jamtara to Urban Development and Housing Department by letter- No.- 1012/Revenue, dated- 27.11.2020.

The said Letter is annexed as Annexure-A5.

4. Since the site was changed from Chandradeepa-Sabdiha to Rajbari Mihijam it was necessary to rectify the Detailed Project Report (DPR). The DPR was prepared and vetted by Regional Centre for Urban and Environmental Studies (RCUES), the Project Management Consultant (PMC), Lucknow and after the due process the technical approval of DPR was given by the Chief Engineer Urban Development and Housing Department (UDHD), Ranchi on dated- 10.08.2021.

The said Letter is annexed as Annexure-A6.

5. In the meantime, some





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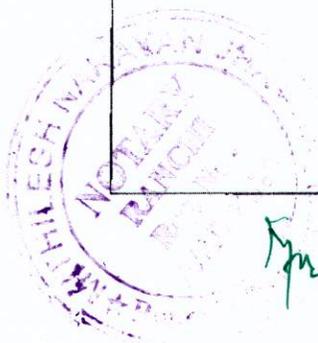
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anti-social elements tried to encroach upon the land and were also successful in entering into some part of this land which was observed by the Committee also. Therefore, it was necessary to take possession of the land as soon as possible for the benefit of this project. And in order to secure the said plot of land, the construction work of boundary wall had been started as per the decision of the Municipal Council Board in the month of April, 2021.

The said Letter No.-397 Dated-07.05.2021 is annexed as Annexure-A7.

6. The Executive Officer, Mihijam Nagar Parishad has reported through his Letter No.-835 dated-25.09.2021 that a substantial portion of the work of the boundary wall is now completed and after the completion of the boundary wall the main gate will be installed. This will eliminate the possibility of any gap, leakage and entrance of animals etc.

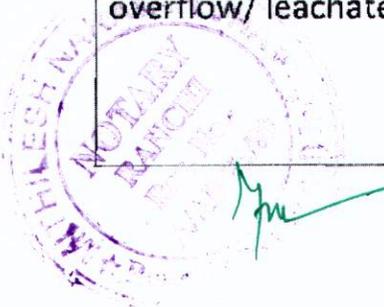
The said Letter No. - 835 Dated - 25.09.2021 is annexed as

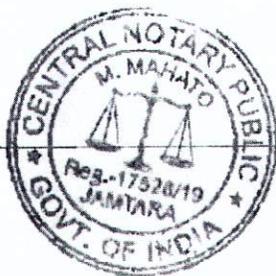




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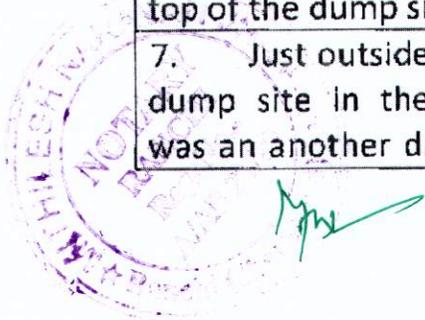
	<p>Annexure-A8.</p> <p>7. Some stray incidents of causing damage to boundary wall have been noticed and it is suspected that it is the handiwork of the antisocial elements who are attempting to encroach upon the vacant plot.</p>
<p>2. Inside the boundary wall area some solid wastes were observed but over most of the solid waste soil, earth material was put (see photos 1,2). To ensure about the dumping, committee decided to dig the said ground on random basis 2-3 locations. However, after digging the soil, earth material, solid waste was observed (see photos 20, 21,22). At some places inside the boundary wall no solid waste dumping could be observed even after digging (see photos 23, 24). It implies that solid waste dumping activity has been carried out in some areas inside the boundary and not in the whole ground area. Dumping activity has been carried out in some areas inside the boundary and not in the whole ground area.</p>	<p>Previously, the said site and the peripheral areas were low lying areas, and after the formation of Nagar Panchayat, solid waste was dumped separately in small quantities at different places as well as the peripheral area of this site but after the site selection and consent of the villagers, the Municipal Council has taken a decision to dump the solid waste in the said site. Since, apart from the said site, there is no such land available in the vicinity for dumping any garbage. In the DPR this site is described as Integrated Municipal Solid Waste Processing Facility and Engineered Sanitary Landfill Facility and as such partial part of this site is being used for the dumping solid wastes.</p>
<p>3. There were no drains found inside the boundary to collect the overflow/ leachate.</p>	<p>As stated in third paragraph the DPR was approved only on 10.08.2021 and the work of boundary wall was started prior to this date only to take possession of that land. Therefore, the drain/</p>

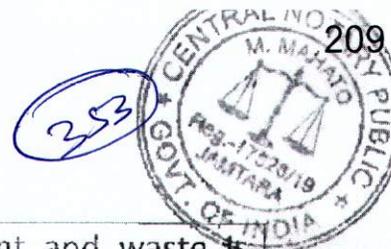




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	<p>construction work of drains, was not found/started during the visit of the Committee constituted by the Hon'ble Tribunal. As reported by the Executive Officer, Mihijam Nagar Parishad the drain work is to be completed within six months.</p> <p>The said Letter No. 831 Dated 25/1/21 is annexed as Annexure-A9.</p>
<p>4. Near the dump sites agricultural fields were observed (see photos 03, 04). Thin layer of oil was observed in an agriculture field, and therefore water samples were taken from that place (latitude 24°50'49" N, longitude 26°52'1" E)</p>	<p>The Committee has reported that the dump site has not been commissioned. It is proven that leachate does not form oil-film unless it contains specific oily material along with solid waste. Therefore, thin layer of oil observed/found there looks like has developed from agricultural activity.</p>
<p>5. Water in Maithan dam was observed at some distance from the dump site. From the annexure II (distance of various important adjacent of dump site superimposed on Google map) it can be seen that closest point of the Maithan dam from dump site is at a distance of 531m.</p>	<p>No Comment.</p>
<p>6. High tension electric grid transmission lines were observed adjacent to the dump site (both side) (see photos 1,2,7) but no transmission lines were observed passing over on top of the dump site.</p>	<p>No Comment.</p>
<p>7. Just outside the boundary of the dump site in the eastern side there was an another dump site where solid</p>	<p>The land referred to in this land is a private land. It appears that this</p>





waste was dumped over a large area length 107m and width 44m and depth 0.5m dimension.) see photos 12, 13, 18, 25). There were no drains around that solid waste dump. District authorities informed that solid waste of Mihijam was dumped at that site from earlier times. Approximately 5372 m³ (length x breadth x depth) volume of solid waste was observed on that dump site.

Adjacent to this dump site (i.e. without any boundary wall) there was a slope and it was connected to low lying area (see photo 14) agricultural fields and a small nallah (see photos 15). The nallah seemed to be flowing through agricultural fields may be only in rainy season. Since there were probabilities that contaminated water from dump site could reach to low lying areas and subsequently into the nallah (of photo 15) therefore sample of water from there was also collected.

land is lying vacant and waste is been dumped in small quantities by local population for many years used to be dumped on different places from last many years. Once the subject dumping site becomes operational, any dumping at the adjacent site will be stopped and actively prevented.

The site will be used for solid waste dumping. Once construction of the boundary wall is complete, there will be remote possibility of any seepage from the dump site to the adjoining areas and all precaution will be taken to avoid any seepage.

8. There was a small artificial pond/trench like structure near the dump inside the boundary wall (see photo 11). Since it was within 30-35 m of the solid waste disposed place sample of water was collected from that place.

As stated in previous paragraph, the DPR was approved on 10.08.2021. The Pit which was reported by the committee in this paragraph is not an artificial pond but it is the foundation work of weighbridge which is integral part for the Solid Waste Management Project. The Executive Officer Mihijam Nagar Parishad has reported through his Letter No. 835 Dated-25.09.2021 that the





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	<p>weighbridge work will be completed in next two months.</p> <p>The said Letter No. 835 Dated 23/1/24 is annexed as Annexure-A10.</p>
<p>9. Near to the dump site in Mauza 15, Khata no. 223, Plot no. 1865, Rajbari Mihijam there were some prominent building observed. Some of them are:</p> <p>a. Homeopathic medicine centre (see photo 26)- Approximate distance from dump site is 204 (see annexure II). There was a well inside the premises of Homeopathic Medicine centre (see photos 27) and water sample from that well was also collected. (see photo 28).</p> <p>b. Missionaries of charity (see photo 31) – The building/missionary was at further distance from Homeopathic Medicine Centre(i.e. more than 210m from dump site)</p> <p>c. A temple (see photo 32) – Temple was more than 210m from dump site.</p>	<p>According to the Solid Waste Management Rules, 2016 Page No. 20, Para-A (sub-para-vii of the criteria for site selection), the land fill site should be 100 meters from the river, 200 meters from the pond, highways, housing sites, public parks and the land fill site should be 200 meters from the wells and 20 kilometers from the airport. The site selection was done following the said rules.</p>
<p>10. Water sample was also collected from an old well near the dump site (see photo 33).</p>	<p>No Comment</p>
<p>11. Some cows were observed grazing grass adjacent to the dump site (see photo 35). In the absence of any gate, incomplete boundary these cows could enter the solid waste area.</p>	<p>As already stated earlier, the construction work for the boundary wall was started by the Patheya Mihijam Waste Management LLP, Concessionaire</p>

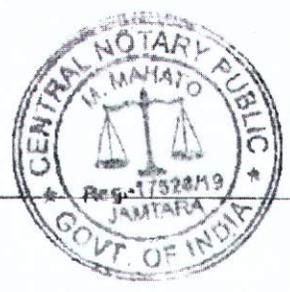


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	<p>in the month of April, 2021 and substantial portion of the work of this boundary wall was completed. As directed by the Committee the Concessionaire/Agency has deputed guards in this site.</p>
<p>12. The committee members visited the place at Chandradeepa village (see photos 39) where solid waste dump site /sanitary land filling was earlier planned by distance authorities/Mihijam Nagar Parishad. It was informed by district authorities that local population of that area/village strongly objected to the solid waste dump site/ Sanitary land filling site there. District authorities informed that there may be law and order problem if they forced solid waste dump site in that area. Local villagers gathered at the place when committee members were inspecting the area (see photo 39) and they told they will not allow any solid waste dump site in the area (Chandradeepa Village). An artificial pond was observed adjacent to the area (see photo 36). There was a non-operational crushing unit near (within 200-300m) of the area (see photo 38). A state road was observed adjacent to the site (see photo 37).</p>	<p>No Comment.</p>
<p>13. Committee members also visited proposed solid waste dump site at Jamtara. The place was Vaidyanathdih with thana no. 22,</p>	<p>No Comment.</p>





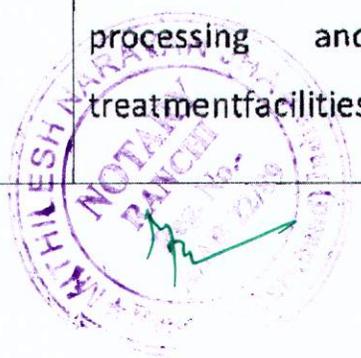
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Khata no. 61, Khesra no.- 510, 13.61 acre (see photos40). The site was adjacent to a road (see photos 41). District authorities informed that local people are opposing any solid waste dump site/ sanitary land fill site at that place too. The land was flat at that the place and some trenches were observed on the site(see photos 42 & 43)

c) The tabulated point wise reply of observations made by committee with respect to the provisions mentioned in SCHEDULE I, [see rule 15 (w), (z), 16 (1) (b) (e), 16 (4)], Specifications for Sanitary Landfills of SWM Rule, 2016 are tabulated below:

(A) Criteria for site selection: –

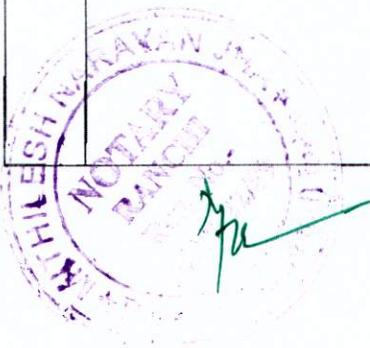
Sl. No.	CONDITIONS	STATUS AS ON 07.07.2021	REM ARKS	REPLY
(i)	The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities	Dump site has been provided at Rajbari but setting up of solid waste processing and treatment facilities have not been initiated. On notification–District Admin may		Solid Waste Management (SWM) scheme of Mihijam Nagar Parishad was sanctioned in 2016 by the Urban Development Department through Resolution No. 4796/26.08.2016 after lots of discussion with all stake holders, that particular land has been allotted for setting up an





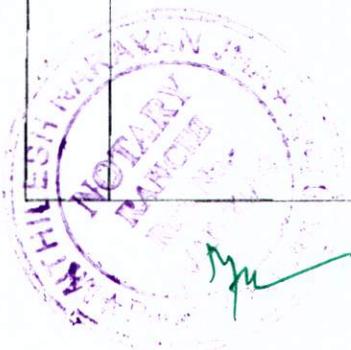
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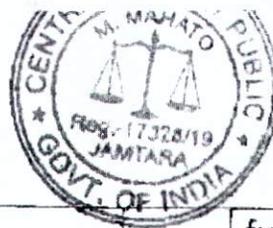
	<p>and notify such sites.</p>	<p>comment.</p>	<p>Integrated Solid Waste Processing and Disposal Facility by the District Authority in 2020. District authority has handed over the land to Mihijam Nagar Parishad Vide Letter No. - 1012/Revenue, dt. - 27.11.2020 to setup solid waste processing and treatment facilities. Technical Approval of DPR related to said scheme has been given by Department on 10.08.2021. This scheme comprises Door to Door Collection, Transfer, Transportation, Developing and operating an Integrated Municipal Solid Waste Processing Facility and Engineered Sanitary Landfill Facility.</p> <p>The Departmental Sankalp is attached as Annexure-A11;</p> <p>The Sanction letter of District authorities is attached as Annexure-A12.</p>
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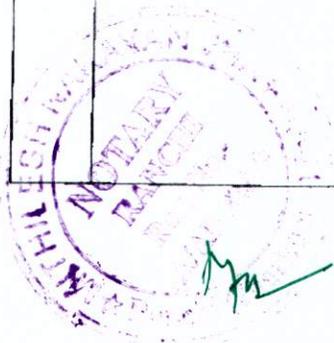
(ii)	<p>The sanitary landfill site shall be planned, designed and developed with proper documentation of construction plan as well as a closure plan in a phased manner. In case a new landfill facility is being established adjoining an existing landfill site, the closure plan of existing landfill should form a part of the proposal of such new landfill.</p>	<p>There is an existing solid waste dumpsite near the prepared dump site at Rajbari but no closure plan of that adjoining dump site is made. No proper documentation of construction plan as well as closure planning done.</p>	<p>Not complied</p>	<p>The said scheme is not only dumping site, but also a waste to compost unit and a sanitary landfill site for disposal of post processing residual inert material. The department has approved the DPR for the said scheme which consist of:-</p> <p>Development of grading plan (phasing of landfill facility) showing sequence of cell development over time, including the necessary earthwork to accomplish the same.</p> <p>Estimating and preparing drainage plans for the leachate and surface runoffs as a part of site development measures that minimize leachate generation.</p> <p>Design of leachate collection and conveyance system, together with method for determining effectiveness of the system so as to ensure that the landfill will be</p>
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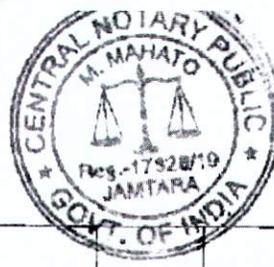




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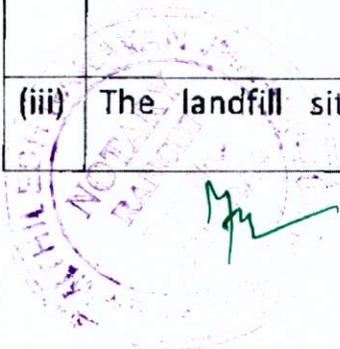
			<p>functioning properly.</p> <p>Designing system for disposal of leachate and surface runoffs, including likely drop inlets, piping, holding tanks and connection to the inlet/sumps of physical – chemical treatment system within main facility area.</p> <p>Design of bottom liner system.</p> <p>Recommending suitable construction techniques and materials.</p> <p>Developing waste placement and handling plan.</p> <p>Designing suitable cover system to minimize infiltration of surface runoff and check sub-surface contamination.</p> <p>Estimation of landfill gas generation and detail plan for extraction and utilisation of landfill gas.</p>
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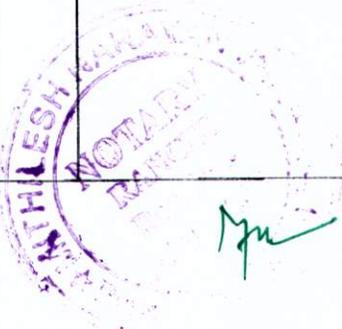
			<p>Designing monitoring well system.</p> <p>Design of closure, post closure plan and landscaping plan.</p> <p>This DPR was duly vetted by RCUES, Lucknow and was approved by UDHD Ranchi. The work for preparation of DPR for Bio-remediation and Bio-mining of legacy waste is already initiated. DPR will be ready within 01 month and the process of Bio-remediation will be completed within 06 months.</p> <p>The work order to concessionaire is issued on dated 02.12.2020 by Nagar Parishad, Mihijam and is attached as Annexure-A13.</p> <p>Adjacent site issue has already been addressed in paragraph 7 above.</p>
(iii)	The landfill sites	There is no waste	As stated in last paragraph, it is also





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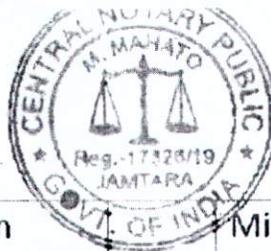
	<p>shall be selected to make use of nearby wastes processing facilities.</p> <p>Otherwise, wastes processing facility shall be planned as an integral part of the landfill site.</p>	<p>processing facility near the Rajbari dump site.</p>	<p>needful to mention that for the said scheme which consists of waste processing facility in the said site, Mihijam Nagar Parishad through due procedure of Tendering have already selected Concessionaire for setting up Integrated Solid Waste Processing and Disposal Facility.</p> <p>The NIT and LOI to concessionaire are collectively attached as Annexure-A14.</p>
(iv)	<p>Landfill sites shall be set up as per the guidelines of the Ministry of Housing and Urban Affairs, Government of India and Central Pollution Control Board.</p>		<p>Proposed Landfill sites is designed as per the guidelines of the Ministry of Urban Development, Government of India, CPHEEO Manual & EPA, and Central Pollution Control Board.</p> <p>Page Number 109 to 134 of Volume -1 of approved DPR may be referred.</p> <p>Copy of DPR is attached as Annexure-A15.</p>



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(v)	The existing landfill sites which are in use for more than five years shall be improved in accordance with the specifications given in this Schedule.	Not applicable.		No Comment
(vi)	The landfill site shall be large enough to last for at least 20-25 years and shall develop 'landfill cells' in a phased manner to avoid water logging and misuse	The site inspected at Rajbari is a dumpsite and not a landfill site. Landfill cells were not provided in the site.	Not complied	During the visit of the Committee, the DPR was in process of approval. It was communicated to the Committee by the Executive Officer by Letter No. - 553/MNP, Dated - 19.06.2021. The proposed Sanitary Landfill Site (SLF) is designed to accommodate post processing residual inert for 16 years. Page 115 of approved DPR may be referred.
(vii)	The landfill site shall be 100	As can be seen in Annexure (Distance -latitude-		As observed by the Committee Members,





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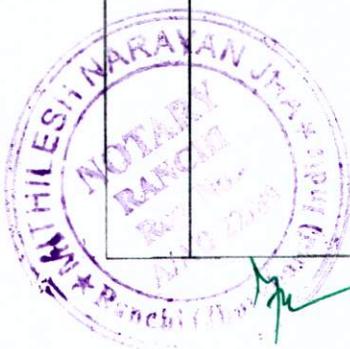
<p>meter away from river, 200 meter from a pond, 200 meter from. Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The Landfill site shall</p>	<p>longitudetaken superimposed on Google map) during inspection the dump site is approx 204 m from nearesthabitation approx 250m from nearestwell, approx. 531 m from Maithandamnearest water point that can beseenfromGoogle map. There is no riverwithin100m from dump site. Howeverrainyseason/seasonalnala flowing betweenagricultural fields flows within approx. 204m from dump site. It is more than 20 km away from Airportor Airbase.</p>	<p>Mihijam Nagar Parishad that the site selected for setting up an Integrated Solid Waste Processing and Disposal Facility fulfil the site selection criteria as mentioned in SWM Rule, 2016.</p>
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	not be permitted within the flood plains as recorded for the last 100 years, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas..		
(vii) i)	The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.	Town planning departments land use plan was not available to committee members. It is not known whether dumpsite is incorporated in land use plans.	Previously, the population of Nagar Parishad Mihijam was below 15 thousand and there were 03 Wards only. Due to Urbanization, in the year 2014 it was elevated as Nagar Parishad consisting of 20 wards and a population of nearly 40463. The adjoining land with the said site are generally non-transferable as per Santhal Parganas Tenancy Act and there is very rare chances of erection of any buildings in adjoining land. The Solid Waste Management Scheme Site is selected with





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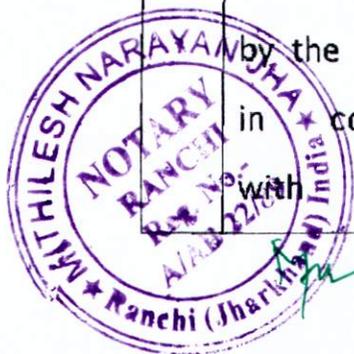
due approval of District Authority and is notified for this purpose only vide Letter No. - 1012/Revenue, Dated - 27/11/2020. By the Notification No. 6562, Ranchi/Dated 20/10/2017 the Master Plan of Mihijam Nagar Parishad has been notified by UDHD, Ranchi and 05 acre Land in Chandradipa Village which is 07 KM away from ULB has been mentioned in Page No. 66 of the Master Plan for the SWM Scheme at that time. But now land has been allocated in Rajbari. So, Executive Officer, Nagar Parishad Mihijam vide Letter No. - 849/MNP, Dated- 29/09/2021 has requested UDHD, Ranchi to do necessary amendment on Page No. 66 of Master Plan of Nagar Parishad Mihijam with current land details as handed over by DC, Jamtara for SWM Scheme. regarding Land-use plan.





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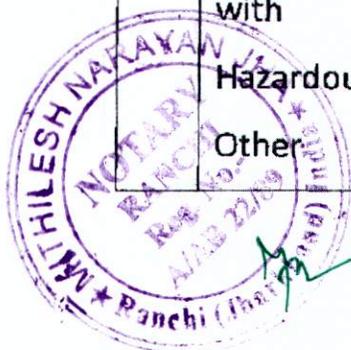
				Letter for handing over of land is attached as Annexure-A16.
(ix)	A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five Tonnes per day of installed capacity. This will be maintained within the total area of the solid waste processing and disposal facility. The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned	Just outside the Rajbari dump site there is another solid waste dump site. There is no consultation with JSPCB in relation to maintaining any buffer zone around dump site.	Not complied	<p>Proposed Solid Waste Processing and Disposal Facility have Green Buffer all around the periphery of site. A green barrier with three layer of plantation is proposed.</p> <p>The Layout Plan of proposed facility is shown in the page no. of the Volume III of DPR.</p> <p>The adjacent site issue has been addressed in paragraph 7 above.</p> <p>As stated in earlier paragraph during the visit of the committee, the DPR for the said Scheme was in process of approval which was communicated to the Committee. After approval of DPR, Nagar Parishad Mihijam has given direction to the Concessionaire to take EC and CTE from the concerned office and authority by Letter No.</p>

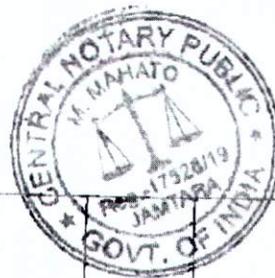




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	State Pollution Control Board.		<p>776/MNP, Dated-04.09.2021 and earlier with Letter No. - 257/MNP, Dated-18.03.2020.</p> <p>The Letter No. 776/MNP, Dated-04.09.2021 and earlier with Letter No. - 257/MNP, Dated-18.03.2020 are annexed hereto and collectively marked as Annexure-A17.</p>
(x)	<p>The biomedical waste shall be disposed of in accordance with the Bio-medical Waste Management Rules, 2016, as amended from time to time . The hazardous waste shall be managed in accordance with the Hazardous and Other Wastes</p>		<p>No bio medical waste is to be dumped at this site but all care will be taken and extant Rules complied with.</p>





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<p>(Management and Transboundary Movement) Rules, 2016, as amended from time to time. The E waste shall be managed in accordance with the e-Waste (Management) Rules, 2016 as amended from time to time.</p>		
<p>Temporary storage facility for solid waste shall be established in each landfill site to accommodate the waste in case of non-operation of wasteprocessing and during emergency or natural calamities</p>	<p>There is no provision of waste processing in the Rajbari solid waste dump site.</p>	<p>Approved DPR has provision of waste receiving platform and windrows that can accommodate waste for 35 to 40 days.</p> <p>The Volume-I Page No. 101, 102, 106 of the DPR may be referred.</p>

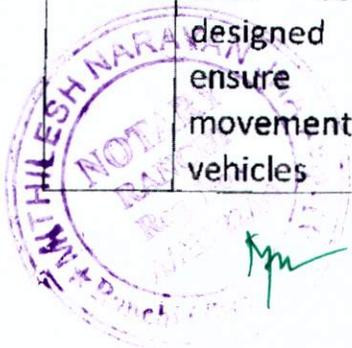


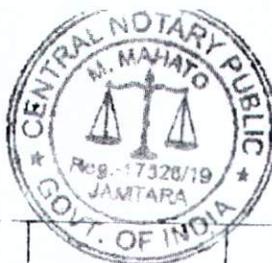


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(B) Criteria for development of facilities at the sanitary landfills. -

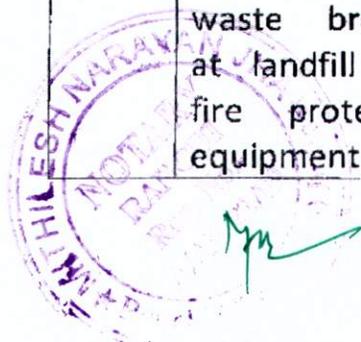
SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
I.	Landfill site shall be fenced or hedged and provided with proper gate to monitor in coming vehicles, to prevent entry of unauthorized persons and stray animals	There is a discontinuous boundary wall around the dump site at Rajbari. No gate was provided and anybody, any animal can enter the dump site.	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision of continuous boundary wall. Substantial portion of work related to boundary has already been completed. There is a provision of Rs. 45.61 lacs. DPR Vol - II Page No. 1 may be referred
II.	The approach and / internal roads shall be concreted or paved so as to avoid generation of dust particles due to vehicular movement and shall be so designed to ensure free movement of vehicles and	Approach and /internal road are neither concreted nor paved.	Not complied	There is a provision of Rs. 22.17 lacs for internal road. The approach road will be taken up by the 15 th Finance Commission Fund and the proposal has been sent to the department and the same will be completed within six months. DPR Vol- II Page No. 1 may be referred.





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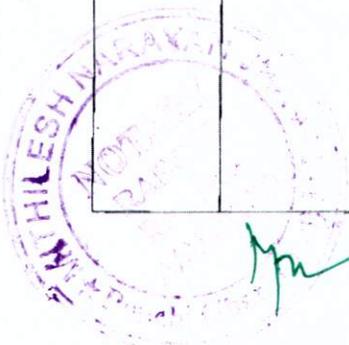
	other machinery.			The said Letter is attached as Annexure -A18
III.	The landfill site shall have waste inspection facility to monitor waste brought in for land filling office facility for recordkeeping and shelter for keeping equipment and machinery including pollution monitoring equipment. The operator of the facility shall maintain record of waste received, processed and disposed.	There is no office facility at dump site nor any shelter for keeping machinery or pollution monitoring equipment.	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision of waste inspection facility to monitor waste brought in at Landfill Facility. DPR Vol. - I, Page-112 may be referred.
IV.	Provisions like weigh bridge to measure quantity of waste brought at landfill site, fire protection equipment and	Weighbridge was not provided at the dump site so measurement of quantity of waste brought cannot be done.	Not complied	The work related to weigh bridge has been started and it was in progress. This is reported by committee in Committee report on page no. 03 of 05 as

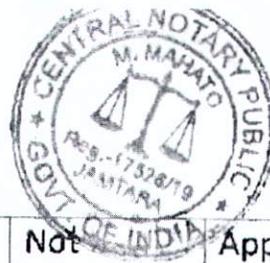




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	other facilities as may be required shall be provided.			there was a small artificial pond/trench like structure near the dump inside the boundary wall. Page No. - 80, 112, 106 of the DPR Vol. - II may be referred.
V.	Utilities such as drinking water and sanitary facilities (preferably washing/bathing facilities for workers) and lighting arrangements for easy landfill operations during night hours shall be provided	Utilities such as drinking water and sanitary facilities (preferably washing/bathing facilities for workers) have not been provided	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision of utilities such as drinking water and sanitary facilities. DPR Vol-II Page No.- 112 may be referred.
VI.	Safety provisions including health inspections of workers at landfill sites shall be carried out made.	No information about health inspection of workers at dump site made available to committee members.	Not complied	Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR have provision Safety provisions including health inspections of workers. DPR Vol. - I Page No.- 112 may be referred.





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VII.	Provisions for parking, cleaning, washing of transport vehicles carrying solid waste shall be provided. The wastewater so generated shall be treated to meet the prescribed standards	No provision for cleaning, washing of transport vehicles carrying solid waste has been provided at the dump site.	Not complied	Approved DPR has provision for cleaning, washing of transport vehicles. DPR Vol - I and Volume - II, Page No. - 01 may be referred.
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(C) Criteria for specifications for land filling operations and closure on completion of land filling: -

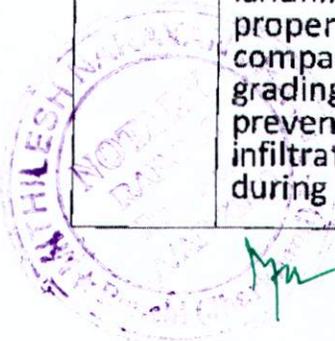
SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
I.	Waste for land filling shall be compacted in thin layers using heavy compactors to achieve high density of the waste. In high rainfall areas where heavy compactors cannot be used, alternative	No heavy compactors could be observed at the dump site for solid waste compaction	Not complied.	There is no need of heavy compactors in this plan although. Operation Plan proposed in DPR as well as in Concession Agreement has the provision of compacting Landfill waste. DPR Vol. -I Page No.- 112 may be referred.

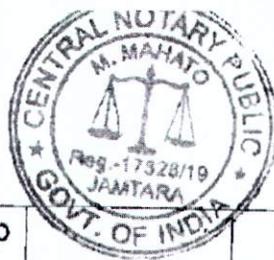




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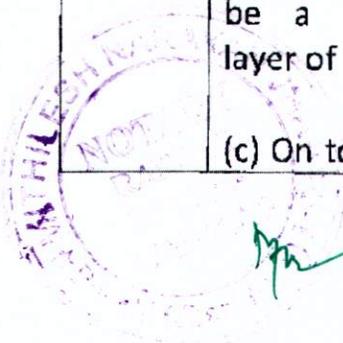
	measures shall be adopted.			
II.	Till the time waste processing facilities for composting or recycling or energy recovery are set up, the waste shall be sent to the sanitary landfill. The landfill cell shall be covered at the end of each working day with minimum 10 cm of soil, inert debris or construction material	At the Rajbari dump site soil/earth material was observed covering the solid waste. However it was unknown that such covering by soil, inert debris etc. is done at the end of each working day.	Not complied.	Provision of daily cover is already there in DPR and is also being carried out although the dump site is yet to be commissioned DPR Vol. -I Page No. - 112 may be referred.
III.	Prior to the commencement of monsoon season, an intermediate cover of 40-65 cm thickness of soil shall be placed on the landfill with proper compaction and grading to prevent infiltration during	Intermediate cover of 40-65 cm thickness of soil was not placed on solid waste dump site, though inspection was done during monsoon. No drainage was constructed	Not complied.	Provision is made for intermediate cover and same will be duly carried out before dump site is commissioned. There is also provision for drainage in DPR and it will be completed within six month with a cost of Rs. 7.46 Lakhs as allocated.





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	monsoon. Proper drainage shall be constructed to divert run-off away from the active cell of the landfill.	inside the dump site.		DPR Vol. -II Page No. - 01 may be referred.
IV.	<p>After completion of landfill, a final cover shall be designed to minimize infiltration and erosion. The final cover shall meet the following specifications, namely:--</p> <p>(a) The final cover shall have a barrier soil layer comprising of 60 cm of clay or amended soil with permeability coefficient less than 1×10^{-7} cm/sec.</p> <p>(b) On top of the barrier soil layer, there shall be a drainage layer of 15 cm.</p> <p>(c) On top of the</p>	Not applicable now.		No Comment.



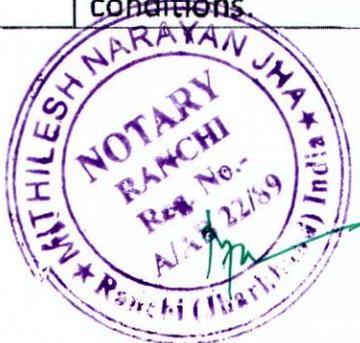


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<p>drainage layer, there shall be a vegetative layer of 45 cm to support natural plant growth and to minimize erosion.</p>			
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(D) Criteria for pollution prevention.-In order to prevent pollution from landfill operations, the following provisions shall be made, namely:-

SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
1.	<p>The storm water drain shall be designed and constructed in such a way that the surface runoff water is diverted from the land filling site and leachates from solid waste locations do not get mixed with the surface runoff water. Provisions for diversion of storm water discharge drains shall be made to minimise leachate generation and prevent pollution of surface water and also for avoiding flooding and creation of marshy conditions.</p>	<p>No storm water drain constructed at the dump site.</p>	<p>Not complied.</p>	<p>There is a provision of storm water drain in DPR and it will be completed within six month and a cost of Rs 7.46 Lakhs is allocated.</p> <p>DPR Vol. -II Page No.- 01 may be referred.</p>





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II.	<p>Non-permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) shall have liner of composite barrier of 1.5 mm thick high density polyethylene (HDPE) geo-membrane or geo-synthetic liners, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec. The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer provided at the bottom of landfills.</p>	<p>Non-permeable lining system at the base and walls of waste disposal area not provided.</p>	<p>Not complied.</p>	<p>Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR has provision of putting non-permeable lining system at the base and walls of waste disposal area.</p> <p>DPR Vo.I – IPage No.- 120 may be referred.</p>
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III.	<p>Provisions for management of leachates including its collection and treatment shall be made. The treated leachate shall be recycled or utilized as permitted, otherwise shall be released into the sewerage line, after meeting the standards specified in Schedule- II.. In no case, leachate shall be released into open environment.</p>	<p>No provisions for management of leachate (including its collection and treatment) made.</p>	<p>Not complied.</p>	<p>Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR has provision of management of leachates including its collection and treatment.</p> <p>DPR Vol - I Page No. - 116, 125 may be referred.</p>
IV.	<p>Arrangement shall be made to prevent leachate runoff from landfill area entering any drain, stream, river, lake or pond. In case of mixing of runoff water with leachate or solid waste, the entire mixed water shall be treated by the concern authority</p>	<p>There were gaps in the boundary wall and there were many places at the bottom of boundary wall from where leachate can come out and flow into low lying areas, agriculture fields.</p>	<p>Not complied.</p>	<p>Proposed Solid Waste Processing and Landfill Facility is under construction and the approved DPR has provision of management of leachate including its collection and treatment. A proper leachate collection system will be provided to carry the leachates into leachate pit. The leachates will travel through the gravel into the lateral pipes. These will carry the leachates to the header pipe</p>



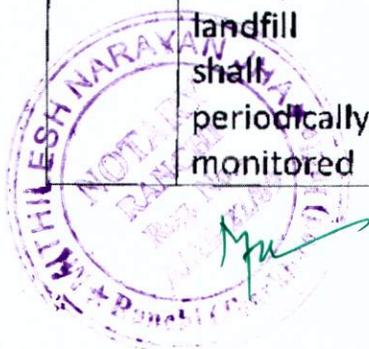


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			<p>from where it will be taken with the pit. The leachates will then be sprayed on to windrows along with Bio-culture.</p> <p>DPR Vol. -I Page No. -125 may be referred.</p> <p>Boundary wall is under construction.</p>
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(E) Criteria for water quality monitoring:-

SL.NO.	CONDITIONS	STATUS AS ON 07.07.2021	REMARKS	REPLY
I.	<p>Before establishing any landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meter of the periphery of landfill site shall be periodically monitored</p>	<p>Baseline data of groundwater quality in the area not made available to committee members.</p>	<p>Not complied.</p>	<p>Process of obtaining Environment Clearance has been started by concessionaire and a base line study will be conducted to create the baseline data of water quality. There is a provision of Rs. 20.00 Lakhs in DPR Proposed Solid Waste Processing and Landfill Facility.</p> <p>DPR Vol. – II Page No. 05 may be referred.</p>





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	<p>covering different seasons in a year that is, summer, monsoon and post-monsoon period to ensure that the ground water is not contaminated.</p>			
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8. That from the forgoing paragraphs it is amply clear that the state administration is taking sincere and concerted efforts for the approval, setting up and completion of the Integrated Solid Waste Management (SWM) scheme at the said plot of land at Mihijam, Jamtara in due compliance of the prescribed Rules The instant application seems to be motivated and designed to stall the setting up of the dumping site which is urgently required to meet the needs of the rapidly increasing population.
9. That the deponent has restricted his statements based on the facts and circumstances mentioned supra and, therefore, crave leave of this Hon'ble Tribunal to submit reply or further reply if needed or directed by the Hon'ble Tribunal.



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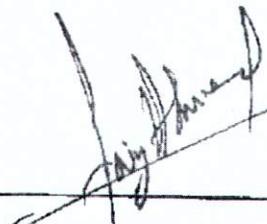
VERIFICATION

I, Faiz Aq Ahmed Mumtaz, Son of Aquil Ahmed Mumtaz, aged about 34 years, by Religion - Islam, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Jamtara, having its office at Combined Building, Collectorate, Jamtara - 815351, Jharkhand, do hereby verify and state that the statements contained in paragraph Nos. 1 and 2 are true to my knowledge, the statements contained in paragraph Nos. 3 to 7 are true to my information derived from the official records of the case, which I verily believe to be true and the statements contained in paragraph Nos. 8 and 9 are my respectful submissions before this Hon'ble Tribunal.

Date:

Place:

Prepared in my Office
and identified by me.


Deponent

*A. K. Mahato
-government Pleader Junior
03.10.2011*

Advocate

Serial No. 1776 Dated 4/10/2024
Sri/Smt. Faiz Aq Ahmed Mumtaz
Identified by Sri. A.K. Mahato
Solemnly affirmed before me Adv.



*M. Mahato
4/10/2024*
M. MAHATO
Central Notary Public
Dist. Jamtara
Govt. of India



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AFFIDAVIT

I, Faiz Aq Ahmed Mumtaz Son of Mr. Aquil Ahmed Mumtaz aged about 29.03.1987 years, residing at Jamtara, Jharkhand, do hereby solemnly affirm and states as follows:-

1. That I am the Deputy Commissioner, Jamtara. I am dealing with the connected records of the case in possession of the Office of the Deputy Commissioner, Jamtara and as such I am well acquainted with the facts and circumstances of the case and competent to make and affirm the instant Interlocutory Application.
2. That the statements contained in paragraph no. 1 to 2 are true to my knowledge, and those contained in paragraph nos. 3 to 7 is to my information derived from the official relevant records of the case, which I verily believe to be true and the statements contained in paragraphs Nos. 8 and 9 are my respectful submissions before this Hon'ble Tribunal.

Prepared in my Office

[Signature]
 DEPONENT

A.K. Mahabo
govt. pleader Jamtara
03.10.2021

Advocate

Serial No. 1777 Dated 4/10/2021
 Sri/Smt. Faiz Aq. Ahmed Mumtaz
 Identified by Sr. A.K. Mahabo
 Solemnly affirmed before me Adv.

[Signature]
 M. MAHATO
 Central Notary Public
 Dist. Jamtara
 Govt. of India



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Item No. 01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 81/2020/EZ

Arti Sinha	Versus	Applicant(s)
Mihijam Nagar Parishad & Ors.		Respondent(s)

Date of hearing: 06.12.2021

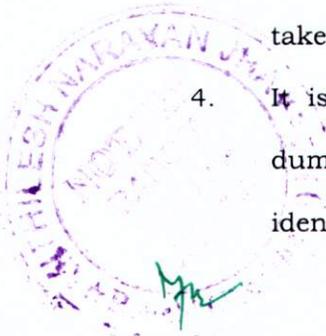
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Chhatrapal Saugandh, Advocate

For Respondent(s): Mr. Krishnaraj Thaker, AAG, a/w
Ms. Aishwarya Rajyashree, Advocate for R-3, 6 & 9,
Mr. Surendra Kumar, Advocate for R-4 & 5 & CPCB,
Mr. Soumitra Mukherjee, Advocate for R-8,

ORDER

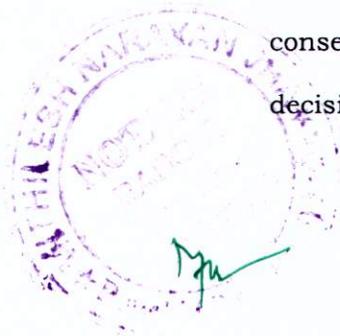
1. Mr. Chhatrapal Saugandh, learned Counsel is present for the Applicant.
2. Mr. Krishnaraj Thaker, learned Additional Advocate General assisted by Ms. Aishwarya Rajyashree, learned Counsel is present for Respondent Nos. 3, 6 & 9, State Respondents, Govt. of Jharkhand, Mr. Surendra Kumar, learned Counsel is present for Respondent Nos. 4 & 5, Jharkhand State Pollution Control Board and Central Pollution Control Board, and Mr. Soumitra Mukherjee, learned Counsel is present for Respondent No.8, Ministry of Environment, Forest and Climate Change.
3. One affidavit in reply dated 03.10.2021 has been filed on behalf of the Respondent No.6, Deputy Commissioner, Jamtara; the same is taken on record.
4. It is stated therein that originally the solid waste management dumping site at Chandradeepa and Sabdiha village had been identified but due to large scale protest by the villagers in the area,



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the site was shifted to Rajbari, Mihijam and it was recommended for rectifying the Detailed Project Report (DPR). The DPR was prepared and vetted and given on 10.08.2021 by the Chief Engineer Urban Development and Housing Department (UDHD) Ranchi. It is also stated that in the meantime, some anti-social elements tried to encroach upon the site at Rajbari, Mihijam and, therefore, construction of boundary wall has been started as per the decisions of the Municipal Council Board in the month of April 2021. It is also stated in Item No.11 of the Report that the construction work of boundary wall was given to one Patheya Mijijam Waste Management LLP, Concessionaire, in the month of April, 2021 and substantial portion of the work of the boundary wall has already been completed.

5. Neither the report nor the affidavit of the Deputy Commissioner, Mihijam, answer the moot question raised by the Jharkhand State Pollution Control Board in paragraph 4 of its affidavit dated 31.08.2021 that no Consent to Establish (CTE)/Consent to Operate (CTO) has been issued to the Municipal Waste Treatment Facility located at Mouza No. 15, Khata No. 223. Plot No. 1865, Rajbari, Mihijam, District-Jamtara, Jharkhand, by the Jharkhand State Pollution Control Board.
6. It is also clear from the paragraph 2 of the report of the Deputy Commissioner, Jamtara, that solid waste was dumped separately in small quantities at different places as well as at the peripheral area of this site i.e., Rajbari, Mihijam but after the site selection and consent of the villagers, the Municipal Commissioner has taken decision to dump the solid waste in the said site.



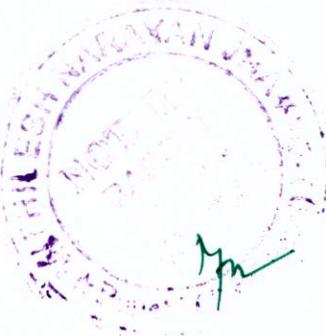
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7. The moot question is that without the Environmental Clearance (EC)/Consent to Establish (EC)/Consent to Operate (CTO), how is solid waste being dumped at this site i.e., Rajbari by both the Mihijam Municipal Corporation and Patheya Mihijam Waste Management LLP, Concessionaire. It is also not clarified in the affidavit of the Deputy Commissioner, Jamtara, whether Environmental Clearance (EC)/Consent to Establish (CTE)/Consent to Operate (CTO) has been obtained by the Patheya Mihijam Waste Management LLP, Concessionaire or the Mihijam Municipal Corporation or not.
8. Mr. Krishnaraj Thaker, learned Additional Advocate General submits that he may be granted a week's time to place on record before the Tribunal on affidavit the above required facts.
9. **As prayed, list on 13.12.2021.**

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

December 06, 2021
Original Application No. 81/2020/EZ
AK



IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA

In the matter of:

O.A No.81/2020/EZ

ARTI SINHA

...Applicant

-Versus-

MIHIJAM NAGAR PARISHAD &ORS.

...Respondents.

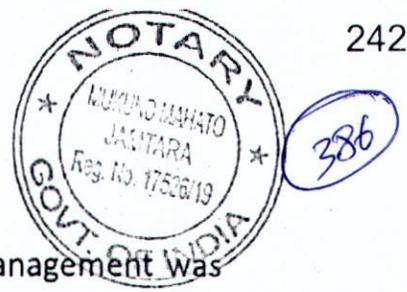


**AFFIDAVIT IN REPLY OF THE DEPUTY COMMISSIONER, JAMTARA RESPONDENT
NO.6 HEREIN.**

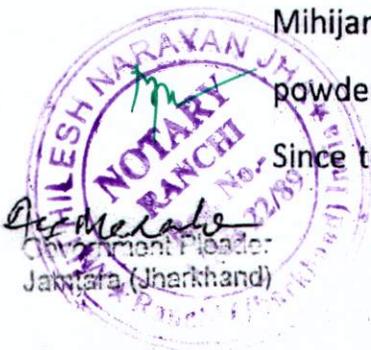
I, Faiz Aq Ahmed Mumtaz, Son of Aquil Ahmed Mumtaz, aged about 34 years, by Religion - Islam, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Jamtara, having its office at Combined Building, Collectorate, Jamtara – 815351, Jharkhand, do hereby solemnly affirm and state as follows:

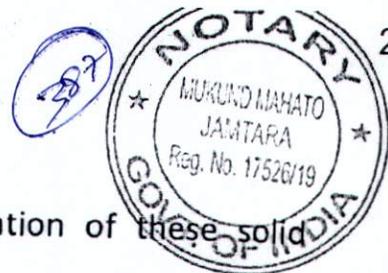
1. That I am the Deputy Commissioner, Jamtara, Jharkhand. I am aware of the facts of the instant case and as such I am competent to make and affirm the instant Affidavit.
2. I have read a copy of the Original Application filed in this proceeding and I have understood the purport and contents thereof.
3. Before dealing with the allegations made in the said writ petition I state the following facts for kind consideration of the Hon'ble Tribunal.





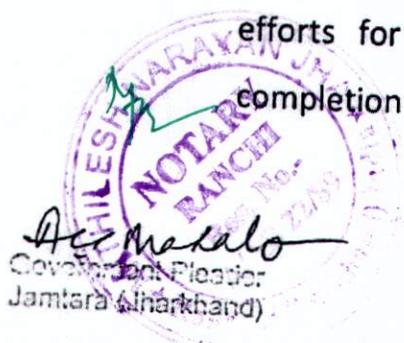
- a) Initially, the site for the scheme of Solid Waste Management was selected at village Chandradeepa and Sabdiha but due to protest of the villagers and inhabitants, it was necessary to find an alternative site.
- b) Mihijam Rajbari was selected for the site for scheme of Solid Waste Management after the consent of the villagers as well as inhabitants of the localities and after due process the technical approval of Detailed Project Report (DPR) was given by the concerned Chief Engineer, Urban Development and Housing Department, Ranchi by letter dated 10.8.2021.
- c) The construction work of boundary wall was started after the site was selected. The boundary wall work is nearing completion as 813 metres out of 860 metres has been completed and the completion of the remaining part is in progress.
- d) The concessionaire who has been awarded the tender for setting up the Solid Waste Management site at Rajbari, Patheya Mihijam Waste Management LLP has been instructed not to permit dumping of Solid Waste at the Rajbari site.
- e) I am informed that the Solid Waste is being dumped in a vacant low lying private land adjacent to the Rajbari site by the villagers. The Mihijam Nagar Parishad is sprinkling Disinfectant and bleaching powder on the waste deposited at the dumpsite on a daily basis. Since this land is low lying and hollow in nature, after accumulating





the concerned Solid Wastes, weekly remediation of these solid wastes is done dumping it in the low lying pit like area and covering the same with the layers of top soil.

- f) I am informed that Patheya Mihijam Waste Management LLP has initiated the process for Environmental Clearance. Application for Forest Clearance (FC) was filed with Forest Department on 10.07.2021 by ACK No. SWSFST07102021097b1. However, the Forest Department asked for authorization letter for seeking FC which was duly provided by Nagar Parishad, Mihijam on 25.09.2021. In the course of procuring Environmental Clearance (EC) from JSPCB, certain particulars were sought by Jharkhand State Pollution Control Board, Ranchi, for which the Circle Officer, Jamtara submitted the report no. 1244/Ra dated - 07.12.2021. The concessionaire has filed an on line application for grant of CTE with the Jharkhand State Pollution Control Board, Ranchi and has also deposited the fees of Rupees 39000/- vide receipt no. 7325571872 dated 09.12.2021. The "Term of Reference" (TOR), Pre-feasibility Report (PFR) and Executive Summary have been prepared for EC by the concessionaire who has initiated the process to obtain the EC from Jharkhand State Pollution Control Board, Ranchi. I am informed that the EC process takes about a year from the date of application.
- g) That it submitted before this Hon'ble Tribunal that the State Administration has taken, and is taking very sincere and concerted efforts for the sanction and approval for the setting up and completion of the Solid Waste Management Scheme at the above



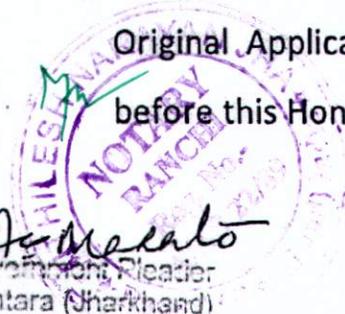
Chhaleshwar Mahato
 Government Pleader
 Jamtara (Jharkhand)



said plot of land at Mihijam Rajbari by fully complying the prescribed rules.

- h) I further submit that the instant original application seems to be motivated and designed to stall the setting up of the dumping site which is urgently required to meet the needs of the rapidly increasing population of Mihijam. I humbly submit that the instant original is liable to and should be dismissed.
4. I have hereinafter dealt with the allegations contained in the original application. Save what is expressly admitted by me hereinafter, all allegations contained in the said application are deemed to have been denied as if ^Athe same were set out in seriatim and specifically traversed.
5. I deny and dispute the allegations made in paragraph nos. 1 and 2 of the Original Application.
6. That I deny and dispute the allegations made in paragraph no. 3 of the Original Application. The said scheme is being carried out legally with proper planning, and several meetings were called in which all the stake holders were present at the time of the meetings and and that only after taking consent of the local people and inhabitant, the plot no. 1865 of Mihijam Rajbari was selected for the said scheme.
- The copy of the said written consents of the meeting is annexed hereto and marked as Annexure – "A".
7. That I deny and dispute the allegations made in paragraph no. 4 of the Original Application. The Applicant has not presented the correct facts before this Hon'ble Tribunal by falsely stating that the residential areas are


Government Pleader
Jamtara (Sherkhand)





Rajbari of Mouza – Mihijam is not a gotchar land rather is a patil land and as such there is no question of grazing or any such purpose.

14. I deny and dispute the allegations made in paragraph no. 14 of the Original Application.

15. That the grounds mentioned in paragraph no. 15 of the Original Application are all incorrect, invalid and untenable. In this regard, I reiterate the statements made hereinabove.

16. I deny and dispute the statement made in paragraph nos. 16 to 26 of the Original Application.

17. That in view of the above, it is prayed before the Hon'ble Tribunal that the Original Application is not tenable and may kindly be dismissed. I further humbly submit that the Jharkhand State Pollution Control Board may be directed to expeditiously process the application filed by the concessionaire for EC.

18. That the deponent has restricted his statements based on the facts and circumstances mentioned supra and, therefore, crave leave of this Hon'ble Tribunal to submit reply or further reply if needed or directed by the Hon'ble Tribunal.



Ashu Mahato
Government Pleader
Jamtara (Jharkhand)

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VERIFICATION

I, Faiz Aq Ahmed Mumtaz, Son of Aquil Ahmed Mumtaz, aged about 34 years, by Religion - Islam, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Jamtara, having its office at Combined Building, Collectorate, Jamtara - 815351, Jharkhand, do hereby verify and state that the statements contained in paragraph nos. 1 and 2 are true to my knowledge, the statements contained in paragraph nos. 3 to 14 are true to my information derived from the official records of the case, which I verily believe to be true and the statements contained in paragraph nos. 15 to 18 are my respectful submissions before this Hon'ble Tribunal.

Date: *Jamtara*
12/12/2021

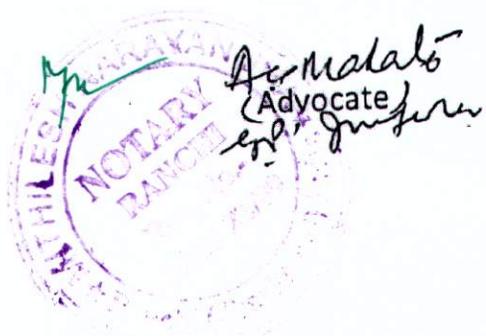
Place:

A. Mahato
Prepared in my Office

and identified by me.

Government Pleader
Jamtara (Jharkhand)

S.L. No. *3184* Date *12.12.2021* Deponent
Name *Faiz Aq Ahmed Mumtaz*
Identified by *Sri A. K. Mahato Adv.*



A. Mahato
Advocate
Jamtara

Mukund Mahato
Central Notary Public
Dist. Jamtara
Govt. of India

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Item No. 10

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 81/2020/EZ

Arti Sinha

Applicant(s)

Versus

Mihijam Nagar Parishad & Ors.

Respondent(s)

Date of hearing: 13.12.2021

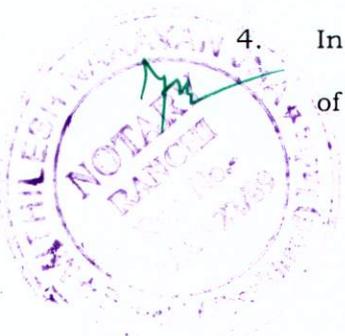
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Chhatrapal Saugandh, Advocate

For Respondent(s): Mr. Krishnaraj Thaker, AAG, a/w
Ms. Aishwarya Rajyashree, Advocate for R-3, 6 & 9,
Mr. Surendra Kumar, Advocate for R-4 & 5 & CPCB,
Mr. Soumitra Mukherjee, Advocate for R-8,

ORDER

1. Mr. Chhatrapal Saugandh, learned Counsel is present for the Applicant.
2. Mr. Krishnaraj Thaker, learned Additional Advocate General assisted by Ms. Aishwarya Rajyashree, learned Counsel is present for Respondent Nos. 3, 6 & 9, State Respondents, Govt. of Jharkhand, Mr. Surendra Kumar, learned Counsel is present for Respondent Nos. 4 & 5, Jharkhand State Pollution Control Board and Central Pollution Control Board, and Mr. Soumitra Mukherjee, learned Counsel is present for Respondent No.8, Ministry of Environment, Forest and Climate Change.
3. One affidavit dated 12.12.2021 has been filed on behalf of the Respondent No.6, Deputy Commissioner, Jamtara, Jharkhand; the same is taken on record.
4. In paragraph 'e' (at page no. 236 of the paper book) of the affidavit of Deputy Commissioner, Jamtara, it is stated that at present the



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solid waste is being dumped in a vacant low lying private land adjacent to the Rajbari Site and the solid waste is being treated by sprinkling disinfectant and bleaching power. In our opinion, this is not a process involved in solid waste management and this is a serious violation of the environmental procedure prescribed in the Solid Waste Management Rules, 2016. The affidavit is also silent on the disposal of the Legacy Waste.

5. Paragraph 'f' (at page no. 237 of the paper book) of the affidavit of Deputy Commissioner, Jamtara, mentions that the Patheya Mihijam Waste Management LLP Concessionaire has initiated the process for grant of Environmental Clearance by submitting an application before the Jharkhand State Pollution Control Board. Why this has done we are not aware since Pollution Control Board does not grant Environmental Clearance. An application has also been made to the Forest Department for issuance of Forest Clearance. We are informed that the land in question is a 'Patita land' and not forest land. As such, why should the question of Forest Clearance arise? These facts could have been verified by the Deputy Commissioner, Jamtara, himself before filing this affidavit which he has failed to do. He also writes in the same paragraph that he has been informed that the Environmental Clearance (EC) takes about a year from the date of application. Here again he exposes his ignorance on the subject since the timeline for grant or rejection of an Environmental Clearance is 120 days from the date of the application and the same is granted either by State Environment Impact Assessment Authority (SEIAA) or by the Ministry of Environment, Forest and Climate Change, as the case may be.



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6. Mr. Krishnaraj Thaker, learned Additional Advocate General prays that he may be granted three weeks time to verify these facts and file a better affidavit on behalf of the Respondent No.6, Deputy Commissioner, Jamtara.
7. Let such affidavit be filed within three weeks and the e-copy/soft copy of the same be served upon the learned Counsel for the Applicant as well as the learned Counsel for the other Respondents before filing it in the Tribunal.
8. **List on 02.02.2022.**

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

December 13, 2021
Original Application No. 81/2020/EZ
AK



11/1/2022
 Serial No.....
 As per Register of Notary

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IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH KOLKATA

In the matter of:

O.A No.81/2020/EZ

ARTI SINHA
 ...Applicant
 -Versus-

MIHIJAM NAGAR PARISHAD &ORS.

...Respondents.

AFFIDAVITON BEHALF OF THE DEPUTY COMMISSIONER, JAMTARA
RESPONDENT NO. 6 HEREIN.

I, Faiz Aq Ahmed Mumtaz, Son of Aquil Ahmed Mumtaz, aged about 34 years, by Religion - Islam, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Jamtara, having its office at Combined Building, Collectorate, Jamtara - 815351, Jharkhand, do hereby solemnly affirm and state as follows:

1. That I am the Deputy Commissioner, Jamtara, Jharkhand and I am aware to the facts in the instant case and as such I am competent to make and affirm the instant Counter Affidavit.
2. That I am a law abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That, the Hon'ble Tribunal vide its order dated 13.12.2021 has directed as follows:-



07 FEB 2022

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"... In paragraph 'e' (at page no. 236 of the paper book) of the affidavit of Deputy Commissioner, Jamtara, it is stated that at present the solid waste is being dumped in a vacant low lying private land adjacent to the Rajbari Site and the solid waste is being treated by sprinkling disinfectant and bleaching power. In our opinion, this is not a process involved in solid waste management and this is a serious violation of the environmental procedure prescribed in the Solid Waste Management Rules, 2016. The affidavit is also silent on the disposal of the Legacy Waste. ..."

I say that for disposal of the Legacy Waste in accordance with the extant Rules and guidelines, an E-Tender reference no. MNP/SBD/01/2021-22 dated 08.01.2022 has been floated with a timeline for completion of disposal within 6 months.

A photocopy of letter no. 42/MNP dated 11.01.2022 of Executive Officer, Mihijam Nagar Parishad to SDM, Jamtara and Circle Officer, Jamtara along with an advertisement in 3 national newspapers, is annexed hereto and collectively marked as "Annexure A1".

4. That, the Hon'ble Tribunal vide its order dated 13.12.2021 has also directed as follows:-

"... He also writes in the same paragraph that he has been informed that the Environmental Clearance (EC) takes about a year from the date of application. Here again he exposes his ignorance on the subject since the timeline for grant or rejection of an Environmental Clearance is 120 days from the date of the application and the same is granted either by State



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Environment Impact Assessment Authority (SEIAA) or by the Ministry of Environment, Forest and Climate Change, as the case may be. ..."

In this regard, I say that by his letter no. 1244/Revenue dated 07.12.2021, the Circle Officer has duly provided the clarifications required by Patheya Mihijam Waste Management LLP. I further say that by acknowledgement no. IA/JH/MIS/251489/2022 on 13.01.2022, application for the Environmental Clearance (EC) in Form 1 i.e. Terms of Reference (TOR) Application has been made with the Ministry of Environment, Forest and Climate Change (MOEF & CC), Government of India and the same is pending for approval before the MOEF & CC.

A copy of letter dated 07.12.2021 along with proof of submission of Form 1 with MOEF & CC are annexed hereto and collectively marked as "Annexure A2".

5. That, the Hon'ble Tribunal vide its order dated 13.12.2021 has further observed as follows:-

"...Paragraph 'f' (at page no. 237 of the paper book) of the affidavit of Deputy Commissioner, Jamtara, mentions that the Patheya Mihijam Waste Management LLP Concessionaire has initiated the process for grant of Environmental Clearance by submitting an application before the Jharkhand State Pollution Control Board. Why this has done we are not aware since Pollution Control Board does not grant Environmental Clearance. An application has also been made to the Forest Department for issuance of Forest Clearance. We are informed that the land in question is a



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'Patita land' and not forest land. As such, why should the question of Forest Clearance arise?..."

In this regard, I say that the concessionaire has subsequently clarified by its letter dated 20.01.2022 that no forest clearance is required. I say that the process for grant of Environmental Clearance has been duly initiated.

A photocopy of the letter dated with ref. no. SWM/MIJ/15/21-22 dated 20.01.2022 of Patheya Mihijam Waste Management LLP to Executive Officer, Mihijam Nagar Parishad is annexed hereto and marked as "Annexure A3".

6. I humbly submit that the District Administration shall take all necessary steps to ensure that no environmental damage is caused and shall comply with the extant Rules, guidelines and directions that may be issued by this Hon'ble Tribunal. I crave leave of this Hon'ble Tribunal to submit further reply, if required in the present matter.



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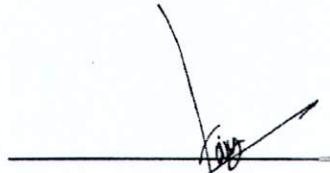
VERIFICATION

I, Faiz Aq Ahmed Mumtaz, Son of Aquil Ahmed Mumtaz, aged about 34 years, by Religion - Islam, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Jamtara, having its office at Combined Building, Collectorate, Jamtara - 815351, Jharkhand, *Camp at 811, K. S. Ray Road, Kolkata - 700001* do hereby verify and state that the statements contained in paragraph Nos. 1 and 2 are true to my knowledge, the statements contained in paragraph Nos. 3 to 5 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.

Date: 07 FEB 2022

Place:

Prepared in my Office
and identified by me.


Deponent
(Faiz Aq Ahmed Mumtaz)

Aishwarya Rajyashree
Advocate

ABDUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Regd. No. 9807/2011
Government of India
High Court Calcutta
Gate No 'E'
M:- 9831104098

07 FEB 2022



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IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

I.A. No. ____ of 2022

IN

CIVIL APPEAL (C) NO. ____ OF 2022

IN THE MATTER OF:

Mihijam Nagar Parishad

...Appellant

-VERSUS-

Arti Singh & Ors

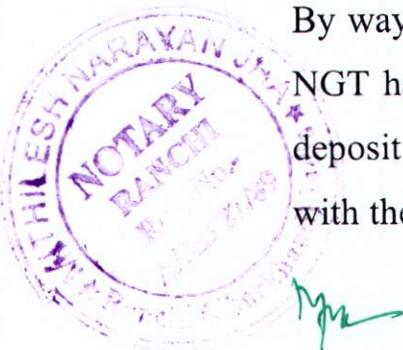
...Respondents

**APPLICATION SEEKING PERMISSION TO FILE
APPEAL WITHOUT CERTIFIED COPY OF IMPUGNED
JUDGMENT**

TO,

HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE HON'BLE SUPREME COURT OF INDIATHE HUMBLE PETITION OF
THE APPELLANT ABOVE
NAMED**MOST RESPECTFULLY SHOWETH:**

1. The Appellant above-named is filing the present Appeal under Section 22 of the National Green Tribunal Act, 2010, ("NGT Act") being aggrieved by the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata (**Hon'ble NGT**). By way of the impugned order and judgment, the Hon'ble NGT has, *inter alia*, directed Mihijam Nagar Parishad, to deposit Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, within a



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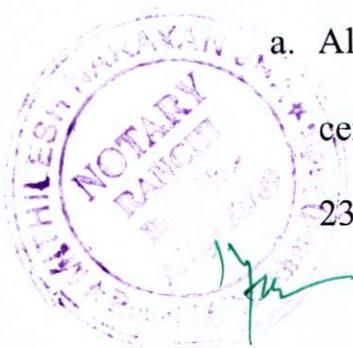
period of one month, despite the fact that Hon'ble NGT holds the location of the landfill site in question/dumping site fulfils the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016 which is per the findings of the Committees Report.

2. That the Appellant relies upon the contents of the accompanying Appeal which may be read as part and parcel of the present application, contents of which have not been repeated herein for the sake of brevity.
3. That the Appellant is filing the present Appeal without the certified copy of the impugned judgment as the Appellant has not been able to receive the same at the time of filing of the Appeal and in view of the urgency in the matter. In view of the same the Appellant may be allowed to file the present appeal with the certified copy of the judgment.
1. That the present application is bonafide and in the interest of justice.

PRAYER

In view of the above facts and circumstances, the Appellant most humbly prays to the Hon'ble Court that Your Lordship may graciously be pleased to:

- a. Allow the Appellant to file the present appeal without certified copy of impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/



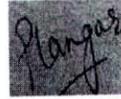
(401)

EZ by the Hon'ble National Green Tribunal, Eastern Bench,
Kolkata; and

- b. Pass any order which the Hon'ble court may deem fit in the
circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS DUTY BOND SHALL EVER PRAY.

FILED BY



PALLAVI LANGAR

ADVOCATE FOR THE APPELLANT

FILED ON 20.05.2022



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IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

I.A. No ____ of 2022

IN

CIVIL APPEAL (C) NO. ____ OF 2022

IN THE MATTER OF:

Mihijam Nagar Parishad

...Appellant

-VERSUS-

Arti Singh & Ors

...Respondents

**APPLICATION FOR EXEMPTION FROM FILING
OFFICIAL TRANSLATION OF DOCUMENTS**

TO,

HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

THE HON'BLE SUPREME COURT OF INDIA

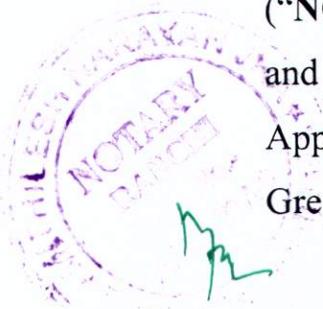
THE HUMBLE PETITION OF

THE APPELLANT ABOVE

NAMED

MOST RESPECTFULLY SHOWETH:

1. The Appellant above-named is filing the present Appeal under Section 22 of the National Green Tribunal Act, 2010, ("NGT Act") being aggrieved by the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata (**Hon'ble NGT**).



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By way of the impugned order and judgment, the Hon'ble NGT has, *inter alia*, directed Mihijam Nagar Parishad, to deposit Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, within a period of one month, despite the fact that Hon'ble NGT holds the location of the landfill site in question/dumping site fulfils the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016 which is per the findings of the Committees Report.

2. That the Appellant relies upon the contents of the accompanying Appeal which may be read as part and parcel of the present application, contents of which have not been repeated herein for the sake of brevity.
3. That the Appellant is seeking a stay of the impugned final judgment as the direction upon the Appellant to pay Environmental Compensation to a tune of Rs 43,05,000/- is onerous and ex-facie erroneous both on facts and on calculations.
4. It is submitted that the calculation of the fine to be imposed as Environmental Compensation (EC) by the Committee is erroneous. It is submitted that in the formula to calculate Environment Compensation which is as follows:

$$EC = PI \times N \times R \times S \times LF$$

Where N = Number of days of Violation.

It is submitted that the Committee has taken the value of N as 287, i.e., from the date the complaint is filed 24.09.2020 till the date of visit by the committee, 07.07.2021.

However, it is pertinent to note that the said land was only allotted from 27.11.2020. Therefore, the number of



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days for violation, if at all, has to be calculated from 27.11.2020 to 07.07.2021, i.e., 222 days.

5. Further, for the purpose of calculation of EC, the committee has taken the value of R which is the factor in Rupees to be taken while calculating EC. It is submitted that the Committee has taken it to be R 250/- in its report. Considering the fact that the Hon'ble NGT has dismissed the OA on the findings of the committee that the dumping site is in conformity to the SWM Rules 2016, it is submitted that the value of R may be taken at the lowest of Rs 100/-. Keeping the above factors in mind and the correct and reasonable value of N and R (other values remaining same), the amount of EC, if any to be imposed, would be approximately:

$$EC = 60 \times 222 \times 100 \times 1 \times 1$$

$$EC = \text{Rs. } 14,32,000/-$$

6. In any event it is submitted that the Appellant has duly complied with the statutory compliances in the management of the solid waste at the concerned dump site by conforming to the distance criteria mentioned in Schedule-I para (a) sl. no. (vii) of the Solid Waste Management Rules, 2016 as the dump site is approximately 204 m away from the nearest habitation, 531 m from the Maithon dam nearest to the water point, 204 m from the Homeopathic medicine centre, 210 m from the Missionaries of Charity, 210 m from the temple and no river was found within 100 m as well. It is submitted that the abovementioned information shows compliance with the Solid Waste Management Rules, 2016 that land fill



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site should be 100 m from the river, 200 m from pond, highways, housing sites, public parks, 200 m from wells and 20 km from the airport. Therefore, the imposition of EC is wrong and deserves to be set aside.

7. That the Appellant has a prima facie good case on merits and balance of convenience tilts in favour of the Appellant. That irreparable harm would be caused to the appellant incase the directions as contained in the impugned judgment to pay Rs 43,05,000/- as Environmental Compensation is not stayed by this Hon'ble Court in the facts and circumstances of the present case. However, no prejudice would be caused to the Respondents in case stay as prayed for is granted.
8. That the present application is bonafide and in the interest of justice.

PRAYER

In view of the above facts and circumstances, the Appellant most humbly prays to the Hon'ble Court that Your Lordship may graciously be pleased to:

- a. Allow the present application and pass an order granting ad interim ex-parte stay of the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata; and
- b. Pass any order which the Hon'ble court may deem fit in the circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS DUTY BOND SHALL EVER PRAY.

FILED BY



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PALLAVI LANGAR

ADVOCATE FOR THE APPELLANT

FILED ON 20.05.2022



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IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)
I.A. No ____ of 2022
IN
CIVIL APPEAL (C) NO. ____ OF 2022

IN THE MATTER OF:
Mihijam Nagar Parishad

...Appellant

-VERSUS-

Arti Singh & Ors

...Respondents

**APPLICATION FOR EXEMPTION FROM FILING
OFFICIAL TRANSLATION OF DOCUMENTS**

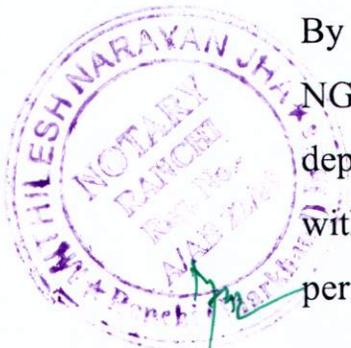
TO,

HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF
THE APPELLANT ABOVE
NAMED

MOST RESPECTFULLY SHOWETH:

1. The Appellant above-named is filing the present Appeal under Section 22 of the National Green Tribunal Act, 2010, ("NGT Act") being aggrieved by the impugned final Order and Judgment dated 23.02.2022 passed in Original Application No. 81 / 2020/ EZ by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata (**Hon'ble NGT**). By way of the impugned order and judgment, the Hon'ble NGT has, *inter alia*, directed Mihijam Nagar Parishad, to deposit Rs. 43,05,000/- as environmental compensation with the State Pollution Control Board, Jharkhand, within a period of one month, despite the fact that Hon'ble NGT



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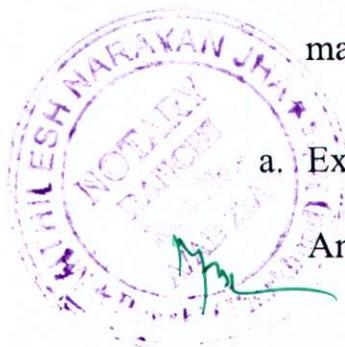
holds the location of the landfill site in question/dumping site fulfils the parameters laid down in Schedule I (A) of the Solid Waste Management Rules, 2016 which is per the findings of the Committees Report.

2. That the Appellant relies upon the contents of the accompanying Appeal which may be read as part and parcel of the present application, contents of which have not been repeated herein for the sake of brevity.
3. That along with the accompanying Civil Appeal, the Appellant is filing annexures A-1 to A-11 out of which Annexure A -3 is originally in Hindi, which has been translated from a private translator who is well conversant with both the languages i.e. English as well as Hindi. Therefore, by way of present application the petitioner is seeking exemption from filing official translation of Annexure A-3 from Hindi to English;
1. That the present application is bonafide and in the interest of justice.

PRAYER

In view of the above facts and circumstances, the Appellant most humbly prays to the Hon'ble Court that Your Lordship may graciously be pleased to:

- a. Exempt the Appellant from filing official translation of Annexure A-3 from Hindi to English; and

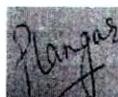


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b. Pass any order which the Hon'ble court may deem fit in the circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS DUTY BOND SHALL EVER PRAY.

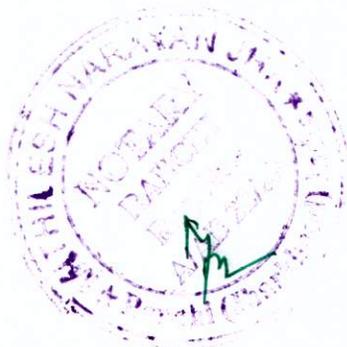
FILED BY



PALLAVI LANGAR

ADVOCATE FOR THE APPELLANT

FILED ON 20.05.2022



ITEM NO.8

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5193/2022

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Amexure - 'B'

MIHIJAM NAGAR PARISHAD

Appellant(s)

VERSUS

ARTI SINHA & ORS.

Respondent(s)

(IA No. 96351/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 96354/2022 - EXEMPTION FROM FILING O.T. IA No.96352/2022 - STAY APPLICATION)

Date : 26-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Mr. Anurabh Chowdhury, Sr. Adv.
Ms. Pragma Baghel, Adv.
Ms. Pallavi Langar, AOR
Mr. Karma Dorjee, Adv.
Dechen W. Lachungpa, Adv.
Mr. Aniruddha M. Sethi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is admitted.

List in the first working week of October, 2022.

In the meanwhile, there shall be stay of the direction on the Petitioner, Mihijam Nagar Parishad, at Paragraph No. 19 of the impugned judgment, to deposit Environmental Compensation of 43,05,000/- (Rs. Forty Three Lakhs Five Thousand Only) with the State Pollution Control Board, Jharkhand, within a period of one

Signature Not Verified

Digitally signed by
GULSHAN KUMAR
ARORA
Date: 2022.08.26
16:46:22 IST
Reason:

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)