

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

I.A. No. 23 OF 2026

IN

**OA/18/2025/EZ**

**IN THE MATTER OF:**

**RAMESH PRASAD SINGH.**

**...APPLICANT**

**-VERSUS-**

**THE STATE OF BIHAR & ORS.**

**...RESPONDENTS**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

IA NO. \_\_\_\_\_ OF 2026  
IN  
OA NO. 18 OF 2025/EZ  
(Earlier O.A. NO.1315 of 2024/PB)

**IN THE MATTER OF:**

**RAMESH PRASAD SINGH**

**...APPLICANT**

**VERSUS**

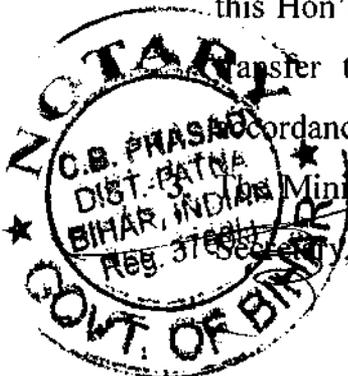
**THE STATE OF BIHAR & ORS**

**...RESPONDENTS**

**APPLICATION ON BEHALF OF THE RESPONDENT NO. 4  
FOR MODIFICATION OF ORDER DATED 24.09.2025**

**MOST RESPECTFULLY SHOWETH:**

1. It is pertinent to mention herein that the present original application has been pending before this Hon'ble Court and list for final hearing on 19.02.2026.
  2. That the present Original Application was initially filed by the Applicant as a letter petition before the Principal Bench, New Delhi. Upon consideration, this Hon'ble Bench, exercising its suo motu jurisdiction, was pleased to treat the said letter petition as an Original Application and accordingly registered the same as O.A. No. 1315 of 2024. Thereafter, this Hon'ble Bench, vide order dated 24.01.2025, was further pleased to transfer the matter to the Eastern Zone for proper adjudication in accordance with law.
- Ministry of Environment, Forest and Climate Change, through the Secretary, issued a letter vide D.O. No. 22-19/2017-IA-III Dated

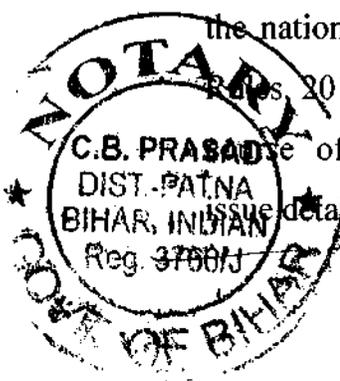


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03.07.2017, wherein it was mentioned that in view of the Environment Impact Assessment Notification, 2006 in the schedule at item 7 (i) mentioned common municipal waste management facility as category B project for which the State Environment Impact Assessment Authority (SEIAA) has been empowered to appraise the project for grant of environment clearance.

A copy of the letter bearing D.O. 22-19/2017-IA-III dated 03.07.2017 issued by the Ministry of Environment, Forest and Climate Change, through the Secretary is marked and annexed herewith as **Annexure A-1**

4. The Veteran Forum for Transparency in Public Life, through Dr. Bishwanath Prasad Singh, had instituted Original Application No. 159 of 2017 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, raising grievances regarding the unscientific collection, transportation, and disposal of municipal solid waste by the Chapra Nagar Nigam. The Hon'ble Tribunal directed the Chapra Nagar Nigam to take effective, sustained, and time-bound remedial measures to ensure proper collection, transportation, and scientific disposal of municipal solid waste in strict conformity with the applicable environmental norms and the provisions of the Solid Waste Management Rules, 2016. The Tribunal further emphasised the obligation of the municipal authority to maintain hygiene and prevent any adverse impact on public health and the environment.
5. The Hon'ble National Green Tribunal Principal Bench, at New Delhi, in O.A No.606 of 2018, titled as "*Compliance of Municipal Solid Waste Management Rules 2016*", undertook a comprehensive examination of the nationwide status of compliance with the Solid Waste Management Rules, 2016, and related environmental obligations of local bodies. In the course of these proceedings, the Hon'ble Tribunal was pleased to issue detailed directions and guidelines pertaining to both legacy waste



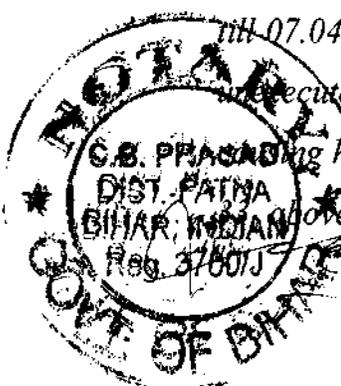
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management and scientific solid waste management practices, with the objective of ensuring effective implementation of statutory mandates. The relevant paragraphs of the order dated 14.02.2020 is extracted and quoted hereunder:-

*"41a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). 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 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. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

*b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 2 17.07.2019 in O.A. No. 519/2019 para 281 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains*

*unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 281 above. Pending assessment and recovery of such damage by the*



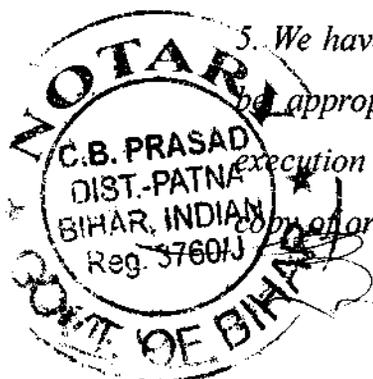
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concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate 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. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take 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. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today."

A copy of order passed by the Hon'ble Principal Bench, at New Delhi in O.A No. 606 of 2018 dated 14.02.2020 in "Compliance of Municipal Solid Waste Management Rules 2016", is annexed herewith and marked as **Annexure A-2**

6. The Applicant, *Veteran Forum for Transparency in Public Life*, preferred an Execution Application No. 29 of 2021 in the said O.A. No. 159 of 2017, before the Hon'ble National Green Tribunal, Principal Bench, New Delhi for compliance of the directions passed by the Hon'ble Tribunal vide an order dated 14.02.2020. The Hon'ble Tribunal directed that the execution proceedings be transferred to the jurisdictional Civil Court for enforcement of the Tribunal's earlier directions in accordance with law and observed as under: -

5. We have heard the applicant in person. We are of the view that it will be appropriate that in terms of Section 25(2) of the NGT Act the execution is transferred to the jurisdictional Civil Court. Accordingly, a copy of order of this Tribunal dated 14.12.2020 in O.A. No. 606/2018 be



5.

*forwarded to the District Judge, Saran for being entrusted to the jurisdictional Civil Court for further action in accordance with law.*

*E.A. No. 29/2021 is disposed of."*

A copy of Order dated 18.10.2021 passed in Execution Application 29 of 2021 in O.A. No. 159 of 2017 is annexed herewith and marked as **Annexure A-3**

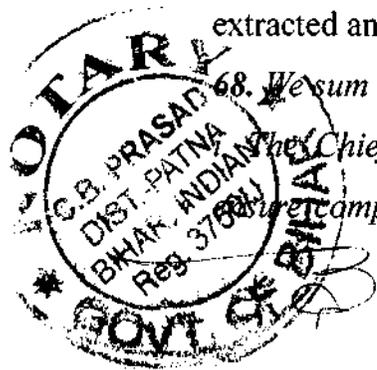
7. The Petitioner acted bona-fide, in seeking swift implementation of the directions passed by the Hon'ble Tribunal vide an order dated 14.02.2020 and 18.10.2021 as well as sought mandatory compliance of the provisions of the Rules, 2016. The Petitioner herein requested the District Magistrate to make available land, and a request was also vide letter no. 1307, dated 13.06.2022, vide which it was mentioned that the concerned department may be directed to make available ten acres of suitable land within a radius of 15 kilometres to the Petitioner herein. The Petitioner further proposed that the site shall be readily accepted by the Petitioner, even if the government land is available in two sections or located at different places, with the sole objective of compliance of the order passed by the Hon'ble Tribunal as well as to honour the mandate of Rules, 2016.

A copy of the letter No.2261 dated 14.11.2022 in order to comply the order passed in O.A.No.159 of 2017 is marked and annexed herewith as **Annexure A-4**

8. The Hon'ble National Green Tribunal, Principal Bench at New Delhi, in Original Application No. 606 of 2018, passed further directions with regard to strict compliance of the provisions of the Solid Waste Management Rules, 2016 and the relevant paragraph of the said order is extracted and quoted hereunder:-

*We sum up our directions as under:*

*The Chief Secretary, Bihar may take further remedial measures to ensure compliance of SWM Rules considering the statutory timelines to*



6.

be sacrosanct as already directed by this Tribunal vide judgment dated 22.12.2016 (para 10). Similarly, the timelines for ensuring setting up of necessary sewage management systems have to be accepted as rigid timelines in view of judgment of the Hon'ble Supreme Court dated 22.02.2017 (para 6)

ii. Ring-fenced amount of Rs. 4,000/- crores for solid and sewage management be set apart within two months and such funds be kept as "non-lapsable". (para 26 & 67)

iii. Legacy waste at 115 ULBs as well as at other ongoing sites be remediated without further delay and quantify remediated legacy waste indicating that no legacy waste is remaining and reported in the next compliance report. (Para 30)

iv. CPCB in consultation with some of the States PCBs and Municipal Corporations may work out environmentally safe methods/options for their use as directed in respect of State of UP (para 32).

v. Plastic waste and construction and demolition waste processing plants be set up ensuring that bio-medical, hazardous and E-waste are not co-mingled and treated with solid waste (para 33).

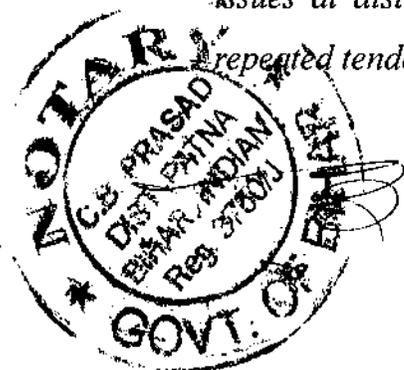
vi. Immediate efforts be made for ensuring connectivity with existing STPs and proposed STPs (para 34).

vii. The issues relating to compliance of STPs with standards and utilization of treated sewage be monitored and looked into by centralised mechanism at State level. Instead of high costed

STPs in small population towns/villages, oxidation ponds and other low cost options be preferred including modular STPs. Similarly, in-situ remediation projects be duly executed (para 47).

viii. Chief Secretary may immediately set up orientation programme on regular basis at appropriate institutional level to deal with environmental issues at district level. The execution plans should not be held up in repeated tendering systems. (para 55).

A copy of order dated 04.05.2023 passed by the Hon'ble National Green Tribunal,



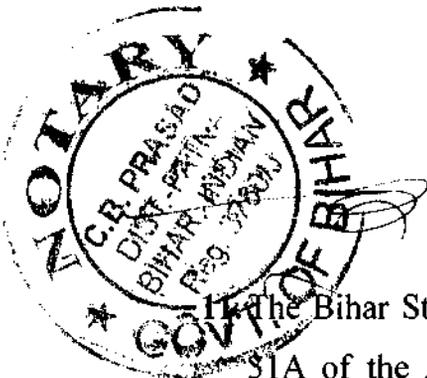
Principal bench, at New Delhi in O.A no. 606 of 2018, dealing with the issue of compliance of the Solid Waste Management Rules, 2016 passed specific direction in respect of State of Bihar is marked and annexed herewith as **Annexure A-5**

9. That the Bihar State Pollution Control Board, vide letter dated 16.11.2023, has categorically stated that the proposed landfill site was evaluated on the basis of the prescribed check-list and that only the State Environment Impact Assessment Authority (SEIAA) was thereafter approached for grant of Environmental Clearance. Thus, the site had already been duly examined and assessed in accordance with the requisite parameters, and there remains no doubt or ambiguity regarding compliance with the checklist; the only requirement pending was the grant of approval by the SEIAA.

A copy of letter dated 16.11.2023 issued by the Bihar State Pollution Control Board is annexed herewith and marked as **Annexure A-6**

10. That the Secretary and the Divisional Commissioner, vide Letter No. 2700 dated 30.11.2023, the land for the construction of solid waste and liquid waste disposal for the municipal corporation to the tune of 5 acres was transferred by the Office of the Commissioner, Chapra.

A Copy of Memo No. 2700 dated 30.11.2023 by the Divisional Commissioner to the Accountant General, Bihar (A&E) is marked and annexed herewith as **Annexure A-7**



The Bihar State Pollution Control Board issued direction under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and Section 33A of the Water (Prevention and Control of Pollution) Act,

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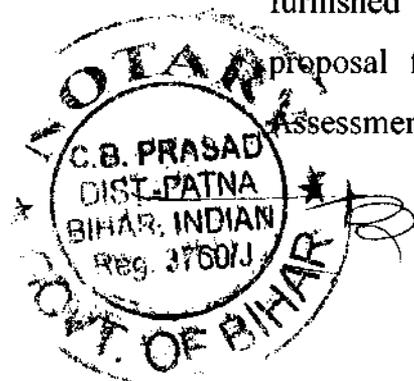
1974, whereby it was observed that the operation of landfill site without a prior Environment Clearance from SEIAA and without obtaining a valid CTE and CTO from the state board is in violation of the mandatory provisions of the Water Act and Air Act and dumping of unprocessed and mixed solid waste is in violation of the prescribed rules of the Solid Waste Management Rules, 2024. The BSPCB passed an order directing suspension of dumping of unprocessed and mixed solid waste at the landfill site and to file a compliance report within 15 days from the receipt of notice.

A Copy of reference No. 153016 dated 21.08.2024 issued by the Bihar State Pollution Control Board is marked and annexed herewith as **Annexure A-8**

12. That through a duly conducted e-tendering process, Shri Raju Kumar Tiwari, resident of Takeniwas, Kachnar, Revilganj, District Saran, was selected as the contractor for the execution of works pertaining to the Solid Waste Management Project. Subsequently, the Municipal Commissioner, Nagar Nigam, Chapra, vide Memo No. 767 dated 13.03.2024, issued appropriate directions for readying the land fill site were issued by the Petitioner herein to the contractor appointed by Nagar Nigam.

A copy of memo No. 767 dated 13.03.2024 issued by the Municipal commissioner to Raju Kumar Tiwary is marked and annexed herewith as **Annexure A-9**

13. It is respectfully submitted that, in response to Letter No. 153016 dated 21.08.2024 issued by the Chairman, Bihar State Pollution Control Board, Patna, the Petitioner, in response to the said letter of the BSPCB, furnished a detailed reply vide Letter No. 2636 dated 31.08.2024. The proposal for obtaining approval from the State Environment Impact Assessment Authority (SEIAA) in respect of the said landfill site has



9.

already been duly forwarded by the Petitioner to the competent authority. However, no response or decision was received till date.

A Copy of the letter no. 2636 dated 31.08.2024 to the Chairman of Bihar State Pollution Control Board, Bihar, Patna is annexed herewith and marked as **Annexure A-10**

14. That the Hon'ble Principal Bence at New Delhi in O.A No. 1315 of 2024 passed the following direction :

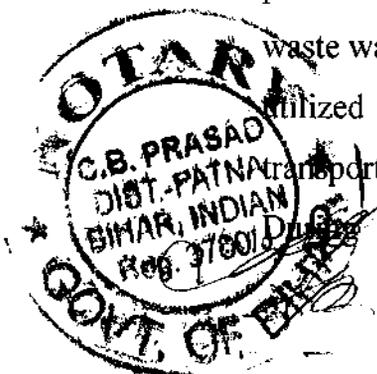
*3. In view of the above discussion, we are prima facie satisfied that a substantial question relating to environment has arisen out of implementation of enactments mentioned in Schedule 1 of NGT Act, 2010 but before taking any further action in the matter we find it appropriate to obtain a factual report and for this purpose, constitute a joint committee comprising Bihar State Pollution Control Board; District Magistrate, Saran; and, Central Pollution Control Board.*

*4. District Magistrate, Saran shall be the Nodal Authority for co-ordination and compliance of this order.*

*5. Above Committee shall visit the site, collect relevant information interact with stakeholders and submit a factual report within one month.*

A copy of order dated 27.11.2024 passed by the Hon'ble National Green Tribunal, Principal Bench, at New Delhi in OA. No. 1315/2024/PB is annexed herewith and marked herewith as **Annexure A-11**

15. The Respondent No. 5 filed its counter affidavit in the present O.A. wherein it was averred the solid waste processing plant was duly installed and made operational in accordance with the prescribed environmental norms. No fresh or unprocessed municipal waste was being dumped at the said site. Instead, the facility is being utilized exclusively for the processing of legacy waste, which is transported from the old dumpsite for scientific treatment and disposal. During the processing, Refuse Derived Fuel (RDF) is recovered and



subsequently transported to the Dalmianagar Cement Plant for use as an alternative fuel source, in compliance with the principle of resource recovery and waste-to-energy utilization. The remaining inert material/Bio-soil generated from the process is being safely utilized for filling low-lying areas within and around Chapra, thereby contributing to land reclamation and environmental restoration.

16. The District Magistrate, Chapra, Saran, filed its Counter Affidavit in O.A No.18/2025 before the Hon'ble bench. The District Magistrate in Para 3 of its Counter affidavit wherein the findings of the joint committee were extracted and quoted:

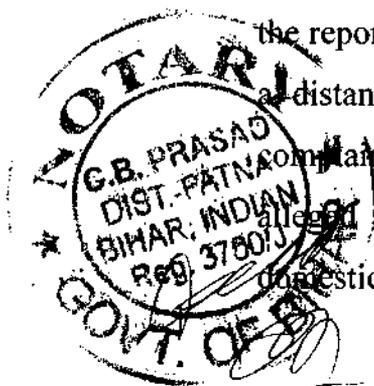
**"C. Findings and Observations**

*1. Buffer Zone Compliance SWM Rules, 2016.*

*The Joint Committee verified Compliance with buffer zone requirements from various setups:*

- i. Dabra River: 226.94 meters, the complainant claimed that the river is just 15 meters away from, dumpsite;*
- ii. Borewell of nearest Domestic Household: 303 meters*
- iii. Religious Structure: 515.8 meters.*
- iv. The distances of said setup/structures were found to be in compliance with the sitting criteria of the SWM Rules 2016. However, moderate odour was found during the site visit, indicating inadequate odour management..."*

It is respectfully submitted that, upon the filing of the Joint Committee Report, the factual position on record has become abundantly clear. The findings of the Committee categorically establish that the allegations made by the complainant are factually incorrect and misleading. As per the report, the Dadra River (locally known as Khadra River) is situated at a distance of 226.9 meters from the designated site, contrary to the complainant's claim that the river is merely 15 meters away from the alleged dumping ground. Similarly, the nearest hand pump catering to domestic use is located at a distance of 303 meters from the legacy waste



processing site, whereas the complainant has incorrectly stated in the petition that the residential *Abadi* area lies only 15 meters from the site. It is further clarified that no dumping site exists at Katsa; rather, the location houses a scientific processing plant established exclusively for the treatment and remediation of legacy waste in accordance with the Solid Waste Management Rules, 2016. The nearest religious structure has also been verified to be at a distance of 515.8 meters from the processing facility, further disproving the assertions made in the complaint. Water samples were duly collected by the Joint Committee from the hand pump located 303 meters away from the processing site, in order to assess any possible impact on groundwater quality.

17. That the Hon'ble bench vide order dated 24.09.2025 passed the order, for no further dumping of Municipal Solid Waste on the land in question. The Hon'ble bench has ignored that the Respondent no. 5 in compliance with the orders and applicable statutory provisions, established the processing plant for legacy waste management at Katsa after following all requisite procedures, obtaining necessary approvals, and ensuring conformity with the Solid Waste Management Rules, 2016.
18. That Respondent No. 5 had preferred a Civil Appeal No. 14567 of 2025 before the Hon'ble Supreme Court. The Hon'ble Court vide an Order dated 12-12-2025, was pleased to direct the Respondent No. 5 to file an appropriate application seeking vacation of the stay granted by this Hon'ble Bench vide order dated 24-09-2025. In view of the same this application has been filed for modification of the said order dated 24-09-2025.

Copy of the Order dated 12-12-2025 in Civil Appeal No 14567 of 2025 and the Order dated 24-09-2025 are annexed herewith and marked as Annexure- A/12 Collectively.

19. It is pertinent to mention herein that the respondent no.5 vide letter dated 30.12.2025 has written another letter to SEIAA to issue no no-objection certificate for operation of the landfill site at Arna District Saran, Katsa, *Chapra*. The respondent in letter has mentioned:



12.

*With reference to the above subject, it is submitted that in the year 2023, for the purpose of solid waste management, a total of five acres of land situated at Arna, Katasa (Anchal–Annour), District–Saran, Chapra was transferred to the Chapra Municipal Corporation by the District Magistrate, Saran.*

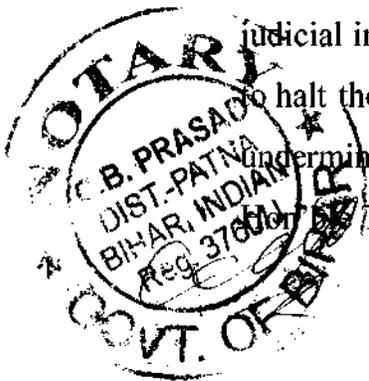
*The transferred land has been selected strictly in accordance with all the prescribed norms for establishment of a solid waste management centre, and its selection has been approved in advance by the Bihar State Pollution Control Board, Patna.*

*Keeping environmental protection and public health in view, the said land has been secured by constructing a boundary wall up to a height of 10 feet.*

*The said land was being used by the Municipal Corporation for processing of legacy waste, wherein the accumulated and excavated legacy waste was processed through the bio-mining method, and RDF and other by-products were sent to cement industries or other suitable locations. However, in view of the orders of the Hon'ble NGT, Eastern Zone, Kolkata, the work has presently been kept in abeyance. It is pertinent to mention that as per D.O. No. 22/19/2017-IA-III dated 03.07.2017 issued by the Ministry of Environment, Forest and Climate Change, Government of India, the requirement of prior Environmental Clearance for solid waste processing activities has been relaxed, keeping in mind the objectives of the Swachh Bharat Mission.*

A copy of letter dated 30.12.2025 filed before the State Environment Impact Assessment Authority (SEIAA) by the Respondent No.5 is annexed herewith and marked as **Annexure A-13**

20. It is important to mention herein that applicant, who earlier sought judicial intervention to ensure proper waste management, is now seeking to halt the functioning of the processing facility—a contradiction which undermines the very purpose of the original proceedings before the Tribunal. It is respectfully emphasized that, should the operation

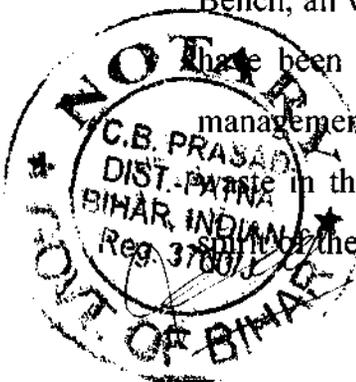


13.

of the processing plant be stopped or suspended, it would inevitably lead to the accumulation of large heaps of unprocessed waste within Chapra town, causing severe environmental, public health, and sanitation hazards, thereby defeating the objectives of the Hon'ble NGT's directions and the Solid Waste Management Rules, 2016. Hence, continuation of the functioning of the Katsa processing plant is essential for effective legacy waste remediation and for maintaining environmental and public health safeguards in the region.

21. It is submitted that the Hon'ble Bench, while passing the aforesaid order, has unfortunately overlooked the factual and technical aspects of the matter, as well as the substantial compliance already achieved by the Chapra Nagar Nigam in accordance with the directions of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, and the provisions of the Solid Waste Management Rules, 2016. The allegations made by the complainant are wholly false, misleading, and devoid of merit. The site in question is not a dumping ground, but a scientifically managed legacy waste processing facility, duly established in furtherance of the orders of the Hon'ble NGT in O.A. No. 606 of 2018 and under the supervision of the Bihar State Pollution Control Board. The only procedural requirement pending pertains to the formal approval of SEIAA, for which the proposal has already been submitted.

22. It is most respectfully submitted that Respondent No. 5 has been diligently and continuously pursuing the statutory approvals from the competent authority, including the SEIAA; however, till date, no decision whatsoever has been communicated to Respondent No. 5. In the interregnum, owing to the subsisting stay order passed by this Hon'ble Bench, all waste processing and management activities at the subject site have been completely suspended. The continued closure of the waste management facility has resulted in the accumulation of municipal solid waste in the surrounding areas, thereby frustrating the very object and spirit of the Solid Waste Management Rules and the directions issued by



14.

the Hon'ble Tribunal for scientific management of waste. The non-operation of the site is causing grave and irreversible prejudice not only to Respondent No. 5 but also to the environment and the residents of the adjoining localities, as the unprocessed waste is likely to give rise to serious public health hazards, environmental degradation, spread of disease, and creation of uninhabitable living conditions in the vicinity.

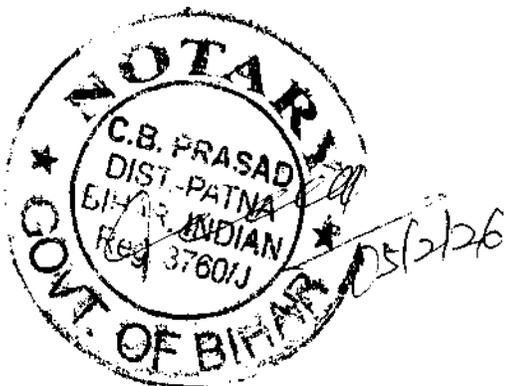
### PRAYER

On the basis of facts and averments made in the foregoing paragraphs, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Modify or vacate the stay order dated 24.09/2025 passed in the present original application, in the interest of justice, equity and environmental protection;
- b) permit Respondent No. 4 to resume and continue the waste processing and management activities at the subject site strictly in accordance with law and under the supervision of the statutory authorities, pending final adjudication of the present Original Application;
- c) pass such other and further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

And for this the Respondent No.4 shall ever pray.

*Primo Kumar Gaudy*  
नगर आयुक्त  
छपरा नगर निगम



15.

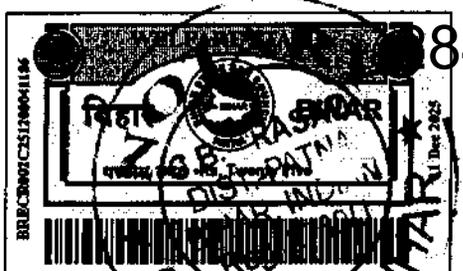
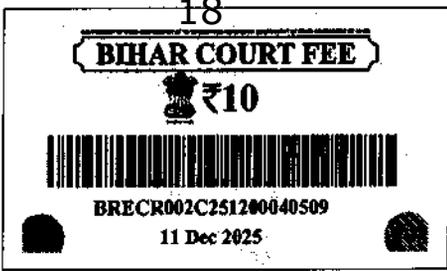
**VERIFICATION**

Verified by the deponent named on this the ...05... day of February 2026 and I do hereby verify that all the facts mentioned in the counter affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed there from.

*Pratap Kumar Pandey*

DEPONENT  
नगर आयुक्त  
छपरा नगर निगम





16.  
AFFIDAVIT

I, Sunil Kumar Pandey, aged about more than 59 years, Male, son of Sri Surendra Pandey, resident of Flat No.203, S.D. Apartment, Kavi Raman Path, Near Nageshwar Colony, Boring Road, P.S.- Shrikrishnapuri, District-Patna, presently posted as Municipal Commissioner, Nagar Nigam, Chapra, do hereby solemnly affirm and state as follows:-

1. That I am Respondent No.4 in this Interlocutory application and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this Interlocutory Application have been read by me which I have fully understood the same and they are true to my knowledge and belief.
3. That the statement made in Para nos. ..4, 17, 20 & 22 ..... are true to my knowledge and the statement made in Para nos 1-3, 5-16, 18 .....19.....are true to my information derived from the record and rest are by way of submission before this Hon'ble Court.
4. That the annexures are true/photocopies of their respective originals.

*Sunil Kumar Pandey*  
नगर आयुक्त  
छपरा नगर निगम

*Smt. S. S. K. Pandey who has been identified by Advocate. Solemnly affirmed and declared before me.*

*J.No. 157 Date: 5/2/26.*

*C B Pd Notary Public*



Identify the Deponent/Executed who has signed in my presence

*Indu Bhushay*  
Advocate  
5.2.2026

भारत सरकार  
GOVERNMENT OF INDIA





मुनील कुमार पाण्डेय  
Sunil Kumar Pandey  
जन्म तिथि/ DOB: 02/02/1966  
पुरुष / MALE



XXXXXX 7316

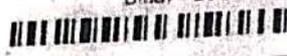
मेरा आधार, मेरी पहचान

भारतीय विशिष्ट पहचान प्राधिकरण  
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



पता  
S/O सुनेन्द्र पाण्डेय, 203,  
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Sunil Kumar Pandey

**NOTARY**

C.B. PRASAD  
DIST.-PATNA  
BIHAR, INDIA  
Reg. 3760

**T. OF BIHAR**

## Annexure- A-1

अजय नारायण झा  
AJAY NARAYAN JHA, IAS



सचिव  
भारत सरकार  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Secretary  
Government of India  
Ministry of Environment, Forest and Climate Change

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D.O.No. 22-19/2017-IA-III

3<sup>rd</sup> July

Dear Shri. Mishra,

Please refer to the D.O. letter No. Q-15014/2/2017-CPHEEO dated 14.02.2017 requesting to revisit the process of prior environmental clearance for Solid Waste Management Treatment and Processing Facilities.

2. The matter has been examined by the Expert Group constituted in the Ministry in its meeting held on 14.06.2017. The Expert Group has submitted its recommendations. The recommendations of the Expert Group have been examined in the Ministry.
3. The Environment Impact Assessment Notification, 2006 in the Schedule at item 7(i) mentions Common Municipal Solid Waste Management Facility (CMSWMF) as Category B project for which State Environment Impact Assessment Authority (SEIAA) is empowered to appraise the project for grant of prior environmental clearance.
4. The municipal solid waste management involves various steps like door to door collection, segregation, composting, refuse derived fuel (RDF) making, waste to energy generation through waste to energy plants and disposal in scientific landfills. The above activities, except landfill site, if proposed as standalone activities are not covered under item 7(i) of EIA Notification, 2006, hence do not require prior environmental clearance. In case the activities of composting, RDF making and waste to energy plant (up to capacity of 15 MW) are proposed at an existing landfill site, they do not attract the provisions of the EIA Notification, 2006.
5. If the activities of incineration, RDF making and waste to energy plant are proposed along with the new site of solid waste disposal/ landfill, it is advisable to obtain an integrated prior environmental clearance for these projects.

contd...2/-



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INDIRA PARYAVARAN BHAWAN, JOR BAGH ROAD, NEW DELHI-110 003 Ph. : (011) 24695262, 2465265, Fax : (011) 24695270  
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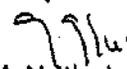
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6. It has been seen that locating a landfill site or municipal solid waste disposal site is a contentious issue and there is a tendency to locate them far from the habitation but near forest, rivers, ponds, wetlands and low lying areas etc. which are ecologically sensitive sites and require proper environmental management. Since, the forests, rivers, ponds, wetland and low lying areas are critical from environmental point of view, it may not be appropriate to exempt this activity of municipal solid waste disposal site or landfill site from the requirement of prior environmental clearance.

7. I believe this will expedite the achievement of the objectives of the Swachh Bharat Mission.

With regards,

Yours sincerely,

  
(A.N. Jha)

Shri Durga Shankar Mishra  
Secretary,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi-110011.

  
True copy

Item No. 01

Court No. 1

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

Original Application No. 606/2018

Compliance of Municipal Solid Waste Management Rules, 2016  
(State of Telangana)

Date of hearing: 14.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Respondent(s): Mr. Somesh Kumar, Chief Secretary, State of Telangana alongwith Mr. Rajeshwar Tiwari, Special Chief Secretary, EFS&T, Govt. of Telangana  
Mr. M. Dana Kishore, Managing Director, Hyderabad Metropolitan Water Supply & Sewerage Board  
Ms. Neetu Prasad, Member Secretary, PCB Telangana  
  
Mr. Ravi Shankar Prasad, Chairman, CPCB  
Mr. P. Gargava, Member Secretary, CPCB

**ORDER**

S. No.	CONTENT	PARA No.
I	Preface	1
II	Orders of the Hon'ble Supreme Court transferring the issue of Solid Waste Management and Liquid Waste Management to this Tribunal.	2-6
III	Proceedings Before this Tribunal in pursuance of orders of the Hon'ble Supreme Court till date	7-21
IV	Recent orders of the Hon'ble Supreme Court dated 25.11.2019 and 13.01.2020 having bearing on the matter (M.C. Mehta vs. Union of India, W.P. No. 13029/1985)	22-23
V	25th Report dated 12.02.2019 of the Standing Committee on Urban Development, 16th Lok Sabha on the issue of solid waste management including hazardous waste, medical waste and e-waste	24
VI	Further consideration of the matter in today's hearing	25-40
VII	Directions	41

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**I. PREFACE:**

1. The matter has been put up today in continuation of proceedings on the subject of monitoring execution of orders of this Tribunal on the subject of compliance of waste management (solid and liquid) and other environmental issues, particularly air pollution, in the State of Telangana in terms of earlier orders of this Tribunal and orders of the Hon'ble Supreme Court.

**II. ORDERS OF THE HON'BLE SUPREME COURT TRANSFERRING THE ISSUE OF SOLID WASTE MANAGEMENT AND LIQUID WASTE MANAGEMENT TO THIS TRIBUNAL:**

2. It is necessary to set out brief background of the proceedings. The Hon'ble Supreme Court vide order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors.*, transferred proceedings pending before it on the subject of solid waste management<sup>1</sup>.
3. The matter was earlier considered by the Hon'ble Supreme Court *inter-alia* vide judgments reported in (2000) 2 SCC 679 and (2004) 13 SCC 538 directing scientific disposal of waste by setting up of compost plants/processing plants, preventing water percolation through heaps of garbage, creating focused '**solid waste management cells**' in all States and complying with the Municipal Solid Waste Management Rules, 2016 (SWM Rules, 2016) on urgent

<sup>1</sup> Operative part of the order of the Hon'ble Supreme Court reads:

"Enforcement of the Rules and efforts to upgrade the technology relevant to the handling of solid municipal waste is a perennial challenge and would require constant efforts and monitoring with a view to making the municipal authorities concerned accountable, taking note of dereliction, if any, issuing suitable directions consistent with the said Rules and direction incidental to the purpose underlying the Rules such as upgradation of technology wherever possible. **All these matters can, in our opinion, be best left to be handled by the National Green Tribunal established under the National Green Tribunal Act, 2010.** The Tribunal, it is common ground, is not only equipped with the necessary expertise to examine and deal with the environment related issues but is also competent to issue in appropriate cases directions considered necessary for enforcing the statutory provisions."

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basis. **It was observed that the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees.** Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums have multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. **Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open.** Accordingly, the Court directed that provisions pertaining to sanitation and public health be complied with, streets and public premises be cleaned daily, **statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste,** landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks.

4. Further observations in the judgment of the Hon'ble Supreme Court<sup>2</sup>are:

*"3. The petitioner has handed over a note in the Court showing the progress that has been made in some of the States and also setting out some of the suggestions, including the suggestion for creation of solid waste management cell, so as to put a focus on the issue and also to provide incentives to those who perform well as was tried in some of the States. The said note states as under:*

- "1. As a result of the Hon'ble Supreme Court's orders on 26-7-2004, in Maharashtra the number of authorisations granted for solid waste management (SWM) has increased*

<sup>2</sup> (2004) 13 SCC 538

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from 32% to 98%, in Gujarat from 58% to 92% and in M.P. from NIL to 34%. No affidavits at all have been received from the 24 other States/UTs for which CPCB reported NIL or less than 3% authorisations in February 2004. All these States and their SPCBs can study and learn from Karnataka, Maharashtra and Gujarat's successes.

2. **All States/UTs and their SPCBs/PCCs have totally ignored the improvement of existing open dumps, due by 31-12-2001, let alone identifying and monitoring the existing sites. Simple steps can be taken immediately at almost no cost by every single ULB to prevent monsoon water percolation through the heaps, which produces highly polluting black run-off (leachate). Waste heaps can be made convex to eliminate standing water, upslope diversion drains can prevent water inflow, downslope diversion drains can capture leachate for recirculation onto the heaps, and disused heaps can be given soil cover for vegetative healing.**
3. **Lack of funds is no excuse for inaction. Smaller towns in every State should go and learn from Suryapet in A.P. (population 103,000) and Namakkal in T.N. (population 53,000) which have both seen dustbin-free 'zero garbage towns' complying with the MSW Rules since 2003 with no financial input from the State or the Centre, just good management and a sense of commitment.**
4. **States seem to use the Rules as an excuse to milk funds from the Centre, by making that a precondition for action and inflating waste processing costs 2-3 fold. The Supreme Court Committee recommended 1/3 contribution each from the city, State and Centre. Before seeking 70-80% Centre's contribution, every State should first ensure that each city first spends its own share to immediately make its wastes non-polluting by simple sanitising/stabilising, which is always the first step in composting viz. inoculate the waste with cow dung solution or bio culture and placing it in windrows (long heaps) which are turned at least once or twice over a period of 45 to 60 days.**
5. **Unless each State creates a focussed 'solid waste management cell' and rewards its cities for good performance, both of which Maharashtra has done, compliance with the MSW Rules seems to be an illusion.**
6. **The admitted position is that the MSW Rules have not been complied with even after four years. None of the functionaries have bothered or discharged their duties to ensure compliance. Even existing dumps have not been improved. Thus deeper thought and urgent and immediate action is necessary to ensure compliance in future."**

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5. In this regard, reference may also be made to orders of Hon'ble Supreme Court in *Municipal Council, Ratlam vs. Vardhichand*<sup>3</sup> and *B.L. Wadhera v. Union of India and Ors.*<sup>4</sup> laying down that **clean environment is fundamental right of citizens under Article 21** and it is for the local bodies as well as the State to ensure that public health is preserved by taking all possible steps. **For doing so, financial inability cannot be pleaded.**
6. The Hon'ble Supreme Court also dealt with the issue of liquid waste management and after issuing requisite directions, required this Tribunal to monitor the compliance. Directions of the Hon'ble Supreme Court include steps for liquid waste management by setting up requisite treatment plants for which funds are to be generated by the local bodies and the States as per constitutional provisions.<sup>5</sup>

<sup>3</sup> (1980) 4 SCC 162

<sup>4</sup> (1996) 2 SCC 594

<sup>5</sup> "10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. **In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility.** The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). **The norms for generating funds for setting up and/or operating the "common effluent treatment plant" shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dysfunctional, from their own financial resources.**

11. **Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.**

13. We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. .... The said data shall be furnished to the Central Ground Water

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**III. PROCEEDINGS BEFORE THIS TRIBUNAL IN PURSUANCE OF ORDERS OF THE HON'BLE SUPREME COURT TILL DATE:**

**Solid Waste Management:**

**Order dated 22.12.2016:**

7. This Tribunal considered the matter of solid waste management after notifying all the concerned States/Regulatory Bodies and finally disposed of the same on 22.12.2016<sup>6</sup> requiring all the States/UTs to follow the SWM Rules, 2016 after preparing requisite action plans in a time bound manner with further direction that **any State/UT which failed to comply with the Rules shall be liable to be proceeded against under Section 15 of the Environment (Protection) Act, 1986 (EP Act), apart from being required to pay environmental compensation and senior most officers of the States/Local Bodies being personally liable.** The directions also include requirement for segregation of waste, providing buffer zone around plants and landfill sites and due monitoring. The States/Local Bodies were also to create market for consumption of Refuse-Derived Fuel (RDF). Tipping fee was to include the efficient and regular monitoring of waste processing plant, segregation of inert and Construction and Demolition(C&D) material and its transportation. Landfill sites were required to be bio-stabilized preventing leachate and generation of Methane, enforcement of Extended Producer Responsibility, rights and liabilities under

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Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. **To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically.** The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters."

<sup>6</sup> O.A. No. 199/2014 (2016) SCC Online NGT 2981

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contracts being made consistent with the Rules, creating public awareness about the facilities available at regular intervals. **Copy of the judgment was circulated to all the Chief Secretaries/ Advisors of States/UTs.**

8. **Execution of above directions has been subject matter of further proceedings in the last more than three years after the said order and after almost 20 years after the orders of the Hon'ble Supreme Court.**

**Order dated 20.08.2018:**

9. Reference may be now made to some further significant orders. Vide order dated 20.08.2018<sup>7</sup>, after referring to earlier proceedings and a chamber meeting with all the concerned stakeholders, the Tribunal considered the following questions:

- i. Whether State-wise Action Plan with timelines and budgetary support/provision for management of MSW has been prepared?*
- ii. Whether each city/town/urban local body is covered under the said Plan and individual Action Plan has timelines with budgetary provisions?*
- iii. What time has been fixed to completely comply with the provisions of the Rules, 2016?*
- iv. What are the main constraints of non-compliance of Rules, 2016?*

**It was directed that action plans be finalized latest by 31.10.2018 and executed latest by 31.12.2019 which was to be overseen by the Principal Secretaries of Urban/Rural Development Departments of States/UTs.** States were directed to standardize technical specifications instead of leaving the same to individual local bodies. Further directions are for installing CCTV cameras at dump sites, installing GPS system in garbage collection vans, adopting best practices including control rooms where citizens

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<sup>7</sup> O.A. No. 606/2018

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can upload photos of garbage to be looked into by responsible officers, conducting performance audit with reference to source segregation, door to door collection, public sweeping, waste processing, grievance redressal mechanism and monitoring. This Tribunal also constituted Regional/Apex Committees for a limited period.

**Sewage Management:**

10. Apart from the issue of SWM, the Tribunal also dealt with the issue of sewage management in pursuance of order of the Hon'ble Supreme Court in *Paryavaran Suraksha vs. Union of India*<sup>8</sup> requiring this Tribunal to monitor directions for proper treatment of sewage to prevent untreated sewage and other effluents being discharged in water bodies. On 28.08.2019, it was directed that 100% sewage treatment must be ensured by all local bodies. Vide further order dated 06.12.2019 in O.A. No. 673/2018<sup>9</sup>, the Tribunal directed that for failure to commence in-situ remediation, compensation will be payable at the rate of Rs. 5 lakh per month per drain after 31.03.2020 and for failure to commence setting up of STPs after 31.03.2020 compensation is to be paid at the rate of Rs. 5 lakh per month per STP. For failure to complete the project, compensation has to be paid at the rate of Rs. 10 lakh per STP per month after 31.03.2021. Relevant part of the order is quoted below:

***"47. (i) 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned***

<sup>8</sup> (2017) 5 SCC 326

<sup>9</sup> News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB"

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*departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.*

ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. **Rs. 10 lakhs per month per STP.**"

**Other issues:**

11. Apart from solid waste management and sewage management, the Tribunal is seized of other significant environmental issues in separate proceedings including 351 polluted river stretches<sup>10</sup>, 122 non-attainment cities<sup>11</sup>, 100 polluted industrial clusters<sup>12</sup>, illegal sand mining<sup>13</sup>, reuse of treated water<sup>14</sup>, restoration of water bodies<sup>15</sup>, compliance of Plastic Waste, Bio-medical waste etc.<sup>16</sup>, carrying capacity study<sup>17</sup>, remediation of legacy waste sites<sup>18</sup>, preparation of District Environment Plans<sup>19</sup>, Hazardous Waste Management Rules<sup>20</sup>, depletion of ground water in over-exploited, critical and semi-critical areas<sup>21</sup>. However, for today's consideration, as directed vide order dated 07.01.2020, primary monitoring is focused at:

**(i) Solid waste management including legacy waste.**

**(ii) Sewage management and 351 polluted river stretches.**

<sup>10</sup> Vide order dated 06.12.2019, O.A. No. 673/2018

<sup>11</sup> Vide order dated 20.11.2019, O.A. No. 681/2018

<sup>12</sup> Vide order dated 14.11.2019, O.A. No. 1038/2018

<sup>13</sup> Vide order dated 26.07.2019, O. A. No. 360/2015

<sup>14</sup> Vide order dated 10.05.2019, O.A. No. 148/2016

<sup>15</sup> Vide order dated 10.05.2019, O.A. No. 325/2015

<sup>16</sup> Vide order dated 24.04.2019, O.A. No. 606/2018 - Karnataka

<sup>17</sup> Vide order dated 11.02.2019, Appeal No. 122/2018

<sup>18</sup> Vide order dated 17.07.2019, O.A. No. 519/2019 with O.A. No. 386/2019

<sup>19</sup> Vide order dated 25.07.2019, O.A. No. 710/2017

<sup>20</sup> Vide order dated 26.08.2019, O.A. No. 804/2017

<sup>21</sup> Vide order dated 10.10.2019, O.A. No. 176/2015

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## (iii) Air quality management in 122 non-attainment cities.

**Order dated 16.01.2019:**

12. Vide order dated 16.01.2019, after noticing that statutory timelines under Rule 22 had expired for various steps and failure of the statutory authorities was punishable criminal offence under the provisions of the EP Act as well as under the provisions of the National Green Tribunal Act, 2010 (NGT Act), this Tribunal required presence of Chief Secretaries of all States/UTs. The timelines in the said Rule are as follows:

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

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9.	<i>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.</i>	3 years
10.	<i>setting up common or regional sanitary landfills by 3 years all Local Bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules.</i>	3 years
11.	<i>bio-remediation or capping of old and abandoned dump sites.</i>	5 years

13. It was noted that apart from failure of solid waste management, there was also failure of liquid waste management. Such failure had resulted in 351 identified polluted river stretches, 102 (now 122) non-attainment cities in terms of air quality, 100 polluted industrial clusters and other serious environmental consequences, threatening life and health of citizens, water and air quality and the climate. The Chief Secretaries of all States/UTs were required to acquaint themselves with specific issues mentioned in the said order and coordinate with all the concerned authorities in their respective States/UTs and appear before this Tribunal with their respective status reports. Other directions included constitution of special task force in each district for awareness by involving educational, religious and social organizations, including local Eco-clubs.

14. The issues specified were as follows:

- a. *Status of compliance of SWM Rule, 2016, Plastic Waste Management Rules, 2016 and Bio-Medical Waste Management Rules, 2016 in their respective areas.*
- b. *Status of functioning of Committees constituted by this order.*
- c. *Status of the Action Plan in compliance vide order dated 20.09.2018 in the News Item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB (Original Application No. 673/2018).*

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- d. *Status of functioning of Committees constituted in News Item Published in 'The Times of India' Authored by Shri Vishwa Mohan Titled "NCAP with Multiple timelines to Clear Air in 102 Cities to be released around August 15" dated 08.10.2018 (O.A. No. 681/2018).*
- e. *Status of Action Plan with regard to identification of polluted industrial clusters in O.A. No. 1038/2018, News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels" dated 13.12.2018.*
- f. *Status of the work in compliance of the directions passed in O.A. No. 173 of 2018, Sudarsan Das v. State of West Bengal & Ors. Order dated 04.09.2018.*
- g. *Total amount collected from erring industries on the basis of 'Polluter Pays' principle, 'Precautionary principle' and details of utilization of funds collected.*
- h. *Status of the identification and development of Model Cities and Towns in the State in the first phase which can be replicated later for other cities and towns of the State."*

15. Accordingly, the Chief Secretaries of the States/UTs appeared and interacted with this Tribunal. The Tribunal noted unsatisfactory state of affairs on the subject of environmental governance in the country and serious non-compliance of statutory mandate, need to ensure that statutory regulators performed their duty and are manned by credible persons. Failure in this regard had potential for public health and environment and sustainable development goals. It was noted that SOP had been prepared for clearance of legacy waste and circulated to the SPCBs/PCCs which had been successfully implemented at some places like Indore.
16. After interaction with the Chief Secretaries on several dates, further directions were issued which were by and large on same pattern as non-compliance was found by all the States/UTs. It will be suffice to refer to the observations and directions issued vide order dated

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18.07.2019 in respect of State of J&K, which was the last State in the series of interactions:

**Observations:**

*“36. Needless to say that improvement in environment is not only inalienable duty of the State, but is also necessary for sustainable development which is essential for the health and well-being of citizens as well as for intergenerational equity. These principles require that all human activities should be conducted in such a way that the rights of future generations to access clean air and potable water are not taken away. **At the cost of repetition, it may be mentioned that water is being polluted because of discharge of untreated sewage and effluents. Air pollution is result of failure to manage solid waste and to prevent other causes leading to air pollution.** There are also other issues like deterioration in groundwater level, damage to forests and wild life, unscientific and uncontrolled sand mining etc. Unsatisfactory implementation of law is clear from the fact that in spite of severe damage, there is no report of any convictions being recorded against the polluters, nor adequate compensation has been recovered for damage caused to the environment. Steps for community involvement are not adequate. There is reluctance even to declare some major cities as fully compliant with the environment norms. **The authorities have not been able to evolve simplified and standard procedure for preparing project reports and giving of contracts. There is no satisfactory plan for reuse of the treated water or use of treated sewage or waste and for segregation and collection of solid waste, for managing the legacy waste or other wastes, etc.**”*

*37. Since we have found huge gap in steps taken and steps required to be taken to remedy the unsatisfactory state of environment, we had an interaction with the Chief Secretary about the way forward. The gap in the mandate of law on the one hand and actual compliance with law on the other has manifested itself in the form of polluted water, air and land. Its actual measurement in terms of monetary value or the loss on account of adverse impact on public health and environment or otherwise in terms of number of deaths or diseases does not appear to have been duly and exhaustively undertaken by the official machinery so far for the country or for any particular area. The private reports mention diseases by pollution in the state of J&K, as already noted in the para 33 above. There are also various studies reporting about number of deaths and diseases in India by pollution.<sup>22</sup> Death by pollution may be comparable to an offence of homicide and any disease on that account may be likewise comparable to attempt to murder or grievous hurt. Polluter is, thus,*

<sup>22</sup><https://www.healtheffects.org/publication/gbd-air-pollution-india>

To the effect that 3283 Indians died per day due to outdoor air pollution in India in 2015, making the potential number of deaths due to outdoor air pollution in India in 2015 to 11.98 lakh.

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liable to be dealt with in the same manner as a person committing any other heinous crime as per law of the land. Mere fact that such polluter creates wealth or employment does not make the offence less serious. The statutory framework prohibits polluting activity and provides for penal consequences. Further, the 'Polluter Pays' principle requires compensation to be recovered to meet the cost of remedying the adverse impact of pollution. Governance of such laws can be held to be satisfactory if the magnitude of punishment of law violators corresponds to the extent of violation of law and the compensation recovered is adequate to meet the cost of damage. There is enough evidence of pollution but no data is shown of corresponding convictions or recovery of adequate compensation for restoration of environment. This calls for authentic study of the extent of damage to the environment and to the public health so that policy makers and law enforcers can bridge the gap.

38. In case extent of convictions for the environment related offences do not correspond to the extent of crime, paradigm shift in policies and strategies for implementation of law may need to be considered. Similarly, the mechanism for recovery of compensation may need to be revised on that pattern. Such review of policy cannot be left to the local bodies or the Pollution Control Boards but has to be at highest level in the State and further review at the national level. As noted in some of the studies, the ranking of the country in compliance of environmental norms needs to be brought to respectable higher position which may be possible only if there is change in policies and strategies for implementation of necessary norms at every level in right direction. **The scale of compensation needs to be suitably revised so that the same is deterrent and adequate to meet the cost of reversing the pollution.**

39. Authentic data is required to be compiled which is necessary for proper policy making. The Rules provide for such data to be collected at the state level as well as at the national level. If such data is not furnished timely from ground level with all the requisite details, the policy making remains deficient. **Since none of the States is fully compliant with the mandate of statutory waste management rules under various headings, as already noted, remedial measures are necessary.** We consider it necessary to observe that at least some major cities/towns/villages be first developed as model and thereafter successful experiment replicated in remaining cities/towns/villages.

40. Though environment is priceless and no amount of compensation may be sufficient for real restoration of environment to its pristine glory, the 'Polluter Pays' principle requires cost of restoration to be recovered which should be deterrent and also include Net Present Value (NPV) for environmental services forgone forever. **Though such compensation is to be primarily recovered from polluters, where authorities fail to implement law and recover compensation on account of collusion or inaction, such authorities can also be made accountable and required to pay compensation.** Strong

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central mechanism of auditing the compliance of environmental laws by the States and the Union Territories (UTs) is necessary. We are also of the view that to encourage enforcement of environmental laws, cognizance of performance or otherwise need to be taken by authorities allocating funds. Incentives can be given to encourage compliance and those deficient in compliance may be required to comply as a condition for getting grants or part of such grants. Such a policy may be a step in the right direction for achieving sustainable development goals. We take note of discussion on the subject in the minutes of National Development Council held on 01.10.1990.<sup>23</sup> Therein a formula called "Gadgil - Mukerjee" formula is referred to envisaging grants to meet environmental problems. We may add that while such grants may be necessary, there may be a condition requiring measurable and demonstrable improvement in time bound manner as a condition for the grant. Accordingly, vide order dated 24.04.2019 a copy of this order has been sent to Niti Aayog, Finance Commission and MoEF&CC to consider the observations, particularly in this para.

41. One major hurdle in compliance of the Rules is lack of institutional training mechanism. Scheme of Rules and strategies for implementation, including technology to be used, best practices to be employed need to be identified. Resource persons, target group of persons to be trained, location at which training is to be undertaken need to be worked out.

42. **It is also necessary to have an Environment Plan for the country as well as for the States which may identify and publish gaps in compliance of environmental law and indicate action plan to remedy the same.** Compliance of environmental norms also requires carrying capacity study not only of eco-sensitive areas but also areas where violation of environmental laws has clearly surfaced out based on scientific data published by CPCB such as non-attainment cities in terms of air quality, critically polluted industrial clusters on account of air/water pollution, polluted river stretches etc. Drastic remedial measures may be necessary to deal with the same which should not merely be responsive but proactive by way of planning population density, vehicle numbers, nature and quality of vehicles, nature and quality of activity to be allowed. **Absence of such measures may render it difficult to meaningfully implement the accepted norms of 'Sustainable Development' or 'Intergenerational Equity'. Such planning is part of 'Precautionary' principle. 'Polluter Pays' principle can be meaningfully implemented only when assessment of damage is realistic and compensation recovered matches the extent of damage.** As per census of India 2011, there are 475 places with 981 overgrowths (OGs) have been identified as Urban Agglomeration (UA). The number of total towns in India is 7,935 (Statutory Towns 4,041 + Census Towns 3,894). There are total 6,166 Urban Agglomeration/towns which constitutes the urban frame of the country. During FY 2017-2018, out of 35 SPCBs/PCCs only 16 SPCBs/ PCCs reported the status of Solid

<sup>23</sup>[http://planningcommission.gov.in/aboutus/committee/wrkgrp12/wg\\_state\\_finan0106.pdf](http://planningcommission.gov.in/aboutus/committee/wrkgrp12/wg_state_finan0106.pdf)

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**Waste Management Rules, 2016.<sup>24</sup> In view of these statistics, emergent and stringent measures are required for compliance of environmental norms.**

43. We discussed with the Chief Secretary the above unsatisfactory situation of environment and about **need for having an effective monitoring cell directly attached to the office of the Chief Secretary** with experts in environment and related issues to assist the Chief Secretary.

44. **The presence of Chief Secretary before this Tribunal was directed with an expectation that there will be realization of seriousness at the highest level which may percolate in the administration."**

**Directions:**

"45. In view of above, after discussion with the Chief Secretary, following further directions are issued:

- i. Apart from three towns said to have been notified as proposed models for compliance of Environmental norms, atleast three villages in every District of the State may be notified on the website of the State within two weeks from today which will be made fully compliant with environmental norms within the next six months. Remaining cities, towns and villages of the State may be made fully compliant in respect of environmental norms within one year.
- ii. A quarterly report be furnished by the Chief Secretary, every three months. First such report shall be furnished by October, 10, 2019.
- iii. The Chief Secretary may personally monitor the progress, atleast once in a month, with all the District Magistrates.
- iv. The District Magistrates may monitor the status of compliance of environmental norms, atleast once in two weeks.
- v. The District Magistrates or other Officers may be imparted requisite training.
- vi. Estimate of value of environmental degradation and cost of restoration be prepared and compensation be planned and recovered from polluters for environmental restoration and restitution on that basis.
- vii. Performance audit of functioning of all regulatory bodies may be got conducted and remedial measures be taken, within six months.
- viii. Introduction of a policy of giving ranking, based on performance on the subject of environment and giving of rewards or other incentives on that basis to individual areas, localities, institutions or individuals may be considered. This may also include encouraging students or

<sup>24</sup> Annual report of CPCB for the year 2017-18 accessible at: [http://cpcb.nic.in/uploads/hwmd/MSW\\_AnnualReport\\_2017-18.pdf](http://cpcb.nic.in/uploads/hwmd/MSW_AnnualReport_2017-18.pdf)

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other citizens significantly contributing to the cause of environment. The best practices may be evolved, if necessary, in the light of experiences on the subject. This may help in educating and involving public at large which may help in enhancing of environmental laws.

- ix. The Chief Secretary may remain present in person before the Tribunal with the status of compliance in respect of various issues mentioned in para 22 as well as any other issues discussed in the above order on 10.02.2020 at 2.p.m. It is made clear that Chief Secretary may not delegate the above function and the further requirement of appearance before this Tribunal to anyone else. However, it will be open to him to change the date, by advance intimation by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com) to adjust their convenience.

*A copy of the compliance report furnished by the Chief Secretary be sent to CPCB as already directed vide order dated 24.04.2019 for the State of Karnataka (supra)."*

17. It was further directed that compliance reports be furnished by the States/UTs to CPCB. Reference may also be made to some further orders on the subject being dated 08.04.2019<sup>25</sup>, 22.04.2019<sup>26</sup>, 23.04.2019<sup>27</sup>, 24.04.2019<sup>28</sup>, 11.02.2019<sup>29</sup>, 08.03.2019<sup>30</sup>, 02.11.2018<sup>31</sup>, 10.05.2019<sup>32</sup>, 10.05.2019<sup>33</sup>, 17.07.2019<sup>34</sup>,

<sup>25</sup> O.A. No. 673/2018, News item published in 'The Hindu' authored by Shri Jacob Koshy Titled 26 "More river stretches are now critically polluted: CPCB" (directing effective steps for remediation of the polluted river stretches.)

<sup>26</sup> OA No. 606/2018 - Meghalaya (directing training and capacity building at National and State Level)

<sup>27</sup> O.A. No. 606/2018 - Tamil Nadu (directing preparation of Annual Environment Plan giving status of compliance to environmental norms and gaps therein including assessment of damage to the environment in monetary terms)

<sup>28</sup> O.A. No. 606/2018 - Karnataka (directing monitoring of compliance of Plastic Waste, Bio-medical waste, Sewage Waste and air pollution)

<sup>29</sup> Appeal No. 122/2018, Anil Tharthare Vs. The Secretary, Env't. Dept. Govt. of Maharashtra & Ors. Para 33 of the order wherein the Tribunal directed constitution of a five Members Expert Committee to carry out carrying capacity study of the area for relevant environment parameters and impact of such expansion on already congested and stressed areas.

<sup>30</sup> O.A. No. 568/2016, Ajay Khara Vs. Container Corporation of India Limited & Ors, the Tribunal directed the Container Corporation of India (CONCOR) to phase out diesel vehicles, used for transportation by the Inland Container Depot (ICD) Tughlakabad, within six months.

<sup>31</sup> O.A. No. 400/2017, Westend Green Farms Society Vs. Union of India & Ors. Para 28 of the order wherein the Tribunal directed carrying capacity assessment to regulate activities violating environmental laws.

<sup>32</sup> O.A. No. 148/2016, Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation & Ors. (Reuse of treated water)

<sup>33</sup> O.A. No. 325/2015, Lt. Col. Sarvadhan Singh Oberoi Vs. Union of India & Ors. (restoration of water bodies)

<sup>34</sup> Original Application No. 519/2019 WITH Original Application No. 386/2019 (remediation of legacy waste sites)

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22.07.2019<sup>35</sup>, 25.07.2019<sup>36</sup>, 26.07.2019<sup>37</sup>, 26.08.2019<sup>38</sup>,  
 28.08.2019<sup>39</sup>, 11.09.2019<sup>40</sup>, 11.09.2019<sup>41</sup>, 10.10.2019<sup>42</sup>,  
 14.11.2019<sup>43</sup>, 19.11.2019<sup>44</sup>, 20.11.2019<sup>45</sup>, 06.12.2019<sup>46</sup> and  
 18.12.2019<sup>47</sup>.

18. The Registry was directed to forward quarterly reports received from the Chief Secretaries as and when received to the CPCB so that CPCB may prepare a gap analysis report and present the same to this Tribunal.

19. Accordingly, the CPCB filed following reports:

- i. Report dated 09.09.2019 enclosing Annual Environment Plan for the country giving compliance of environment norms and gaps.
- ii. Report dated 09.09.2019 annexing Preliminary Framework for Imposing Environmental Damage Compensation.
- iii. Report dated 09.09.2019 on the subject of Methodology of Assessment of Environment Carrying Capacity.
- iv. Gap Analysis report filed on 06.09.2019 on the subject of compliance of solid waste, plastic waste, bio-medical waste management, rejuvenation of identified polluted river stretches, polluted industrial clusters, non-attainment cities.
- v. Report dated 24.07.2019 on Framework on national environmental training program.
- vi. Status report dated 09.08.2019 on Information, Education & Communication (IEC) activities."

**Order dated 12.09.2019:**

<sup>35</sup> Execution Application No. 13/2019 (Plastic Waste Management)

<sup>36</sup> O.A. No. 710/2017 (preparation of District Environment Plans)

<sup>37</sup> O. A. No. 360/2015 (Illegal sand mining)

<sup>38</sup> O.A. No. 804/2017 (Hazardous Waste Management Rules)

<sup>39</sup> O.A. No. 593/2017 (requirement of 100% treatment of sewage and effluents)

<sup>40</sup> O.A. No. 148/2016 (utilization of treated waste water)

<sup>41</sup> O.A. No. 496/2016 (ground water management, rain water harvesting)

<sup>42</sup> O.A. No. 176/2015 (depletion of ground water in over-exploited, critical and semi-critical areas)

<sup>43</sup> O.A. No. 1038/2018 (polluted industrial clusters)

<sup>44</sup> O.A. No. 519/2019 (legacy waste dump sites)

<sup>45</sup> O.A. No. 681/2018 ( non-attainment cities in terms of air quality and also control of noise pollution)

<sup>46</sup> O.A. No. 673/2018 ( 351 polluted river stretches)

<sup>47</sup> O.A. No. 200/2014 (pollution of river Ganga)

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20. The Tribunal vide order dated 12.09.2019 considered the above and directed all the States/UTs to furnish information to the CPCB as follows:

- “3. We have heard learned Counsel for the CPCB for future course of action and further directions required on the above subjects. He submitted that the above reports are incomplete for want of information from the States/UTs. It was elaborated during the course of hearing that information is required to be submitted in terms of following thematic areas viz.
- Compliance to Solid Waste Rules including Legacy Waste.
  - Compliance to Bio-medical Waste Rules.
  - Compliance to Construction & Demolition Waste.
  - Compliance to Hazardous Waste Rules.
  - Compliance to E-waste Rules.
  - 351 Polluter Stretches in the country.
  - 122 Non-attainment cities.
  - 100 industrial clusters.
  - Status of STPs and re-use of treated water.
  - Status of CETPs/ETPs including performance.
  - Ground water extraction/contamination and re-charge.
  - Air pollution including noise pollution.
  - Illegal sand mining.
  - Rejuvenation of water bodies.
4. The information with regard to above thematic areas needs to be submitted to CPCB by the Chief Secretaries of all the States and Union Territories in terms of following:
- Current status
  - Desirable level of compliance in terms of statutes.
  - Gap between current status and desired levels.
  - Proposal of attending the gap with time lines.
  - Name and designation of designated officer for ensuring compliance to provisions under statute.
5. CPCB is permitted to file revised updated reports on the subject after collecting information from concerned States/UTs by 15.11.2019.”

**Order dated 07.01.2020:**

21. The status report dated 27.12.2019 with reference to the above thematic areas was considered on 07.01.2020 and it was observed:

“12. The reports give information about States who have given some information but the nature and extent of information which was required has not been furnished. Available information with regard to

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sewage generation and treatment shows huge gap. Grading made by the CPCB into 'good', 'average', 'poor' and 'no information' is not based on any qualitative analysis but extent of information furnished.

Instead, what is least expected is information on:

- (i) solid waste management, including remediation of legacy waste in terms of earlier orders of this Tribunal,
- (ii) sewage treatment and restoration of 351 polluted river stretches and
- (iii) air quality management in 102 (122) non-attainment cities.

With respect to serial no. (i), the information is required with regard to the quantity of MSW generated, segregated and treated; gaps in the waste processing in terms of generation and treatment and enforcement of statutory timelines and orders of this Tribunal for bridging the gap; number of sites, and quantity of legacy waste therein and timelines for its remediation.

With respect to serial no. (ii), quantity of sewage generated and treated in the State, gap in the sewage treatment and timelines to bridge the gap including strategy for use of treated water for secondary purpose. Further, with regard to restoration of 351 polluted river stretches, the States need to furnish information about the compliance of directions including in-situ and ex-situ remediation by way of phyto-remediation/artificial wetlands, bio-diversity parks or any other appropriate measure to supplement load reduction on recipient river systems.

With respect to serial no. (iii), the Chief Secretaries need to monitor and compile information on the subject of execution of action plans for containment of air pollution in terms of orders of this Tribunal and furnish the quantifiable progress/achievement to the CPCB.

13. In view of above, CPCB needs to redesign formats and secure relevant quantifiable information from the Chief Secretaries under different heads so that the Chief Secretaries are able to respond to the Tribunal on their appearance as per schedule of appearance already notified. Chairman and Member Secretary, CPCB may remain present on the dates of appearance of Chief Secretaries with relevant data.

14. The regime of compensation in terms of earlier directions will be considered after interaction with the Chief Secretaries."

**IV. RECENT ORDERS OF THE HON'BLE SUPREME COURT DATED 25.11.2019 AND 13.01.2020 HAVING BEARING ON THE MATTER (M.C. Mehta vs. Union of India, W.P. No. 13029/1985):**

22. The Hon'ble Supreme Court vide order dated 25.11.2019<sup>48</sup> while dealing with the pollution in Delhi and NCR held:

<sup>48</sup> Writ Petition(s)(Civil) No(s). 13029/1985, M.C. Mehta Vs. Union of India & Ors.

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"4. We see Yamuna river virtually turned into a sullage. We take judicial notice of this situation. Similar is the position with Ganges. As it proceeds, industrial effluents are being poured in rivers. **Sewage is also being directly put in rivers contributing to the river water pollution.** We direct the Pollution Control Boards of the various States as well as the Central Pollution Control Board and various Governments to place before us the data and material with respect to various rivers in the concerned States, and what steps they are taking to curb the pollution in such rivers and to management as to industrial effluents, **sewage, garbage, waste and air pollution, including the water management.** We club the pending case of water management with this matter.

10. As we have noted that from last several years, the position of air pollution is worsening in spite of various orders passed by this Court. The reports and the scientific data indicating that large section of people are suffering from the dreaded diseases due to such air pollution such as Cancer, Asthma and various other diseases. Life span is adversely affected. **Time has come that the various States recognise right to life is important right. Human life and health have been put in danger.** In such scenario, why they should not be required to pay compensation to such persons who are being affected by inadequate arrangement to check the **air pollution, non-lifting of garbage, waste which add ultimately to the pollution.**

11. In this case we find that Delhi is lacking the capacity to the extent of 45% to even clean the garbage/waste which is being generated. Similar is the situation in various other places. We take note of the situation which is alarming and time has come to remind the State machineries as to their duties as all of us are meant to serve the people of this great country. Our Constitution has envisaged certain Directive Principles as they are more important rights at the discretion of the Government. The Courts are not to interfere in that, but dereliction cannot be to the extent that the very right to life is endangered by the inaction.

13. Not only the basic Fundamental Rights are being ignored with respect to air and water, **problem of governance are being projected, which cannot come into the way of the basic Fundamental Rights which a human enjoys,** much less to talk of the Fundamental Duties and Directive Principles contained in the State policy which have already found statutory expression in the form of Municipal laws, Prevention of Air Pollution and Water Acts and various schemes framed by the Central Government and State Governments, but we see neither the air quality has improved nor the water quality in several States, not to talk of Delhi only. We have called for the report from Delhi Government where the reports indicate that the contaminated water is being supplied and also from Bureau of Indian Standards to submit report in this regard.

15. At the same time, as we find that in spite of various orders passed by this Court, we are not able to improve the situation of air quality which we can see at least in Delhi and NCR with certainty. **Time has come to require the State Governments to explain**

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**why they should not be asked to compensate the persons who are being affected by bad air quality.** Obviously, the State is run by the administration, why liability should not be imposed for such a tort on the concerned machinery also of the various States which are failing to discharge their basic duties. This Court in *Municipal Council, Ratlam Vs. Vardhichand & Ors.*, reported in (1980) 4 SCC 162 has held they have to take proper and positive action in this direction. **It is their bounden duty to provide civic amenities, and also to see that self-created bankruptcy does not come in the discharge of the statutory obligation which are necessary for existence of human life.** We have seen during the course of the arguments that one State is passing the burden upon the Centre and then it is stated on behalf of the Central Government that they have framed scheme and it for the State Governments to implement it. We expect not only the 'policy making' but also its 'implementation'. Let the States of Punjab, Haryana, Uttar Pradesh and the Government of NCT of Delhi respond, due to the air pollution, why the concerned Government and its concerned machinery, from top to bottom, should not be asked to compensate the citizens of Delhi and adjoining areas for various diseases which are being caused and sufferings and troubles which are being faced and the report indicates the life span is being shortened. Let show cause notice be issued to the various State Governments, and to the Chief Secretaries, to submit reply within six weeks. Let the matter be listed for consideration on 17.01.2020. The Chief Secretaries to the States of Punjab, Haryana, Uttar Pradesh and Government of NCT of Delhi be personally present on that date."

23. Again, in the above matter, the Hon'ble Supreme Court vide order dated 13.01.2020 observed:

"56 (F). With respect to waste burning **compliance of Solid Waste Management Rules, 2016 is necessary.** The waste segregation and management is required, what are the existing facilities and deficit requirements have to be met by the Government of NCT of Delhi, Haryana, Uttar Pradesh, Rajasthan and Punjab.

57. (xviii). Let the Government of NCT of Delhi work out the details with respect to 45% deficit capacity to lift the garbage and waste as there is only 55% capacity available with respect to garbage and waste generated in Delhi. **Let it work out at a comprehensive plan within three months to have full (100%) capacity to deal with garbage and wastes** and place it before this Court, including the implements, tools, manpower and the expenditure required in that connection.

(xxi). We direct the various State Governments through **Chief Secretaries to inform this Court about the measures taken by them with respect to pouring of sewage and untreated industrial effluents in various rivers and the plan prepared by them and arrangement of funds made by them for the purpose of**

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*sewage treatment plants and existing facilities and requirements be pointed out within eight weeks.*

*(xxvii). Let the Government of NCT of Delhi and Governments of Punjab, Haryana and UP show cause why they should not be saddled with the compensation for failure of their machinery and the concerned authorities in taking appropriate steps to prevent stubble burning and other pollution being caused."*

**V. 25<sup>TH</sup> REPORT DATED 12.02.2019 OF THE STANDING COMMITTEE ON URBAN DEVELOPMENT, 16<sup>TH</sup> LOK SABHA ON THE ISSUE OF SOLID WASTE MANAGEMENT INCLUDING HAZARDOUS WASTE, MEDICAL WASTE AND E-WASTE:**

24. The Standing Committee on Urban Development, 16<sup>th</sup> Lok Sabha in its 25<sup>th</sup> Report dated 12.02.2019 considered the issue of solid waste management including hazardous waste, medical waste and e-waste and observed:

*"It is estimated that about 65 million tonnes of waste is generated annually in the country out of which about 62 million tonnes is Municipal Solid Waste (MSW) which include organic waste, recyclables like paper, plastic, wood, glass etc. About 45-50% of this MSW is biodegradable/wet/organic waste, 20-25 % is recyclable waste & about 30-35% is inert/debris.*

*1.2 Only about 75-80% of the municipal waste gets collected and out of this only 22- 28% is processed and treated and remaining is deposited indiscriminately at dump yards. It is projected that by the year 2031, the MSW generation shall increase to 165 million tonnes and to 436 million tonnes by 2050. Eliminating, dumping and minimizing releases of hazardous chemicals by paying special attention to air quality and municipal and other waste management and reducing waste generation through prevention, reduction, recycling and reuse globally have been one of the Sustainable Development Goals (SDGs) that have been adopted by UN General Assembly in September, 2015.*

*1.3 It has been estimated that the Urban Local Bodies (ULBs) spend about 60-70% of total expenditure on street sweeping, 20-30% on transportation and less than 5% on municipal disposal of waste, which shows that hardly any attention is given to scientific disposal of waste. The waste collection efficiency in India ranges between 70% and 90% in major Metro cities, whereas in several smaller cities it is below 50%. However, if the current 62 million tones annual generation of MSW continues to be dumped without treatment; it will need 3.40 lakh cubic meter of landfill space every day. Considering the projected waste generation of 165 million tonnes by 2031, the requirement of land for setting up landfill for 20 years (considering 10 meter high waste pile)*

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*could be as high as 66 thousand hectares (1240 hectare per year) of precious land, which our country cannot afford to waste. Currently, of the estimated 62 million tonnes of MSW generated annually by 377 million people in urban areas, more than 80% is disposed of indiscriminately at dump yards in an unhygienic manner by the municipal authorities leading to problems of health and environmental degradation.*

*1.4 As per NITI Aayog, presently, out of the total MSW generated, only 29.51% is subjected to treatment which, however, is poised to improve with the Swachh Bharat Mission (Urban) scheme of Government of India being in full swing."*

**VI. FURTHER CONSIDERATION OF THE MATTER IN TODAY'S HEARING:**

25. Accordingly, we have considered the matter further after interaction with the Chief Secretary, Telangana, Chairman and Member Secretary, CPCB. Even though all the thematic areas of the environment are significant, interaction has been limited to few selected themes, other themes being left to be considered separately on different scheduled hearings.

26. As per available statistics, there is huge gap in generation and treatment of solid and liquid waste in the country. As per CPCB report 2016 (06.12.2016), as against 61948 MLD sewage generated in urban areas in India, the treatment capacity is 23277 MLD. The deficit in capacity is 62%. There is no data of sewage generation in rural areas. As per CPCB estimate of solid waste<sup>49</sup>, about 65 million tonnes of waste is generated annually in the country out of which about 62 million tonnes is Municipal Solid Waste (MSW). Only about 75-80% of the municipal waste gets collected and out of this only 22- 28% is processed and treated and remaining is deposited indiscriminately at dump yards. It is projected that by the year 2031, the MSW generation

<sup>49</sup> [http://164.100.47.193/lssccommittee/Urban%20Development/16\\_Urban\\_Development\\_25.pdf](http://164.100.47.193/lssccommittee/Urban%20Development/16_Urban_Development_25.pdf)

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shall increase to 165 million tonnes and to 436 million tonnes by 2050. There are more than 4000 dump sites as per CPCB data<sup>50</sup> which need to be remediated to avoid harmful impact on environment and public health.

27. All the States/UTs were directed by this Tribunal to commence remediation of legacy waste sites by 01.11.2019<sup>51</sup>. The Tribunal observed:

*"28. .... We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health<sup>52</sup>."*

*"30. Needless to say that potential hazard of dumpsites on public health and environment is more or less on the same pattern and earliest such dumpsites are cleared, sooner it is better for public health. **Such dumpsites are undoubted source of air pollution resulting in respiratory and other diseases. Most vulnerable are the infants and the senior citizens.** The right to breathe fresh air being part of right to life, delay in remedying the situation is not desirable. The plea of capping is being put forward on the ground of need for urgent remedial action, ignoring that doing so will perpetuate the adverse consequences of retaining non-biodegradable and other polluting components in the garbage eventually causing continuous damage to the soil and the ground water. Biological solutions have to be preferred over engineering solutions on the subject. However action has to be taken fast. Delay which has taken place so*

<sup>50</sup> Order dated 18.10.2019 in O.A. No. 606/2018 para 6

<sup>51</sup> Order dated 17.07.2019 O.A. No. 519/2019 Para 28

<sup>52</sup> (a) What a Waste 2.0, Global Snapshot of Solid Waste Management to 2050, World Bank Group, ISBN (paper): 978-1-4648-1329-0, 2018 International Bank for Reconstruction and Development / The World Bank, <http://datatopics.worldbank.org/what-a-waste/>. The report states- When waste is burned, the resulting toxins and particulate matter in the air can cause respiratory and neurological diseases, among others (Thompson 2014). Piles of waste produce toxic liquid runoff called leachate, which can drain into rivers, groundwater, and soil. Organic waste entering waterways reduces the amount of oxygen available and promotes the growth of harmful organisms (Bhada-Tata and Hoorweg 2016). Marine pollution is also increasing as a result of mismanaged solid waste on land, poor disposal practices by sea vessels, and runoff from sewage and polluted streams.

(b) <https://www.epw.in/engage/article/institutional-framework-implementing-solid-wastemanagement-india-macro-analysis> Several studies have been published that link asthma, heart attack, and emphysema to burning garbage. Human faecal matter is also frequently found in

municipal waste—this, along with unmanaged decomposed garbage, attracts other rodents, that further lead to a spread of diseases such as dengue and malaria. Leachate from rotten garbage contains heavy metals and toxic liquid; with such emissions ending up either absorbed into the soil or flowing into water bodies today (Awasthi 2013), the entire food chain can be affected when this contaminated water is utilised for agriculture, human consumption and animal consumption.

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far is on account of inaction of the concerned authorities for which there is no justification.

**31. It will also be appropriate to note that the scheme of the SWM Rules is to prevent collection of waste and instead, to ensure its segregation, treatment and disposal at the earliest and as far as possible at the source itself. If it is not done, the waste continues to be accumulated which becomes a challenge for the environment and public health. In this regard particular reference may be made to Rule 15 (zi). The authorities need to evolve a holistic strategy for integrated waste management in the municipal planning which may result in 'zero waste' going to the landfill in terms of the said rules<sup>53</sup>.**

**35. A copy of this order be sent to CPCB, all the Chief Secretaries, the MoEF&CC and MoHUA."**

28. The issue of solid and liquid waste needs to be taken seriously. We have already mentioned the available statistics on the subject. It is a matter of serious concern that legacy waste remediation has not even commenced at most of the sites even though statutory rules contemplate outer limit for completion of such remediation by 07.04.2021. Current processing of the waste generated and collected is also not taking place on regular basis. For any person travelling by train, hot spots of scattered garbage and overflowing sewage are common sights. Satisfactory sewage management also remains far cry. This unsatisfactory state of affairs must be remedied at the earliest and in a time bound manner by initiative at the highest level. Accountability needs to be fixed and consequences for failure clearly provided and enforced.

29. Before coming to the data of State of Telangana, we may refer to recent orders passed in respect of some other States which may be relevant. On 10.01.2020, after interaction with the Chief Secretaries

<sup>53</sup> Reference may also be made to- Suggestive /Indicative "The National Action Plan for Municipal Solid Waste Management", Central Pollution Control Board, [https://cpcb.nic.in/uploads/MSW/Action\\_plan.pdf](https://cpcb.nic.in/uploads/MSW/Action_plan.pdf).

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of UP, Punjab, Advisor to Administrator for UT Chandigarh, this Tribunal issued direction fixing timelines for compliance of the Rules and other environmental norms and consequences for non-compliance. The said directions were conveyed to all the States/UTs/Local Bodies. We propose to issue similar directions in the present case.

30. Further reference may be made to order dated 24.01.2020 in O.A. No. 606/2018 while dealing with the State of Maharashtra. As per data furnished in the said case, it was mentioned that bio mining had commenced at 117 dump sites while 23 dump sites had already been cleared. This information is being mentioned to show that legacy waste remediation process can start simultaneously at all places where such legacy waste dump sites exist. We were informed that the State of Maharashtra approved a standard DPR at State level itself which may need to be considered by all concerned.
31. We may now note State specific scenario for Telangana as depicted in the earlier orders of this Tribunal when the Chief Secretaries appeared and as emerging from the data now made available by CPCB based on information furnished by the State to CPCB.

I. **Data noted in the earlier orders of this Tribunal:**

A. **STATE OF TELANGANA**

<b>RULES</b>	<b>DATA</b>
<b>Solid Waste Management</b>	Number of towns to be covered: 73 Local Bodies: 73 Waste Generation: 7804 TPD Collected: 7023 TPD Treated : 4795 TPD Landfilling : 593 TPD No. of Dumpsites : 73
<b>Plastic Waste Management</b>	Waste Generation : 250171 No. of registered Manufacturing Units: 209 No. of Unregistered Manufacturing Units: Nil

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<b>Biomedical Waste Management</b>	No of Hospitals : 4200 Authorizations granted: 1633 Waste Generation : 15719 kg/d Treatment : 15719 kg/d Common Bio-medical waste Treatment Facilities : 11 No. of Captive Facilities : Nil
<b>Polluted River Stretches</b>	P(I)- 1 Musi P(II)- 2 Manjeera, Nakkavagu P(III)- 2 Karakavagu, Maner P(IV)- 2 Godavari, Kinnarsani P(V)- 1 Krishna Total -8
<b>Air Quality Management</b>	non-attainment cities: Hyderabad, Patnacheruvu, Nalgonda
<b>Industrial clusters</b>	Patanacheru-Bollaram, Kattedan, Kukatpally
<b>ETPs CETPs and STPs</b>	<p style="text-align: center;"><b>ETPs</b></p> No. of industries which require ETP : 2195 No. of industries having functional ETP: 2110 No. of industries complying : 1979 No. of industries non-complying: 131
	<p style="text-align: center;"><b>STPs</b></p> No. of STPs : 372 No. of STPs complying : 306 No. of STPs non-complying: 66 No. of under construction/proposed STPs :215
	<p style="text-align: center;"><b>CETPs</b></p> No. of CETPs : 7 No. of CETPs complying :5 No. of CETPs non-complying:2 No. of under construction/proposed CETPs in the State: 1

**II. Data now made available during the hearing by the CPCB by way of presentation based on the data furnished by the State of Telangana alongwith its observations:**

**A. STATE OF TELANGANA**

**(i) Solid waste management including legacy waste.**

STATUS OF SOLID WASTE MANAGEMENT				
Total No. of ULBs: 140				
MSW generated (TPD)	MSW Processed (TPD)	MSW Landfill (TPD)	Gap (TPD)	Timeline
10073	6425? (4698)	869	4506 (2779 ?)	Not provided

**Assessment of SWM Facilities (capacity wise)**

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All units in TPD	Required Capacity	Existing capacity	Gap (TPD)	Proposed Capacity	Time frame	Observations
Waste Segregation Facility (MRF)	5339 (@53%)	Not provided	Not provided	Not provided	Not provided	Existing/Proposed capacity along with timeframe to be provided
<b>Waste Processing</b>						
Biodegradable waste (Bio-methanation and Composting)	4734 (@47%)	Composting - 2132 Bio-methanation-30	2572	4734	Not provided	Timeframe to be provided
Non biodegradable (Recycling; RDF, WtE Co-processing)	2820 (@28%)	RDF- 2400 Recycling-136	284	RDF:4500	Not provided	Timeframe to be provided
Waste Disposal (Landfill)	2518 (@25%)	869	1649	Not provided	Not provided	Target capacity along with timeframe to be provided.

Assessment of SWM Facilities (ULB wise)						
	Required	Existing	Gap	Proposed	Timeframe	Observations
Waste Segregation Facility (MRF)	140	111	29	All will be covered	Not provided	Presently all ULBs not covered
Biodegradable waste (Bio-methanation & Composting)	140	Composting :99 Bio-methanation:02	39	All will be covered	Not provided	Presently all ULBs not covered
Non-biodegradable (Recycling; WtE, RDF, Co-processing)	140	Recycling:140 RDF:1	0	WtE: 1	March 2020	--
Waste Disposal (Inert-Landfill)	140	1	139	Not provided	Not provided	All ULBs not covered

Legacy Waste	
	Present Status

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1	Number of dumpsites	140
2	Quantity of Waste dumped at dumpsites	128 lacs MT
3	Number of dumpsites cleared	Not provided
4	Number of dumpsites in which bio-mining has commenced	2
5	Time frame for clearing all dumpsites	Not provided

During the presentation on behalf of the State, it was stated that reclamation of old dump at Jawahar Nagar at Hyderabad was being done by capping. The stand of the State is that bio-mining and bio-remediation can be done only for small size dump site and involves cost of Rs. 350 crore and period of three years and capping is permissible under clause J of Schedule-I to the Rules.

(ii) Sewage management and 351 polluted river stretches.

**SEWAGE MANAGEMENT IN TELANGANA**

TREATMENT CAPACITY					Remarks
Sewage Generation	Existing	Gap	Proposed	Timeline	Partial information
	917.55 MLD (35 STPs)	-	1000 MLD (39 STPs)	10 years	
<b>SEWERAGE NETWORK</b>					
Existing Sewerage Length	Required	Gap	Timelines		Information not provided
-	-	-	-		
<b>NUMBER OF STPS</b>					
Number of STPs	New proposed	Total STPs	Timeline		Partial information
35	-	35	-		
<b>RE-USE OF TREATED SEWAGE</b>					
Present Utilization	Proposed	Timelines	Type of Use		Information not Provided
-	-	-	-		

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**Restoration of Polluted River Stretches - O.A. NO 673/2018, Telangana**

Priority Class	I	II	III	IV	V	Grand Total
No. of PRS	1	2	2	2	1	8

Polluted River Name	Polluted River Stretch	BOD Range/ Max Value (mg/l) (2016-2017 Data)	Priority
Musi	Hyderabad to nalgonda	4.0-60.0	I
Manjeera	Gowdicharla to nakkavagu	5.0-26	II
Nakkavagu	Gandilachapet to sevalal thanda	26.0	II
Karakavagu	Along palwancha	18.0	III
Maner	Warangal to somnapalli	6-20	III
Kinnersani	Along palwancha	10.0	IV
Godavari	Basar to khammam	4.0-9.0	IV
Krishna	Thangadigi to wadapally	5.0-6.0	V

**Restoration of Polluted River Stretches - O.A. NO 673/2018, Telangana**

Priority Class	No. of PRS	No. of RRC approved Action plans received	Date of Receipt of action plans	Action plans approved by CPCB Task Team subject to conditions	Remarks
I	1	1	29.01.2019	Action plan for P-I & P-II was approved in 3rd Task Team meeting held during 11-12th February, 2019.  Target Date: 31.03.2020 (For P-III and P-IV)	RRC approved action plans for P-III to P-IV PRS will be examined in 10th Task Team meeting scheduled on 26 Feb.2020
II	2	2			
III	2	2			
IV	2	2			
V	1	1			

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<b>Grand Total</b>	8	8			
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(iii) Air quality management in 122 non-attainment cities.

**Status of Actions for Non attainment cities (NACs) in Telangana**

<b>Number of Non Attainment Cities</b>	04 - Hyderabad, Patancheruvu, Nalgonda, Sangareddy
<b>Action Plan approved</b>	03 (Action plan for additional non-attainment city, Sangareddy under review)
<b>Timelines for Actions</b>	Short - term (within 3 months), mid - term (within one Year), and long - term (1-2 years).
<b>CPCB comments</b>	<ul style="list-style-type: none"> <li>• Directions issued by CPCB for improving plans <ul style="list-style-type: none"> <li>✓ Source Apportionment and Carrying Capacity</li> <li>✓ Interim Emission Reduction Targets</li> <li>✓ Coordination with Central Agencies for implementation</li> <li>✓ Consideration to Graded Response Action Plan (GRAP)</li> <li>✓ District Level Monitoring Committee</li> </ul> </li> <li>• Micro level planning for each action in city plan</li> <li>• Quarterly submission of implementation status</li> <li>• Identify actions for domestic sources in Nalgonda</li> </ul>

**ANALYSIS:**

**Solid Waste Management:**

32. We first consider the stand of the State for capping of the old dump site at Jawahar Nagar in Hyderabad. The stand is not legally and environmentally tenable. Capping will result in leachate remaining untreated affecting the ground water and gases in the dump site will remain unflared having potential for air pollution and hazardous for environment. Moreover, huge area of land which is scarce and valuable will be wasted. The cost involved will be far less than the

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value of the land and need for protection of environment. It is also wrong to say that bio-mining or bio-remediation can be only of small size dump sites and not big dump sites. The size of the dump site is said to be 339 acres and the garbage is said to be 1.2 crore tonnes. We considered this aspect in the order dated 17.07.2019 in O.A. No. 519/2019. Therein three dump sites of Delhi, including Ghazipur with 1.4 crore tonne of garbage were involved. This Tribunal rejected the plea of the Corporation that bioremediation of bio-mining were not possible and only option was capping. It was observed:

\*8. In O.A. No. 386/2019, the grievance raised was that unscientific capping process of the Bhalswa legacy waste dumpsites was against the SWM Rules and not conducive to the environment. This Tribunal, vide order dated 04.04.2019, sought opinion from a Committee comprising CPCB and Dr. G.K. Pandey, former Expert Member of this Tribunal, who is known to have expertise in the subject. Report dated 31.05.2019 has been submitted by the said Committee after visit to the Bhalswa site, visit to Bawana Waste Processing Plant and meeting with the North Delhi MC officers. Presentation was made before the said Committee by concerned officers of the North MCD as well as experts hired by the said Corporation. Some of the observations of the said Committee are as follows:

\*3.5 The Cost indicated in the DPR for bioremediation is Rs.1178 Crores. However, as per CPCB Guidelines for Disposal of Legacy Waste, the cost of bioremediation and bio-mining of dumpsite is in the range of Rs.400- 700/Cum which works out in the range of Rs.440 - 560 Crore. The actual cost shall be further reduced, if cost of land recovered by means of bio-mining/bioremediation is factored in. Hence the cost indicated by NDMC seems to be very much on the higher side.

Similarly, the other issues raised by NDMC need detailed assessment.

3.6 As per CPCB Guidelines, **capping of dumpsites is not advisable** as it would lead to generation of more leachates and methane/landfill gas generation which would further contaminate the already heavily contaminated Groundwater (Ground/surface water reports at Annexure VIII to X). Further as per CPCB Guidelines, gas extraction is very difficult and inefficient when attempts are made to insert suction pipes into dumped waste

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instead of before dumping begins. Poor success at Gorai capping led to the forced refund by Mumbai city of Rs.15 crore advance carbon credits. Taking into consideration the present height (65 m) of the landfill, extraction of leachate & gas will be even more difficult.

3.7 In addition, in the present tender documents, there is no provision for onsite treatment of leachates and utilization of gas generated as also decontamination of ground water/bio-remediation have not been envisaged in spite of the fact that ground and surface water are heavily polluted as reflected by analysis of ground water and surface water reports given in the DPR. The details of analysis reports are given below:

- (a) Table-1 (Annexure-VIII) pertains to ground water sampling report of hand pumps which has indicated that average levels of BOD (2.4 mg/l), COD (28.0 mg/l), TDS (2783 mg/l) are more than the prescribed acceptable limit of zero for BOD, zero for COD and 500 mg/l for TDS. Besides, the average high level of Residual Free Chlorine of 208.7 mg/l (limit 0.2mg/l), Chlorides 769.7 mg/l (limit 250 mg/l), Sulphate 228.2 mg/l (limit 200mg/l), Alkalinity 508.7 mg/l (limit 200 mg/l), Lead 0.2 mg/l (limit 0.01 mg/l) and Nickel 0.1 mg/l (limit 0.02mg/l) indicates that drinking water from the hand pumps has been significantly polluted and is not drinkable.
- (b) Table-2 (Annexure-IX) reflects ground water analysis report pertaining to 18 boreholes. The average levels of BOD (93.11 mg/l), COD (783.72 mg/l) and TDS (6841.83 mg/l) were found more as against the acceptable limit of zero for BOD, zero for COD and 500 mg/l for TDS indicating that ground water has been significantly contaminated due to percolation of leachates from the landfill.
- (c) Table-3 (Annexure-X) pertains to analysis of surface water taken from Bhalsawa drain and Bhalsawa lake. The analysis report indicates that the average levels of BOD (68.40 mg/l), COD (547.51 mg/l) and TDS (4465.23 mg/l) were found higher as against the permissible limit for drinking water for BOD (0), COD (0) and TDS (500 mg/l) respectively indicating that surface water is significantly polluted due to discharge of untreated leachates. Besides, the average levels of residual free chlorine (179.60 mg/l, limit 0.2 mg/l), Iron (0.53 mg/l, limit 0.3), Chlorides (13119.04 mg/l, limit 250), Calcium (188.99 mg/l, limit 75), Alkalinity

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(1285.96 mg/1, limit 200), phenolic compound (0.07 mg/1, limit 0.001), Lead (0.15 mg/1, limit 0.01), Mercury ( 3.75 mg/1, limit 0.001) and Nickel (0.15 mg/1, limit 0.02) were found high indicating that surface water is very polluted and Bhalswa lake is not meeting the criteria for drinking water as toxic elements like phenolic compounds including heavy metals are present in the lake water. It is quite possible that the animals (buffalos, cows etc.) may be drinking lake water and as such the possibility of toxic chemicals and heavy metals entering the food chain cannot be over ruled. Therefore, lake water should not be used for drinking purposes by the human beings and the animals.

(d) Table-4(Annexure-XI) leachate emanating from the BLF indicates that BOD (500 mg/1), COD (2279 mg/1) & TDS (19000 mg/1) levels are higher in comparison to leachate standards of BOD (30 mg/1), COD (250 mg/1) & TDS (2100 mg/1) as prescribed in SWM Rules,2016.

3.8 There are various technologies available for treatment of MSW such as composting, bio-methanation, incineration coupled with power generation, gasification, pyrolysis, plasma arc gasification, molten salt oxidation (non-flame thermal process for destroying organic materials) etc.

#### 4.0 Recommendations

- i. NDMC should do a detailed assessment of the alternative technological options including Bio-mining / Bio-remediation for Bhalswa dumpsite.
- ii. Niti Aayog has constituted a Committee to identify the technologies in Solid Waste Management for Cleaning up of Delhi (Annexure XII). NDMC may consider the outcome of this committee's report in assessing options for Remediation of Bhalswa dumpsite.
- iii. In case, capping of Bhalswa Dumpsite (which is not advisable as per CPCB Guidelines as mentioned at point 3.6 above) is proposed as the only option due to time and space constraints as also technoeconomic reasons, the DPR should be revisited especially to look into the following conditions:
  - (a) Bio-mining should be undertaken to the maximum extent possible without having significant adverse environmental impacts on the adjoining population.
  - (b) Bio-remediation/decontamination of surface, ground water and soil should also be undertaken in the affected areas.

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(c) No dumping of MSW/Garbage (about 2000 tons/day) shall be done at Bhalswa dumpsite and alternate arrangements for disposal of this waste to be made by NDMC on priority in accordance with S WM Rules, 2016."

9. We may note that as per information furnished during the hearing, the extent of legacy waste and the land covered by the three dump sites are as follow:

- i. East Delhi Ghazipur dumpsite- 1.4 crore metric tonne approx. on 70 acres of land
- ii. North Delhi Bhalswa dumpsite - 80 lakh metric tonne approx. on 36 acres of land
- iii. South Delhi Okhla dumpsite - 55-60 lakh metric tonne approx. on 46 acres of land

10. Information made available from Indore Municipal Corporation is as follows:

"For screening purposes, trommels of 30 MT per hour capacities, are available in the market on rental basis. Necessary vehicles and equipments (like excavators, back-hoe loaders, dumpers, vibratory screens for dust removals and bundling machines for Refused Derived Fuel) are required for bio-mining and bio-remediation purposes. Normally, 20 trommels along with necessary machines and tools can process 5000 MT of legacy waste on daily basis in two shifts operation. Recently, Indore has successfully completed bio-mining/bio-remediation of 15 lakh MT legacy waste in 1 year. Rent for trommels paid by Indore to various machine manufacturers were in tune of Rs. 7.25 Lakh per trommel per month and bio-mining/bio-remediation process was followed as mentioned in the latest guidelines issued by the CPCB. Normally, the per metric tonn cost of bio-remediation process of legacy waste will range between Rs. 300- 450 depending upon area to area.

In legacy waste sites where local bodies have space constraints can initially start the bio-mining/ bio-remediation options through mobile trommels.

Similarly, Ahmedabad Municipal Corporation has started the bio-mining/bio-remediation at Pirana dumping site and they are paying Rs. 6.40 Lakh per trommel per month.

The trommel machines are very simple in fabrication and can be fabricated as per the design mentioned in CPCB guidelines by local fabricators.

Instead of having multiple machines, it is advisable to have a single trommel of 16-20 MM bore size

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screen and reject conveyer should have blower. This will reduce the cost due to multiple trommeling. Also, to utilise the Refused Derived Fuel ('RDF') recovered from this process should be made free from dust. Thereafter RDF can be bundled and sent to waste-to-energy plant and cement industries for further utilisation.

The recovered soil from the bio-mining/bio-remediation process can be used in filling the dead mines so as afforestation in the area can take place. Secondly, it can be used by National Highway Authorities/ State Road construction agencies and local bodies in sub-base filling.

Local bodies can install number of trommels at bio-remediation site based on availability of land and with time they can increase the number so as to complete the process as soon as possible.

Once the bio-mining and bio-remediation process starts, dumping of fresh garbage should be stopped at the legacy waste dumpsites, local bodies may identify a separate piece of land to process the fresh garbage through various processes mentioned in Municipal Solid Waste Management Rules, 2016 and guidelines issued by the CPCB."

11. In-Charge, Member Secretary, CPCB has similar view. Chief Secretary, Delhi suggests that a functional model may be preferred to any other option which has not been experienced on the ground.
12. We find merit in the model followed by Indore Municipal Corporation, the views of Member Secretary, CPCB and the Chief Secretary, Delhi. This opinion is also in consonance with the SWM Rules as well as the CPCB Guideline on Legacy Waste<sup>54</sup> and recent orders of this Tribunal. A conjoint reading of Rule 15 (zj), Rule 15(zk) and Clause J of Schedule I of the SWM Rules leaves room for capping of old dump sites, only in cases where there is "absolute absence of potential of bio-mining and bio-remediation" and not in cases of present nature where bio-mining and bio-remediation is possible. In cases of present nature, both ex-situ and in-situ bio-mining options can be exercised according to Indore Municipal Corporation, which is not only environmentally safe but cost effective. Though plea for capping legacy waste dumpsites is being raised frequently as a convenient mode, there may be hardly any situation when bio-remediation is not possible. The option of capping of legacy wastes, which has huge environmental and health consequences, in practical terms is no option at all, except for inert waste, which again is to be disposed in a scientific

<sup>54</sup> Guidelines for Disposal of Legacy Waste (Old Municipal Solid Waste), Central Pollution Control Board, February 2019

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*secured landfill. According to Indore Municipal Corporation, bio-mining as a treatment option is environmentally safe and does not require recurrent costs on account of leachate treatment in Effluent Treatment Plant (ETP). Furthermore, only peripheral leachate can be taken to the ETP and leachate percolating underneath the dumpsite contaminates ground water and water in subterranean space. Bio-mining as a treatment option in comparison to engineering capping of legacy wastes, is not only environmentally safe and holistic but also meets the yardstick of fiscal prudence and propriety."*

33. Applying the above principle to the present case, we reject the plea of the State and direct that instead of capping of the dump site, it is imperative to do bio-mining and bioremediation in the interest of environment and to save valuable scarce public resource in the form of land. The land can be used for setting up integrated waste processing facilities and developing green belt or bio-diversity park. If the State/Corporation does not have funds, the State may consider monetizing a part of the land to raise revenue for the purpose, after following due process of law. In any case, capping cannot be permitted.
34. We find that steps taken for legacy waste remediation are not adequate. The work has not even commenced at 138 out of 140 sites which is a matter of serious concern. The timeline needs to be consistent with the statutory rules, as well as the orders of this Tribunal. The timeline 2025 proposed by the State of Telangana needs to be preponed accordingly.
35. There remains gap of 4506 TPD for Telangana in terms of current generation and treatment of solid waste which is endangering environment, adversely affecting public health and posing serious threat to life. No firm commitment to remedy the gap consistent with the statutory Rules specially the timelines has been put forth, as

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expected in terms of directions of the Hon'ble Supreme Court and this Tribunal. Thus, suitable remedial measures need to be adopted in the matter.

**Sewage Management:**

36. As regards sewage management, there is a huge gap in sewage treatment. In the context of river pollution alone, gap is reported to be 1253.93 MLD. Actual gap in generation and treatment capacity has not been given. We can only observe that the entire gap needs to be remedied in terms of directions already issued by this Tribunal. The timeline proposed for bridging the gap between sewage generation and treatment needs to be preponed with interim arrangement by way of phyto/bio- remediation. Discharge of untreated sewage is statutorily prohibited under the provisions of the Water Act, 1974 as well as under the orders of this Tribunal. Untreated waste water and raw sewage being continuously discharged in water bodies needs to be stopped. As already observed, prompt action needs to be taken to reduce pollution load on recipient river systems by way of phyto-remediation/bio-remediation of any other alternative low capital-intensive natural remediation processes and to successfully tap the sewage containing storm water drains so as to channelize the untreated sewage to central STP. Phytoremediation/bio-remediation or other such remediation must commence at or nearest the source of generation as a supplement to setting up of STPs as an interim measure to reduce the load of pollution on recipient water bodies before 31.03.2020. Setting up of STPs must also commence before the said date so as to complete the same by 31.03.2021. In this regard, compensation regime has already been laid down which has

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to be strictly followed. The timelines and compensation regime already laid down are:

- i. Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.
  - ii. Commencement of setting up of STPs - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.
  - iii. Commissioning of STPs - 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.
37. The Chief Secretary mentioned that the central assistance was inadequate which cannot be a justification for failure of the State in managing its waste. Waste management is responsibility of the State and Local Bodies, as already held by the Hon'ble Supreme Court in the judgments referred to above. If the funds available are inadequate, the State has to raise the same from the generators of waste.
38. The Chief Secretary must ensure adverse entries in the service records of erring officers in respect of liquid waste management atleast from 01.04.2020.

Likewise, remediation work of legacy dump sites must commence at the earliest and adverse entries in ACRs of concerned officers if the remediation does not commence by 31.03.2020 which may be ensured by the Chief Secretary.

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To save time, standard specifications and service providers must be notified by the Chief Secretary on the websites of the State/UT within one month from today. The Chief Secretary may take such opinion as may be necessary for the purpose.

Compliance reports may be filed quarterly and first such report may be filed by 31.03.2020 with a copy to the CPCB. CPCB may furnish gap analysis report.

**Restoration of Polluted River Stretches:**

39. Similarly, with regard to restoration of polluted river stretches, the execution of action plans is required in right earnest and holistic manner. Considering that implementation requires inter-sectoral consideration and there is a need for a robust institutional mechanism to implement it, this needs to be overseen by the Chief Secretary.

**Air Quality Management:**

40. With regard to air quality management in non-attainment cities, execution of action plans has to be duly ensured as per laid down timelines by making adequate budgetary provision in accordance with the orders of this Tribunal by clearly defined monitoring and enforcement strategies and fixing responsibilities for failures on the officers. Absence of due execution of action plans is worsening the situation on account of resultant pollution. The execution of action plan needs to be supervised by the Chief Secretary of the State.

**VII. DIRECTIONS:**

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41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct:

a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). 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 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.

b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28<sup>55</sup> even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the

<sup>55</sup> The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

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subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability 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. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take 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.

- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.
- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:
- i. Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.

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- ii. Commencement of setting up of STPs - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.
  - iii. Commissioning of STPs - 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.
- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.
- f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.
- g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.

The Chief Secretary, Telangana may remain present in person for further review tentatively on 25.09.2020.

A copy of this order be sent to the Chief Secretary, Telangana and the CPCB by e-mail.

Adarsh Kumar Goel, CP

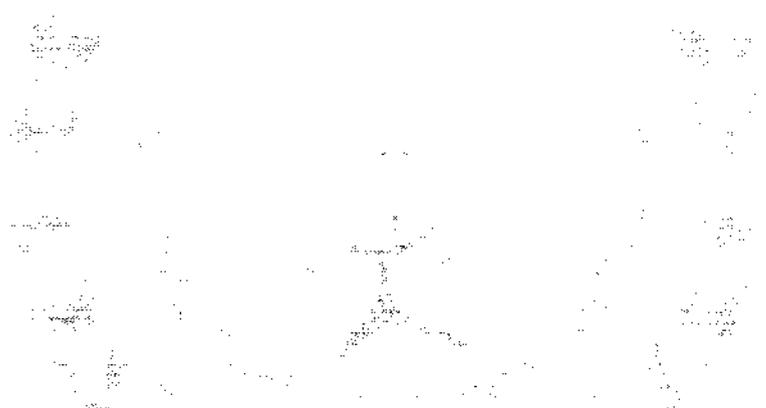
S.P Wangdi, JM

Dr. Nagin Nanda, EM

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Siddhanta Das, EM

February 14, 2020  
Original Application No. 606/2018  
DV



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Item No. 02&amp;04

(Court No. 1)

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

(By Video Conferencing)

Execution Application No. 29/2021  
IN  
Original Application No. 159/2017

Veterans Forum for Transparency in Public Life Applicant

Versus

Chapra Nagar Parishad &amp; Ors. Respondent(s)

Dr. Bishwanath Prasad Singh ----- Applicant in EA 29/2021

And

M.A. Nos. 70- 71/2021  
IN  
Execution Application No. 46/2018  
IN  
O. A. No. 234/2015

Veterans Forum for Transparency in Public Life Applicant

Versus

Chapra Nagar Nigam, Chapra &amp; Ors. Respondent(s)

Devanti Devi ----- Applicant in MAs

Date of hearing: 18.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**Applicant: Dr. Bishwanath Prasad Singh, Applicant in person in E.A. No. 29/2021  
and Original applicant in OA 234/2015**ORDER**

1. This order will deal with E.A. No. 29/2021 in O.A. No. 159/2017 and M.A. Nos. 70-71/2021 in EA No. 46/2018 in OA 234/2015 as the

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issue involved in both the matter relates to steps for scientific management of solid and liquid waste at Chapra, District Saran, Bihar.

2. Vide order dated 02.11.2017 in O.A. No. 159/2017, the Tribunal dealt with the grievance of collection and disposal of solid waste. On behalf of the Nagar Nigam it was stated that waste was being cleared. The Tribunal directed the Nagar Nigam to take effective steps in the matter. Execution Application now filed is that the Nagar Nigam failed to take any further action. The applicant approached the District Magistrate and State PCB. It is further stated that after the order in the OA, the Tribunal passed order of general applicability to all States on 14.12.2020 in O.A. No. 606/2018 laying down as follows:-

***"41a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). 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 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. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.***

***b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated***

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**17.07.2019 in O.A. No. 519/2019 para 28<sup>1</sup> even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability 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. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take 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. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today."**

3. Accordingly, the applicant seeks direction to the District Magistrate, Saran and the State PCB to take further remedial action for making land available for the waste management and also taking coercive measures as directed by this Tribunal.

4. E.A. No. 29/2021 seeks direction for making land available for the management of solid waste which is a matter to be looked into by the statutory authorities in terms of the directions already issued as per order in O.A. No. 606/2018, the Tribunal has in view of earlier binding orders of the Hon'ble Supreme Court required the Chief Secretary of the

<sup>1</sup> The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

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State to take coercive measures in case the waste is not managed as per rules.

5. We have heard the applicant in person. We are of the view that it will be appropriate that in terms of Section 25(2) of the NGT Act the execution is transferred to the jurisdictional Civil Court. Accordingly, a copy of order of this Tribunal dated 14.12.2020 in O.A. No. 606/2018 be forwarded to the District Judge, Saran for being entrusted to the jurisdictional Civil Court for further action in accordance with law.

E.A. No. 29/2021 is disposed of.

6. In MA 70-71/2021 in EA No. 46/2018, Devanti Devi has stated that she is a shopkeeper near *Khanua Nala*, Chapra and is being wrongly proceeded against as encroacher in purported compliance of orders of this Tribunal dated 8.3.2021 in OA 234/2015. She is one of the 200 shops allottees adjacent to the said drain. Earlier, vide order dated 25.07.2011 in CWJC No. 11846/2011, Patna High Court granted stay against coercive measures. The Bihar Urban Infrastructure Development Corporation Ltd. (BUDCO) initiated action for restoration of the drain affecting the shops at the distance of 200 meters from the drain. This Tribunal in OA. No. 234/2015 disposed of on 30.10.2017 considered the grievance against restoration of the drain. Further order was passed on 03.09.2019 in the light of the report that the drain was being cleaned. Thereafter, the matter was dealt with on 08.03.2021 in the light of the report of the Secretary, Urban Development, Bihar to the effect that encroachments from the drain will be removed. The Tribunal directed the Secretary, Urban Development, Bihar to ensure further action by continuous monitoring and also monitoring by the Chief Secretary once in every six months. In pursuance thereof, action is being taken to remove the shops treating them to be encroachment affecting the drain.

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According to the applicant, her shop is not unauthorized structure nor it is encroachment.

7. None appears for the applicant. The applicant in original application is present in person and states that the order of this Tribunal should be given effect to.

8. We have considered the matter and find that Tribunal has directed Nagar Nigam and other authorities of the State to ensure that flow of the drain is not obstructed and its width is not reduced by any encroachment. Thereafter, the matter is dealt with by the Nagar Nigam and the District Magistrate in exercise of their statutory powers under the Municipal laws. The order of this Tribunal is an order *in rem* and does not deal with any individual shop being or not being encroachment. If at all there is any dispute in this regard, the same has to be adjudicated upon independently by the concerned local authorities or at any appropriate forum. All that is necessary under orders of this Tribunal is to ensure that the flow of the drain and width of the drain is not affected and the drain is maintained as per environment norms. The catchment area of the drain has to be kept free from any construction for maintenance of the drain, as laid down by the Hon'ble Supreme Court in *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors*<sup>2</sup>. If the authorities find that the construction is on the drain as appears to be the stand of the authorities in taking action, the authorities are certainly entitled to take legal action as per law. MA Nos. 70-71/2021 are accordingly dismissed.

Adarsh Kumar Goel, CP

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<sup>2</sup>(2019) 18 SCC 494

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Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 18, 2021  
E.A. No. 29/2021 in O.A. No. 159/2017  
& M.A. No. 70-71/2021 in E.A. No. 46/2018 in  
O. A. No. 234/2015  
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**ANNEXURE A-4**  
**कार्यालय छपरा नगर निगम**

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पत्रांक :- ...22/01.../ छ0न0नि0

प्रेषक,

नगर आयुक्त,  
छपरा नगर निगम।

सेवा में,

जिला पदाधिकारी,  
सारण, छपरा।

छपरा, दिनांक- ...14.../11.../ 2022

विषय :- माननीय NGT द्वारा पारित आदेश O.A No.-606/2018 दिनांक-14.12.2020 के अनुपालन में ठोस प्रबंधन नियमावली, 2016 के क्रियान्वयन के आलोक में ठोस एवं तरल अपशिष्ट प्रसंस्करण हेतु तथा Sanitary Landfill विकसित करने के लिए सरकारी भूमि की अनुपलब्धता की स्थिति में नगर निकायों द्वारा भूमि क्रय करने के संबंध में।

प्रसंग :- नगर विकास एवं आवास विभाग, बिहार पटना का पत्रांक-122 दिनांक-02.02.2022

महाशय,

उपर्युक्त विषयक सूचित करना है कि City Sanitation Action Plan तैयार करने हेतु दिनांक-11.11.2022 एवं 12.11.2022 को आयोजित कार्यशाला सह विभागीय समीक्षात्मक बैठक में प्रधान सचिव, नगर विकास एवं आवास विभाग, बिहार पटना द्वारा बताया गया कि दिनांक-20.11.2022 तक मुख्य सचिव महोदय के द्वारा SWM नियमावली 2016 में निहित प्रावधान के अनुसार उपयुक्त भूमि की उपलब्धता पर V.C के माध्यम से समीक्षा किये जाने का कार्यक्रम प्रस्तावित है।

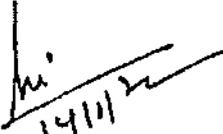
उल्लेख्य है कि विषय-वस्तु एवं प्रासंगिक पत्र के कंडिका-04 में वर्णित है कि “इस प्रकार ठोस एवं तरल अपशिष्ट प्रसंस्करण, सेनिटरी लैंड फिल्ट साईट्स के लिए SWM नियमावली-2016 में निहित प्रावधान के अनुसार उपयुक्त भूमि की आवश्यकता संबंधी प्रतिवेदन कार्यपालक पदाधिकारी से प्राप्त कर, सर्वप्रथम सरकारी भूमि की उपलब्धता को चिन्हित किया जाए, तथा सरकारी भूमि उपलब्ध नहीं होने की स्थिति में बाजार दर पर रैयती भूमि के क्रय हेतु विहित प्रक्रिया के अनुसार आवश्यक कार्रवाई की जाये ”

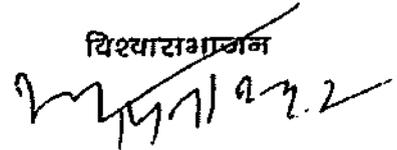
विदित हो कि वर्णित अनुपालन हेतु भूमि उपलब्ध कराने के निमित्त इस कार्यालय के पत्रांक-1307 दिनांक-13.06.2022 द्वारा अनुरोध किया गया है, जिसमें यह उल्लेख है कि छपरा नगर निगम को 1.5 किलोमीटर के दायरे में 10 एकड़ उपयुक्त भूमि उपलब्ध कराने हेतु संबंधित पदाधिकारी को निर्देश देने की कृपा की जाये।

इस संबंध में अवगत कराना है कि सरकारी भूमि यदि दो खण्डों में अलग-अलग स्थलों पर भी मिलती है तो नगर निगम छपरा को इस पर कोई आपत्ति नहीं होगी।

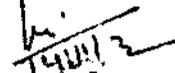
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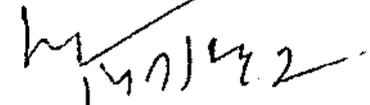
अतः अनुरोध है कि छपरा नगर निगम को 15 किलोमीटर के दायरे में 10 एकड़ भूमि एक ही जगह अथवा खण्ड-खण्ड में दो जगह भी यदि उपलब्ध है तो कृपया इसकी सूची भिजयाने की कृपा की जाये, ताकि दिनांक-20.11.2022 को होने वाली V.C के दरम्यान मुख्य राधिय महोदय, बिहार, पटना को वस्तु-स्थिति से अवगत कराया जा सकें।

  
30/11/2022  
नगर आयुक्त,  
छपरा नगर निगम।

विश्वाराभाजन  
  
नगर आयुक्त,  
छपरा नगर निगम।

ज्ञापांक-.../छ0न0नि0 छपरा/दिनांक.../.../2022  
प्रतिलिपि :- प्रधान सचिव, नगर विकास एवं आवास विभाग, बिहार, पटना को सादर सूचनार्थ प्रेषित।

  
30/11/2022  
नगर आयुक्त,  
छपरा नगर निगम।

  
नगर आयुक्त,  
छपरा नगर निगम।

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Translated copy of Annexure- A-4

OFFICE OF CHAPRA MUNICIPAL CORPORATION

Letter No. 2261 /Ch.Na.Ni.

From:-

The Municipal Commissioner,  
Chapra Municipal Corporation.

To,

The District Magistrate,  
Saran, Chapra.

Chapra, dated 14.11.2022

Sub:- Regarding purchase of land by Municipal Bodies in case of Non availability of government land for processing solid & Liquid Waste and for developing Sanitary landfill in the light of implementation of Waste Management Rules, 2016 in compliance with the order O.A. No.606/2018 dated 14.12.2020 passed by the Hon'ble N.G.T.

Context: Letter No.122 of Urban Development and Housing Department, Bihar, Patna dated 02.12.2022.

Sir,

Regarding the above subject it is to be informed that in the work shop cum-departmental review meeting organized on 11.11.2022 and 12.11.2022 for preparing the City Sanitation Action Plan, it was informed by the principal Secretary, Urban Development and Housing Department, Bihar, Patna that on 20.11.2022, a programme has been proposed to be reviewed through V.C. on the availability of suitable land by the Chief Secretary as per the provision contained in the S.W.M. Rules, 2016.

It is noteworthy that in the subject matter and clause-04 of the relevant letter, it is mentioned that "In this way, as per provision contained in the S.W.M. Rules, 2016, for solid and liquid waste processing, sanitary land, field sites, the report regarding the requirement of suitable land should be obtained from the Executive Officer and the first of all the availability of government land should be identified and in the event of non-availability of government land necessary action should be taken as per the prescribed procedure for purchasing Raiyti land as market rate.

It is to be noted that in order to make land available for the compliance mentioned above, a request has been made vide letter no. 1307 dated 13.06.2022 of this office, in which it is mentioned that kindly instruct the concerned officer to make available 10 acres of suitable land within a radius of 15 Kilometers to Chapra Municipal Corporation.

In this regard, it is to be informed that even if government land is available in two sections as different places, Chapra Municipal Corporation will have no objection to it.

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Therefore, it is requested that if 10 acres of land is available to Chapra Municipal Corporation within a radius of 15 Kms. either at one place or in two places then please send its list, so that during V.C. to be held on 20.11.2022, the Chief Secretary, Bihar, Patna can be apprised of actual situation.

Yours.

Sd/illegible

Municipal Commissioner  
Chapra Municipal Corporation.

Memo No. 2261/Ch.Na.Ni., Chapra/ Dated 14.11.2022

Copy to:-Principal Secretary, Urban Development and Housing Department,  
Bihar, Patna for information.

Sd/illegible

Municipal Commissioner  
Chapra Municipal Corporation

*[Handwritten signature]*

*[Handwritten signature]*

True translated copy

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Item No. 01

Court No. 1

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

Original Application No. 606/2018  
(In respect of State of Bihar)

In re: **Compliance of Municipal Solid Waste Management Rules,  
2016 and other environmental issues**

Date of hearing: 04.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Present: Shri Amir Subhani, IAS, Chief Secretary, Bihar  
Shri Arunish Chawla, IAS, Additional Chief Secretary, Urban Development  
& Housing Department  
Shri Dhramendra Singh, IAS, Managing Director, BUIDCo.

**ORDER**

**The Issue - Monitoring of compliance of waste in terms of orders of  
Hon'ble Supreme Court dated 02.09.2014 and 22.02.2017**

1. The issues of solid as well as liquid waste management are being monitored by this Tribunal as per orders of the Hon'ble Supreme Court order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India & Ors.*, with regard to solid waste management and order dated 22.02.2017 in W.P. No. 375/2012, reported in (2017) 5 SCC 326, *Paryavaran Suraksha vs. Union of India*, with regard to liquid waste management. Other related issues include pollution of 351 river stretches, 124 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. have also been dealt with separately. We

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propose to limit the proceedings in the present matter to **two issues of solid waste and sewage management.**

**ORDERS OF THE HON'BLE SUPREME COURT TRANSFERRING THE ISSUE OF SOLID WASTE MANAGEMENT AND LIQUID WASTE MANAGEMENT TO THIS TRIBUNAL:**

**Solid Waste Management**

2. While transferring the issue of solid waste management vide Order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors.*, the Hon'ble Supreme Court observed "**handling of solid municipal waste is a perennial challenge and would require constant efforts and monitoring with a view to making the municipal authorities concerned accountable, taking note of dereliction, if any, issuing suitable directions consistent with the said Rules and direction incidental to the purpose underlying the Rules such as upgradation of technology wherever possible. All these matters can, in our opinion, be best left to be handled by the National Green Tribunal established under the National Green Tribunal Act, 2010. The Tribunal, it is common ground, is not only equipped with the necessary expertise to examine and deal with the environment related issues but is also competent to issue in appropriate cases directions considered necessary for enforcing the statutory provisions.**"

3. Before transferring the said proceedings, matter was monitored by Hon'ble Supreme Court for about eighteen years and orders passed include (2000) 2 SCC 679 and (2004) 13 SCC 538, directing scientific disposal of waste by setting up of compost plants/processing plants, preventing water percolation through heaps of garbage, creating focused '**solid waste management cells**' in all States and complying with the Municipal Solid Waste Management Rules, 2000 (now replaced by SWM Rules, 2016). It

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was observed that the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees. Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums has multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. **Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open.** Accordingly, the Court directed that provisions pertaining to sanitation and public health be complied with, streets and public premises be cleaned daily, **statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste**, landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks. Further observations in the judgment of the Hon'ble Supreme Court<sup>1</sup>are:

*"3. The petitioner has handed over a note in the Court showing the progress that has been made in some of the States and also setting out some of the suggestions, including the suggestion for creation of solid waste management cell, so as to put a focus on the issue and also to provide incentives to those who perform well as was tried in some of the States. The said note states as under:*

*"1. As a result of the Hon'ble Supreme Court's orders on 26-7-2004, in Maharashtra the number of authorisations granted for solid waste management (SWM) has increased from 32% to 98%, in Gujarat from 58% to 92% and in M.P. from NIL to 34%. No affidavits at all have been received from the 24 other States/UTs for which CPCB reported NIL or less than 3% authorisations in February 2004. All these States and their SPCBs can study and*

<sup>1</sup> (2004) 13 SCC 538

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learn from Karnataka, Maharashtra and Gujarat's successes.

2. **All States/UTs and their SPCBs/PCCs have totally ignored the improvement of existing open dumps, due by 31-12-2001**, let alone identifying and monitoring the existing sites. Simple steps can be taken immediately at almost no cost by every single ULB to prevent monsoon water percolation through the heaps, which produces highly polluting black run-off (leachate). Waste heaps can be made convex to eliminate standing water, upslope diversion drains can prevent water inflow, downslope diversion drains can capture leachate for recirculation onto the heaps, and disused heaps can be given soil cover for vegetative healing.
3. **Lack of funds is no excuse for inaction. Smaller towns in every State should go and learn from Suryapet in A.P. (population 103,000) and Namakkal in T.N. (population 53,000) which have both seen dustbin-free 'zero garbage towns' complying with the MSW Rules since 2003 with no financial input from the State or the Centre, just good management and a sense of commitment.**
4. **States seem to use the Rules as an excuse to milk funds from the Centre, by making that a precondition for action and inflating waste processing costs 2-3 fold.** The Supreme Court Committee recommended 1/3 contribution each from the city, State and Centre. Before seeking 70-80% Centre's contribution, every State should first ensure that each city first spends its own share to immediately make its wastes non-polluting by simple sanitising/stabilising, which is always the first step in composting viz. inoculate the waste with cow dung solution or bio culture and placing it in windrows (long heaps) which are turned at least once or twice over a period of 45 to 60 days.
5. **Unless each State creates a focussed 'solid waste management cell' and rewards its cities for good performance, both of which Maharashtra has done, compliance with the MSW Rules seems to be an illusion.**
6. **The admitted position is that the MSW Rules have not been complied with even after four years. None of the functionaries have bothered or discharged their duties to ensure compliance. Even existing dumps have not been improved.** Thus deeper thought and urgent and immediate action is necessary to ensure compliance in future."

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4. In this regard, reference may also be made to orders of Hon'ble Supreme Court in *Municipal Council, Ratlam vs. Vardhichand*<sup>2</sup> and *B.L. Wadhwa v. Union of India and Ors.*<sup>3</sup> laying down that **clean environment is fundamental right of citizens under Article 21** and it is for the local bodies as well as the State to ensure that public health is preserved by taking all possible steps. **For doing so, financial inability cannot be pleaded.** We note that even after 26 years of monitoring, 18 years by Hon'ble Supreme Court and eight years by this Tribunal, ground situation remains unsatisfactory.

#### **Liquid Waste Management**

5. Hon'ble Supreme Court in *Paryavaran Suraksha vs. Union of India*<sup>4</sup> required this Tribunal to monitor directions for proper treatment of sewage to prevent untreated sewage and other effluents being discharged in water bodies by directing "We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be enforced by the Member Secretaries of the Pollution Control Boards concerned. The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. **The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board**

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<sup>2</sup> (1980) 4 SCC 162

<sup>3</sup> (1996) 2 SCC 594

<sup>4</sup> (2017) 5 SCC 326

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concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters."

6. Extracts from the judgement of the Hon'ble Supreme Court in *Paryavaran Suraksha Samiti Vs. Union of India* are as follows:

*"8. In view of the fact that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect that they would be completed within the timelines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct the State Governments concerned (including the Union Territories concerned) to complete the same within a period of three years, from today.*

*10. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the "common effluent treatment plant" shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial*

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**requirements, of running the "common effluent treatment plants", which are presently dysfunctional, from their own financial resources.**

**13. We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal"**

7. Expression "Common Effluent Treatment Plants" may infact refer to the STPs, as the context shows.

8. On this subject, inspite of deadline of 31.3.2018 fixed by Hon'ble Supreme Court for finalizing funding arrangements and February 2020 for all arrangements for preventing discharge of pollutants and rigorous monitoring by this Tribunal for the last five years, ground situation remains unsatisfactory.

**Procedural History of present proceedings before this Tribunal**

9. In the light of above, the Tribunal has considered the matter in the last eight years as far as solid waste management is concerned and more than five years as far as liquid waste management is concerned. Main orders on the subject include orders dated 22.12.2016, 31.08.2018, 16.01.2019, 28.8.2019, 12.09.2019, 6.12.2019, 07.01.2020, 28.02.2020, 02.07.2020, 14.12.2020, 22.2.2021, 30.11.2021, 14.12.2020 and

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31.05.2022. First two orders - dated 22.12.2016 and 31.08.2018 deal only with solid waste management. Orders dated 28.8.2019, 6.12.2019 and 22.2.2021 deal with only liquid waste management while the remaining orders deal with solid waste as well as liquid waste management. Issue of liquid waste has also been separately dealt with in OA No. 593/2017 which was finally disposed of on 22.02.2021 with direction that further monitoring be undertaken by Central Monitoring Committee constituted by the said order. It was held that monitoring by the Tribunal cannot be for indefinite time and State authorities are primarily responsible for such monitoring after adequate monitoring by the Tribunal. By the same order, the Tribunal also dealt with the issue of 351 identified polluted river stretches in OA 673/2018. This is apart from individual cases dealing with solid and liquid waste management. A brief reference of these orders will be made hereafter.

**Orders dated 22.12.2016 and 31.08.2018**

10. Vide order dated 22.12.2016, (2016) SCC Online NGT 2981, the issue of Solid Waste Management was disposed of requiring strict compliance of Solid Waste Management Rules, 2016 by all the States/UTs making it clear that if violations continue, the State will be liable to pay compensation. Later, matter was taken up to ascertain compliance status and finding that all the States/UTs were still non-compliant in the matter, the matter was again taken up and fresh directions issued for monitoring by the Tribunal constituted Monitoring Committees vide order dated 31.08.2018. Later, continuance of the committees was left to discretion of the States, depending on their own monitoring mechanism.

**Order dated 16.01.2019 requiring personal presence of Chief Secretaries of all States and UTs to explore remedial action after interaction with them and further orders**

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11. In view of continuing non-compliances, vide order dated 16.01.2019, the Tribunal directed personal presence of Chief Secretaries of all States and UTs for interaction to ensure compliance. The Tribunal held that large scale non-compliance of environmental norms was resulting in deaths and diseases and irreversible damage to the environment, without accountability for such failures. Though violation of the Rules as well as orders of this Tribunal is criminal offence, still there was rampant violation by State authorities practically with no accountability and for which unhappy situation was required to be remedied by involvement of highest functionaries of the State in the interest of public health and to uphold rule of law.

12. In terms of order dated 16.1.2019, the Chief Secretaries of all the States/UTs appeared on different dates till 18.07.2019 and the Tribunal, after reviewing the status of noncompliance on most of the issues, directed further effective steps to be taken for compliance of the Rules and the environmental norms. The Chief Secretary of Bihar appeared on 15.03.2019 and following directions were issued:

*"32. In view of above, after discussion with the Chief Secretary, following directions are issued:*

- i. Steps for compliance of Rules 22 and 24 of SWM Rules be now taken within six weeks to the extent not yet taken. Similar steps be taken with regard to Bio-Medical Waste Management Rules and Plastic Waste Management Rules.*
- ii. Atleast three major cities and three major towns in the State and atleast three Panchayats in every District may be notified on the website within two weeks from today as model cities/towns/villages which will be made fully compliant within next six months.*
- iii. The remaining cities, towns and Village Panchayats of the State may be made fully compliant in respect of environmental norms within one year.*

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- iv. *A quarterly report be furnished by the Chief Secretary, every three months. First such report shall be furnished by June 30, 2019.*
- v. *The Chief Secretary may personally monitor the progress, atleast once in a month, with all the District Magistrates.*
- vi. *The District Magistrates or other Officers may be imparted requisite training.*
- vii. *The District Magistrates may monitor the status of compliance of environmental norms, atleast once in two weeks.* viii. *Performance audit of functioning of all regulatory bodies may be got conducted and remedial measures be taken, within six months.* ix. *System of ranking of cities, town and villages in the State based on level of compliance with environment laws may be developed. The system so developed may be placed on the website of the State Government within two months from today. This process may be overseen by the Chief Secretary.* x. *Information, Education and Communication strategies may be reviewed and strengthened for community involvement, including education and religious or other organizations."*

**13. In short, the Tribunal expected three model cities, towns and villages to be made compliant in six months and the remaining State with one year. It was this target for the State by setting up of environmental cells directly under the Chief Secretaries, regular periodical monitoring by the Chief Secretaries at the State level and by the District Magistrates at the District level.** Further direction also was to take action for non-compliance by recovery of compensation and recording adverse ACRs against erring officers. The Tribunal also directed filing of quarterly reports by the Chief Secretaries. Based on such reports, CPCB was to file consolidated status reports. The Chief Secretaries were to appear again after six months with updated status of compliance.

14. The Tribunal has been receiving progress reports from States as well as monitoring Committees wherever functioning which have been considered by further orders.

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**Further Review after completing round of interaction with all Chief Secretaries by order dated 12.9.2019**

15. The matter was then reviewed on 12.09.2019 in the light of report of the CPCB dated 09.09.2019 **showing wide gaps in compliance of solid waste, plastic waste, bio-medical waste management, rejuvenation of identified polluted river stretches, polluted industrial clusters and non-attainment cities.** A fresh schedule for appearance of the Chief Secretaries was issued. Vide order dated 07.01.2020, the Tribunal directed CPCB to ascertain Compliance of Solid Waste Management Rules, 2016 in terms of MSW generated, segregated and treated, gaps in the waste processing, enforcement of statutory timelines and orders of this Tribunal, number of sites remediated, and quantity of legacy waste therein and timelines for completing remediation. It was further directed that on the subject of sewage treatment, CPCB has to ascertain quantity of sewage generated and treated in the State, gap in the sewage treatment and timelines to bridge the gap, including strategy for use of treated water for secondary purpose. CPCB was accordingly directed to redesign its formats for securing relevant quantifiable information.

**Order dated 28.02.2020**

16. Accordingly, the Chief Secretaries of 18 States/UTs appeared and filed updated status reports. Since there still existed huge gaps in compliance, further directions were issued by way of different orders. Last such order is of 28.2.2020. Other orders are on same pattern. The direction part of the said order is reproduced below:

*"41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct:*

- a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court*

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*and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). 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 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. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

- b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28<sup>5</sup> even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability 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**

<sup>5</sup> The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

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**per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take 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. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.**

- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.
- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:
  - i. **Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.**
  - ii. **Commencement of setting up of STPs - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.**

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iii. **Commissioning of STPs - 31.03.2021.**  
**Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.**

- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.
- f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.
- g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB."

17. Timelines under the Rules referred to in sub para (a) above are :

"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)
1.	Identification of suitable sites for setting up solid waste processing facilities.	1 year
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

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6.	<i>ensure separate storage, collection and transportation of construction and demolition wastes.</i>	2 years
7.	<i>setting up solid waste processing facilities by all Local Bodies having 100000 or more population.</i>	2 years
8.	<i>Setting up solid waste processing facilities by Local Bodies and census towns below 100000 population.</i>	3 years
9.	<i>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.</i>	3 years
10.	<i>setting up common or regional sanitary landfills by 3 years all Local Bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules.</i>	3 years
11.	<i>bio-remediation or capping of old and abandoned dump sites.</i>	5 years

**Order dated 02.07.2020**

18. The matter was then considered on 02.07.2020. Having regard to the pandemic, appearance of remaining Chief Secretaries was deferred.

**Order dated 14.12.2020**

19. The matter was further considered on 14.12.2020 for review of progress. Scheduled appearance of remaining Chief Secretaries was dispensed with but it was directed that monitoring at the level of Chief Secretaries may continue and quarterly status reports be filed with CPCB so that CPCB may file a consolidated report every six months before the Tribunal. It was further directed that compensation in terms of earlier orders be recovered and credited to a separate account with the Environment Department of concerned State to be used for restoration of environment. It was also observed that in these proceedings Solid Waste Management also will be monitored, other issues being considered in separate proceedings.

**Further review on 30.11.2021 - huge gaps still found and hence, another round of interaction with Chief Secretaries proposed**

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20. The matter was thereafter taken up on 30.11.2021 to consider the report of CPCB dated 25.10.2020 giving compliance status in 32 States/UTs as follows:-

### "3.0 SOLID WASTE MANAGEMENT STATUS

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**Table:1 Overview of quarterly report on SWM submitted by 29 States/UTs**

Sl. No.	ITEM	Status	Remarks
1	xxx	xxx	xxx
2	Over all waste management status in Arunachal Pradesh		
2(a)	Quantity of MSW generated (TPD)	<b>Information provided by 29 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	<ul style="list-style-type: none"> <li>• Total Quantity of MSW generated: <b>150858.951 TPD</b></li> <li>• Maximum waste generation is in five (7) States/UTs (&gt;10000 TPD): <ul style="list-style-type: none"> <li>&gt; Maharashtra</li> <li>&gt; Uttar Pradesh</li> <li>&gt; West Bengal</li> <li>&gt; Tamil Nadu</li> <li>&gt; Karnataka</li> <li>&gt; Delhi</li> <li>&gt; Telangana</li> </ul> </li> </ul>
2(b)	Xxx	xxx	xxx
2I	Xxx	xxx	xxx
2(d)	Quantity of MSW processed (TPD)	<b>Information provided by 29 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	<ul style="list-style-type: none"> <li>• Total quantity of MSW processed: <b>94435.318 TPD</b></li> <li>• 100% MSW is processing reported in two (2) States: <ul style="list-style-type: none"> <li>&gt; Chhattisgarh</li> <li>&gt; Himachal Pradesh</li> </ul> </li> </ul>
2I	Xxx	xxx	xxx

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2(f)	<b>Gap in Solid Waste Management UT's (TPD) [ 2(a)- 2(d)- 2(e) ]</b>	<b>Information provided by 29 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	<ul style="list-style-type: none"> <li>Gap in Solid Waste Management: 44651.1792 TPD</li> </ul>
xxx	Xxx	xxx	xxx
6	<b>Legacy Waste management</b>		
6(a)	<b>Number of dumpsites (No.)</b>	<b>Information provided by 28 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) <b>Information not provided by 1 State/UTs:</b> (Chandigarh)	<ul style="list-style-type: none"> <li>Total Number of dumpsites: 2129</li> <li>Max in MP: 378</li> </ul>
6(b)	<b>Quantity of Waste dumped at dumpsites (Tons)</b>	<b>Information provided by 27 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) <b>Information not provided by 2 State/UTs:</b> (Chandigarh, Madhya Pradesh)	<ul style="list-style-type: none"> <li>Quantity of Waste dumped at dumpsites (Tons): 185558287.3 Tons</li> <li>Max in Maharashtra - 41683186 Tonnes</li> </ul>
6(i)	<b>Number of dumpsites cleared (No.)</b>	<b>Information provided by 25 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) <b>Information not provided by 4 State/UTs:</b> (Chandigarh, Meghalaya, Odisha, Puducherry)	<ul style="list-style-type: none"> <li>Number of dumpsites cleared (No.): 498</li> <li>Chhattisgarh- 160</li> <li>Maharashtra- 134</li> <li>Uttarakhand - 60</li> <li>M.P.-50</li> <li>Tamil Nadu - 27</li> <li>H.P.-17</li> <li>Gujarat- 16</li> </ul>

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6(d)	<b>Number of dumpsites in which biomining has commenced (No.)</b>	<b>Information provided by 26 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) <b>Information not provided by 3 State/UTs:</b> (Chandigarh, Odisha, Puducherry)	<ul style="list-style-type: none"> <li>Number of dumpsites in which biomining has commenced (No.): 496</li> <li>Tamil Nadu - 117</li> <li>Maharashtra-76 M.P-73</li> <li>West Bengal - 64</li> <li>Telangana - 52 T.N-117</li> <li>Rajasthan - 23</li> <li>Haryana - 16</li> <li>Karnataka - 15</li> <li>Uttarakhand - 12</li> <li>HP - 10</li> </ul>
6(i)	<b>Time frame for clearing all dumpsites</b>	<b>Information provided by 24 States/UTs</b> (Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) <b>Information not provided by 5 State/UT:</b> (Bihar, Chandigarh, Meghalaya, Nagaland, Telangana)	<ul style="list-style-type: none"> <li>Timeline exceeding December, 2022 in following States/UTs: Delhi, Goa, J&amp;K, Karnataka, Puducherry and Tamil Nadu</li> </ul>

xxx.....xxx.....xxx

#### Solid Waste Management

#### 4.0 SUMMARY & CONCLUSIONS

- Total No. of ULBs in 29 States/UTs is 4186.
- As per information provided by 29 States/UTs - total waste generated is 150858.951 TPD of which 94435.318 TPD is processed, which is 62.6% of the total waste generated in these States/UT. 11772.4538 TPD (7.8%) of the waste is landfilled and the gap in Solid waste management in 29 States is 45071.771 TPD which is 29.8% of the waste generated in these States/UTs.
- Information on MRF has been provided for 28 States/UTs covering 77% of ULBs in these States/UTs.
- Information on Recycling facilities have been provided for 22 States/UTs covering 39% of ULBs in these States/UTs
- Information on Composting facilities has been provided for all 29 States/UTs covering 70% of ULBs in these States/UTs
- Information on WtE has been provided for 25 out of 29 States/UTs covering 1.9% of ULBs in these States/UTs.
- Information on RDF has been provided for 24 out of 29 States/UTs covering 12.4% of ULBs in these States/UTs.

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- h. Information on Bio-methanation has been provided for 27 out of 29 States/UTs covering 7.1% of ULBs in these States/UTs.
- i. **Information on Landfills has been provided in 24 out of 29 States/UTs covering 18.9% of ULBs in the States.**
- j. 498 of 2111 (23%) dumpsites in 25 States/UTs have been cleared and Remediation has been initiated in 23% (496) of the dumpsites.
- k. Model Town/ Cities have been identified in 25 States/UTs.
- l. 16 States /UTs have established environmental cells.
- m. **15 States /UTs have standardized rates for procurement of services/equipment required for solid waste management.**
- n. In view of above, States/UTs need to develop of ULB wise action plan for collection, segregation, transportation and processing of waste and lay down an appropriate governance framework at state and district levels.”

12. xxx .....xxx.....xxx

13. Based on above data, the State-wise and city-wise summary is as follows:-

**“State-wise summary**

Sl. No.	States	Number of ULBs	Quantity of MSW generated (TPD)	Quantity of MSW collected (TPD)	Quantity of MSW Processed (TPD)	Quantity of MSW disposed in secured land fill site (TPD)	GAP in SWM UTs (TPD)
1.	Andhra Pradesh	124	6898	6830	2180	257.5	4460.5
2.	Arunachal Pradesh	02	67	61	8	55	04
3.	Assam	96	1178	1070	389	0	790
4.	Bihar	142	2240.20	2240.20	681	1559.2	0
5.	Chandigarh	01	512.6	512.6	104.5	442.3	0
6.	Chhattisgarh	166	1650	1650	1650	0	0
7.	Delhi	5	11038.335	11038.335	5262.335	400	5776
8.	Goa	14/ 191(RLBs)	226.67/ 317(RLBs)	218.67/ 258(RLBs)	196.67/ 258(RLBs)	NIL	30/ 59(RLBs)
9.	Gujarat	164	9567	9567	8514.63	1052.37	0

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10.	Haryana	89	5523	5287 approx.	2696 approx.	30	2797
11.	Himachal Pradesh	54	370	370	370	0	0
12.	J&K	78	1389.1	1303.52	244	923.7	221.4
13.	Karnataka	316	11085	10198	6817	1250	3018
14.	Kerala	93	3472	1261	2502	Nil	970
15.	Lakshadweep	0 (10 Panchayats are existing)	35	10.48	10.48	Nil	24.52
16.	Madhya Pradesh	378	7980	7193	6431	762	787
17.	Maharashtra	396 ULBs + 07 CBs = 403	24410	23234	20319	1626	2465
18.	Meghalaya	7	229.18	191.19	9.64	50.96	168.58
19.	Nagaland	39	331.49	258.49	163.9	8	159.59
20.	Odisha	114	1951	1951	1569	-	382
21.	Puducherry	5	345	345	71	22.5	262
22.	Rajasthan	196	6523	6450	2718	GAP	3805
23.	Sikkim	7	74.7	74.6	12.56	62.032	0
24.	Tamil Nadu	664	13593	13185	9787	0	3806
25.	Telangana	142	10403	10403	7968	1001	1434
26.	Tripura	20	333.906	317.685	214.063	12.8918	106.951
27.	Uttar Pradesh	651	14468	14468	9705	1095	3668
28.	Uttarakhand	91	1255.77	1255.77	645.54	Landfill functional in Dehradun and Haridwar only	310.23
29.	West Bengal	125	13709	13356	2896	1187	9626

21. The data of sewage as per report dated 12.02.2021 filed by the Central Monitoring Committee, headed by Secretary Jal Shakti, Government of India, titled '**3<sup>rd</sup> QUARTERLY REPORT OF THE CENTRAL MONITORING COMMITTEE (CMC) IN COMPLIANCE OF THE ORDER DATED 21.09.2020**' in O.A. No. 593/2017, Paryavaran Suraksha Samiti

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& Anr. v. Union of India & Ors. noted in order dated 22.02.2021 is reproduced below:

**"Existing Sewage Infrastructure**

**48,004 MLD of sewage (from urban settlements) is being generated in 31 States/ UTs and 30,001 MLD capacity of STPs (1249 nos.) is existing which approximates to about 62% of sewage generation. Against the existing capacity, only 56% of the capacity is being utilized for treatment of municipal sewage. This leaves a gap of 17,027 MLD in treatment capacity. The details of sewage generation, existing sewage treatment capacity, its utilization and gap thereof is presented in Table-1.**

**Table-1: Details of Existing Sewage Infrastructure in the 31 States/ UTs**

No.	State	Sewage Generation (in MLD)	Existing STP (capacity in MLD and No.)	Capacity Utilization (In MLD)	Gap in Treatment at present ( In MLD)
1	Andhra Pradesh	1463.20	515.85 (43 STPs)	473.77 (91%)	947.35
2	Assam	435.53	0	0	435.53
3	Bihar	651.5	230 (6 STPs)	100 (44%)	421.5
4	Chhattisgarh	600	73.1 (3 STPs)	6 (8%)	526.9
5	Daman, Diu And Dadra Nagar Haveli	21.2	17.21 (2 STPs)	6.1 (35%)	3.9
6	Delhi	3273	2715 (35 STPs)	2432 (90%)	558
7	Goa	112.53	78.35 (9 STPs)	29 (37%)	34.18
8	Gujarat	4003	3485 (73 STPs)	2739 (78%)	518
9	Haryana	1267	1892 (155 STPs)	1189 (62%)	-
10	Himachal Pradesh	163.5	120.5 (65 STPs)	76.8 (64%)	43
11	Jammu & Kashmir	523	139 (15 STPs)	82.9 (60%)	383.08
12	Jharkhand	452	108 (14 STPs)	83%	343.8
13	Karnataka	3356.5	2242 (125 STPs)	1513.5 (67%)	1114
14	Kerala	317	124.15 (13 STPs)	91.12 (73%)	192
15	Madhya Pradesh	2183.65	618.23 (23 STPs)	472.6 (76%)	1565.4
16	Maharashtra	9758	7747 (142 STPs)	4207 (54%)	2011

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17	<b>Manipur</b>	115	27 (1 STP)	9 (33%)	88
18	<b>Meghalaya</b>	75	1.85 (8 STPs)	1.82 (98%)	73
19	<b>Mizoram</b>	68	10 (1 STP)	0	58
20	<b>Nagaland</b>	44.3	25.4 (1 STP)	0	18.9
21	<b>Odisha</b>	367	91 (5 STPs)	70 (76%)	276
22	<b>Puducherry</b>	88	56 (5 STPs)	35 (62%)	32
23	<b>Punjab</b>	2111	1628.5 (116 STP)	80%	482.5
24	<b>Rajasthan</b>	1551	999 (80 STPs)	694.5 (69%)	552
25	<b>Sikkim</b>	47.68	19.5 (7 STPs)	60%	28
26	<b>Tamil Nadu</b>	3673.3	1616 (66 STPs)	919 (56%)	1320
27	<b>Telangana</b>	2613	888 (31 STPs)	735.8 (82%)	1724.45
28	<b>Tripura</b>	82.5	8 (1 STP)	3 (37%)	74.5
29	<b>Uttarakhand</b>	329.3	379 (63 STPs)	232.9 (61%)	-
30	<b>Uttar Pradesh</b>	5500	3370 (106 STPs)	2630.6 (78%)	2130
31	<b>West Bengal</b>	2758	776.32 (47 STPs) + 910 MLD addl treatment through EKW	289.89 (37%)	1071.68
<b>Total</b>		<b>48,003.69</b>	<b>30,000.96 (1261 STPs)</b>	<b>55.9%</b>	<b>17,026.58</b>

22. From the above, it is seen that there was gap in generation and processing of solid waste to the extent of about 56400 TPD (about 60,000 TPD) and legacy waste figure was mentioned at 18.55 crore tones. On the issue of liquid waste management, the gap shown was 17,026 (above 20,000). The data was however found to be not conclusive requiring further verification. The Tribunal in its order dated 30.11.2021 observed:-

"1 to 14...xxx.....xxx.....xxx"

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15. We also find that the report does not capture the entire data and correctness of data is not free from doubt. The same needs to be cross-checked. In particular, data for States of Bihar, Chhattisgarh, Himachal Pradesh, Sikkim and UT of Chandigarh, showing zero gap needs verification. The information is not available for all the million plus and State capital cities, as was required in terms of earlier orders. Information needs to be verified particularly with regard to Aizawl, Kalyan Dombivli, Nagpur, Nasik, Navi Mumbai and Pune where the gap is shown to be zero, which does not prima facie appear to be correct.

16 & 17. Xxx.....xxx.....xxx

18. We are of the view that hence forthwith proceedings in this matter need to cover Solid Waste Management and Sewage Management, these issues being crucial and required to be monitored by this Tribunal by the Hon'ble Supreme Court. Absence of management of waste results in adding to air and water pollution in a big way. All the legacy waste dump sites in the country need to be remediated to reduce methane gas, foul smell and leachate and also to release valuable land occupied by such sites which can be used for waste management/plantation or raising funds. Waste collected must be scientifically processed and disposed at the earliest in the interest of hygiene and public health. It needs to be ensured that instead of remediating the legacy waste sites, the garbage is not shifted to new sites which is not a solution to the problem. It only results in shifting the problem from one place to the other without any advancement of environment protection. What is necessary is that the garbage must be finally disposed of and land reclaimed. The authorities must move towards zero garbage at the end of the day by ensuring that instead of garbage being collected and dumped, it is taken to destination where it is finally processed scientifically and appropriately, except for reused/recycling of such residues as is possible. This is also the mandate of Swachh Bharat Mission, initiated by the Central Government. Similarly, sewage has to be scientifically treated to give effect to the mandate of Water (Prevention and Control of Pollution) Act, 1974 in the interest of availability of clean water in rivers and other waterbodies. Central Governments programmes also provide for initiatives on these subjects. On both aspects, compensation regime has been laid down which is necessary to enforce the rule of law and for protection of environment and public health. The compensation laid down has to be duly collected and utilized for restoration of environment, by being kept in a separate account. Accountability for the failures needs to be fixed by way of ACRs and departmental action as such failures result in crimes under the law of land and damage to public health. Such failure is also breach of Constitutional obligation to uphold the Right to Life. The country is committed to Sustainable Development Goals of providing clean air and safe drinking water.

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19. *In view of above, continued failure of Rule of Law must be remedied in terms of mandate of orders of the Hon'ble Supreme Court in Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India,<sup>6</sup> followed by orders of this Tribunal. It is necessary that Chief Secretaries continue the monitoring and interact with this Tribunal periodically by video conferencing. Accordingly, we lay down following further schedule for personal appearance of the Chief Secretaries, by Video Conferencing, with the status of compliance in respect of each of the States/UTs on the subject of Solid Waste Management and Sewage Management. The data to be furnished should cover all categories of areas in the State - big cities, towns and villages.*

20. *The hearing on each of above dates will commence at 10:30 a.m. sharp. The Chief Secretaries may not delegate the responsibility. As far as possible, they may adjust other work for which long advance notice is being given. In case adjustment is found difficult for any unforeseen reason, request for change of date may be mailed by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).*

21. *All the States/CPCB may undertake process of verification of data after having interaction on video conferencing with the concerned States/UTs within one month. The Secretaries, Environment, Urban Development Department and Irrigation Department may also coordinate with the Member Secretaries of State Legal Services Authorities in all State/UTs in the light of background mentioned in paras 3 and 4 above for the awareness programmes on the subject."*

**Separate orders dated 28.8.2019, 12.9.2019, 6.12.2019 and 22.02.2021 on the subject of Liquid Waste Management**

23. Issue of liquid waste management was separately dealt with in OA 593/2017 on directions of Hon'ble Supreme Court and in *suo motu* proceedings for restoration of 351 identified polluted river stretches in OA 673/2018. Vide order dated 28.08.2019, the Tribunal directed that 100% sewage treatment must be ensured by all local bodies. Vide further order dated 06.12.2019 in O.A. No. 673/2018<sup>7</sup>, the Tribunal directed that for failure to commence in-situ remediation, compensation will be payable at the rate of Rs. 5 lakh per month per drain after 31.03.2020 and for failure

<sup>6</sup> [2017] 5 SCC 326

<sup>7</sup> News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB"

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to commence setting up of STPs after 31.03.2020 compensation is to be paid at the rate of Rs. 5 lakh per month per STP. For failure to complete the project, compensation has to be paid at the rate of Rs. 10 lakh per STP per month after 31.03.2021. Relevant part of the order is quoted below:

**"47. (i) 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.**

ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. **Rs. 10 lakhs per month per STP."**

24. Both the matters were disposed of vide order dated 22.02.2021 with a direction that further monitoring be continued at the level of the Chief Secretaries in States and Central Monitoring Committee headed by Secretary, Ministry of Jal Shakti at the national level.

**Today's hearing in the presence of Chief Secretary, Bihar to ascertain compliance status and way forward**

**Compliance status presented**

25. The presentation filed by the Chief Secretary, Bihar on 03.05.2023 shows following data:

**SUMMARY OF STATUS**

A: <b>Solid Waste Management</b>
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Quantity of waste generation in the State (in TPD)	Waste Processed (in TPD)	Gap in generation and Processing (in TPD)	Quantity of Legacy waste in the State (in Tonnes)
5437 (141 ULBs)	1365	4072	11.74,471 (26 dump sites)

B): Sewage Management					
Quantity of sewage generation in the State (in MLD)	Capacity (in MLD)	Current Gap in treatment (in MLD)	Utilization of treated sewage in		
			Agriculture/ Horticulture purpose	Industrial purpose	Any other purpose
2371 (110 ULBs)	Treatment: 178.73	2193	----		

#### **Our analysis, findings and Directions**

26. From the above, it is seen that there are still gaps in generation and processing of waste to the detriment of environment and public health which need to be urgently addressed in the light of binding timelines as well as need for good governance for meaningful enforcement of right of citizens to clean environment. Data is incomplete as legacy waste figure is only in respect of 26 dump sites. It is also not clear whether rural waste data has been included. Taking the figures as presented, gap in sewage management is more than 2000 MLD. Since the timelines laid down in the judgment of Hon'ble Supreme Court have since expired, accountability of the State has to be determined. There can be no dispute that discharge of untreated sewage in drains or rivers or land cause huge damage to environment and public health. Apart from being required to remedy the situation, the State is liable to pay compensation on 'Polluter Pays'

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principle on the pattern of scale applied in respect of other States<sup>6</sup> i.e. Rs. 2 crore per MLD. The State is held liable to pay compensation of Rs. 4,000/- crores. This is in addition to the liability for failure to manage solid waste for which we are not levying any compensation for the time being.

**Timelines under the SWM Rules and SC Judgment in Paryavaran Suraksha are mandatory and any violation is actionable**

27. Needless to say that statutory timelines under SWM Rules under the EP Act are binding and mandatory as section 15 of the EP Act makes violation thereof criminal offence. Further, vide judgement of this Tribunal dated 22.12.2016 referred to in para 10 above, read with the orders of Hon'ble Supreme Court in Almitra Patel, quoted in para 2 earlier, there are already directions for strict adherence to the timelines. The judgment has attained finality and has thus to be strictly followed. Any overshooting of timelines is actionable in terms of criminal prosecution and compensation on polluter pays principle on account of serious consequences on environment and public health. Similarly, timelines for sewage treatment plant laid down in Supreme Court judgment in Paryavaran Suraksha, supra, quoted earlier in paras 5 and 6 are binding as far as this Tribunal is concerned and any overshooting thereof is actionable. We hope the State will go by rule of law and not take liberty of shifting timelines at will on any untenable grounds without extension of such timeline by the Hon'ble Supreme Court or in the law of the land.

28. If necessary, the State may lay down mechanism for raising funds such as by way of user charges by households/contribution of corporate,

<sup>6</sup> Vide order dated 22.09.2022 in OA No. 606/2018 (In respect of State of Punjab)  
 Vide order dated 01.09.2022 in OA No. 606/2018 (In respect of State of West Bengal)  
 Vide order dated 08.09.2022 in OA No. 606/2018 (In respect of State of Maharashtra)  
 Vide order dated 13.10.2022 in OA No. 606/2018 (In respect of State of Karnataka)  
 Vide order dated 24.11.2022 in OA No. 606/2018 (In respect of State of Nagaland)  
 Vide order dated 01.12.2022 in OA No. 606/2018 (In respect of State of Manipur)

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business sectors, commercial establishments and the tourists who contribute to waste. Further steps have to be taken in a mission mode to comply with sewage management and MSW Rules without further delay.

#### **Solid Waste Management**

29. Apart from collection, segregation and transportation of waste, scientifically handling of waste (processing and disposal) as per SWM Rules 2016 is required. Thus, while addressing the issue of bridging the gap in management of MSW, segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. 4072 TPD of waste remains unprocessed which is adding to the legacy waste. In particular, adequate composting/vermicomposting/bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste, listing people's involvement. This may also require establishing de-centralized and centralized waste processing facilities which should be done without further delay. Waste generators can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers and such details may be posted on State's/Center's GeM portal. This may perhaps reduce planned expenditure.

30. Legacy waste sites, which are reported to be only 26 having 11.74 lakh MT of legacy waste, must be maintained free from fires and other hazards till remediation is completed. Safety of workers engaged and preventing public nuisance should be ensured. There could be other such sites in remaining ULBs. Such sites may be fenced with row of trees or wall, as may be viable, for aesthetics, preventing foul smell and safety. Provisions of Schedule-I of the SWM Rules, 2016 may be strictly followed.

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Water quality in the vicinity of legacy waste dump sites may be periodically monitored. If any contamination is found, remedial action may be taken. Environmental safety aspects associated with legacy waste dump sites be complied with as specified in Schedule I of MSW Rules, 2016.

31. Dump sites in operation as well as the legacy waste dump sites occupy huge area of valuable public lands. They remain source of air, water and land pollution resulting in damage to environment and public health. They emit intolerable smell and cause hazardous and unsafe environment for inhabitants in the vicinity. Their life is hell which is denial of their constitutional and human rights. In terms of money also, huge loss is caused to public health and environment. This situation is not acceptable in a civilized society governed by rule of law. For victims of situation, there is no governance. In order of the Tribunal dated 18.08.2022 in RA No. 21/2022 in OA No. 286/2022, two scientific studies on the subject of extent of environmental damage have been referred to. These are reproduced below:

*"7. ...Legacy waste dumpsites are serious threat to public health and also source of generation of greenhouse gases. The Tribunal considered the issue of quantification of loss to environment by legacy waste dump sites inter alia in OA 514/2018 and OA 519/2019. Orders passed show that as per expert studies, loss for such failure, due to release of pollutants in air atmosphere, release of leachate into ground / surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc., is huge running in hundreds of crores. Some of the orders showing this are quoted below:*

**Order dated 23.03.2020 in O.A. No. 519/2019**

*"xxxx.....xxx.....xxx*

18. *We may observe that non-compliance of rules relating to waste disposal results in damage to the environment and public health. Any failure needs to be visited with assessment and recovery of compensation for such damage from the persons responsible for such failure. A study was recently got conducted by CPCB, under*

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orders of this Tribunal requiring such a study by a joint Committee comprising CPCB, NEERI and IIT, Delhi about the monetary cost of damage caused to the environment on account of existence of legacy waste dump site at Gurgaon (Bandhewadi) vide order dated 05.03.2019 in O.A. No. 514/2018. The report of the CPCB filed on 13.02.2020 is that damage on account of the said legacy waste dump site was Rs. 148.46 crore, on account of damage to the air quality, soil and water quality, climate change and disamenity (aesthetic). The damage has been assessed in terms of impact on health due to release of pollutants in air atmosphere, release of leachate into ground / surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc.

19. Thus, monetary cost of every legacy dump site is expected to be huge depending upon the location, quantity and quality of waste and area covered, its proximity to water body/ stream and human habitation etc. Needless to say that there is huge cost for non-compliance of provisions relating to waste management - Solid as well as Liquid. Loss to the environment and public health is taking place not only on account of delay in clearing legacy waste but also for not complying with other provisions of the Rules resulting in huge gap in generation and processing of waste. It may be necessary to determine such cost for delay in clearing legacy waste at every dump site as well as for delay in complying with other rules and failure to treat sewage and recover the same from the persons responsible for action in the matter. **Let the Committee comprising CPCB, NEERI & IIT Delhi carry out similar study as mentioned in Para 18 above to assess the amount of damage to environment on account of dump sites in Delhi within two months."**

**Order dated 29.01.2021 in O.A. No. 519/2019**

"6. Accordingly, status report dated 28.01.2021 has been filed by the CPCB as follows:-

**"2.0 Action Taken :-**

**In compliance of Para 19 of aforesaid Hon'ble NGT's Order, Joint committee comprising of following members has been formed:**

- Dr. S. K. Goyal, Chief Scientist and Head, NEERI Delhi Zonal Center
- Dr. G .V .Ramanna, Professor, Department. of Civil Engg., IIT-Delhi
- Ms D. Sinha, DH- UPC-II, CPCB

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- Mr. P. Agarwal, Scientist-E, CPCB

Report on "Assessment of amount of damage to environment on account of dumpsites in Delhi" as prepared by Joint committee is placed at Annexure-A. Amount of Damage to Environment due to three dumpsites of Delhi to be levied on Municipal Corporations of Delhi is given in the following table:

S. No.	Name of Municipal Corporation	Name of Dumpsite	Damage Cost assessed, (Rupees)
1.	NDMC (North Delhi Municipal Corp.)	Bhalswa	155.9 Crore
2.	EDMC (East Delhi Municipal Corp.)	Ghazipur	142.5 Crore
3.	SDMC (South Delhi Municipal Corp.)	Okhla	151.1 Crore

xxx.....xxx.....xxx

7. Report of inspection conducted by the joint Committee comprising of the CPCB, NEERI and IIT Delhi is filed with following summary and conclusion:

**"5.0 SUMMARY & CONCLUSION :**

- i. Hon'ble NGT in OA No. 519/2019 constituted a Committee comprising of CPCB, NEERI & IIT Delhi to assessment of damage to environment due of dump sites in Delhi within two months.
- ii. Baseline information was collected by Committee through Questionnaire sent to three concerned Municipal Corporations (MCs). As per the information provided by the MCs, bio mining is being carried out at all three sites. **However, about 6% of waste has been bio-remediated at the three sites.** Further, fresh waste is being dumped at all three dumpsites.
- iii. Potential sources of air pollution at the sites include handling of fresh waste, Bio mining of legacy waste, Methane and other Green House gases from the Dumpsite, transportation of fresh waste & screened fractions, Odour & Fire accidents. Potential sources of water pollution at the sites includes Leachate which is being generated at all the three dumpsites
- iv. Air Pollution control measures taken at site includes mainly includes sprinkling of

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water. It has been informed by the authorities that smog guns are being procured for control of air pollution. **No concrete measures for leachate collection and treatment have being taken at the three dumpsites. Leachate is partially being recirculated for stabilization of waste and the remaining is being discharged into nearby surface water drains. Actual details regarding quantity of leachate used/ discharged not provided by the concerned authorities**

- v. **Concentration of TDS, TSS, COD & BOD in leachate exceeds the stipulated norms at all the three dumpsites. Concentration of Heavy metals is within the stipulated norms with the exception of lead which has marginally exceeded the permissible limits at Ghazipur. Assessment of Ambient Air, Surface & Ground Water quality is based on monitoring data of CPCB for the past three years. Zone of impact has been considered to be 5 km and information related to monitored stations located within and beyond this radius has been compiled and analysed. In addition, information provided by Delhi Pollution Control Committee regarding ground water monitoring has been taken into consideration.**
- vii. **As per air quality monitoring data, PM<sub>10</sub> & PM<sub>2.5</sub> concentrations exceeded the prescribed values at all monitored stations upto 5 km distance & beyond from the Dumpsite sites. SO<sub>2</sub> & NH<sub>3</sub> concentrations are within the prescribed values at all monitored stations. Benzene has exceeded the stipulated limited at one station and NO<sub>x</sub> has exceeded the permissible limit at 7 monitored stations.**
- viii. **As per the water quality monitoring data, concentration value of Arsenic, Chromium, Copper, Chloride, TDS, Fluoride, Cadmium and Iron exceeded the permissible limits at specified locations of Surface & Ground Water locations. Besides COD was detected at several stations monitored. As heavy metals (except iron) concentration in leachate was within specified norms and Chloride and TDS were within the permissible drinking water limits (BIS 10500) at most stations monitored, further**

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analysis was done in terms of COD & Fe concentration levels and following are the observations:

- **High level of COD & Fe reported in Ground water at all three sites in Ground water which may be due to leachate from the dumpsite**
  - **Very High level of COD, Chloride, TDS, TSS, Turbidity reported in surface water body (Bhalswa lake) located within a radius of 0-1 km from Bhalswa site, which may be due to leachate from the dumpsite**
  - **High COD values reported in surface water body (Sanjay Lake) located at a distance of 3-5 km from Ghazipur site. Owing to the distance from the site, actual impact due to dumpsite can be confirmed based on the hydrogeology of the region and contaminant transport modelling**
  - **Fluctuating trend in Iron & COD concentration in ground water observed within 5 km radius at the three sites. Overall increase in Iron and COD levels observed with increase in distance from the dumpsites, indicating, marginal impact on ground water quality due to dumpsite within 5 km distance from dumpsite**
  - **Ground water outside 5 km radius have reported higher value of COD & Fe than stations located within 5 km radius, indicating minimal impact of dumpsite on ground water quality. Local factors are contributing in deterioration in water quality at these stations**
  - **As several sources of water pollution including open drains observed in these regions, actual impact of the local sources as well as that of the dumpsite can be confirmed based on the hydrogeology of the region and contaminant transport modelling**
- ix. There are currently 37 Continuous Air Quality monitoring locations in Delhi, of which 10 are located within a distance of 5 km from the dumpsites.
- x. Range in variation in PM<sub>2.5</sub> & PM<sub>10</sub>, NO<sub>x</sub> & Benzene concentration levels within 5 km overlaps the range observed for

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stations located at distance greater than 5 km from dumpsites. Fluctuating trend is observed in NOx / Benzene concentration levels vis-a-vis distance from the dumpsite.

- xi. Several local factors such as drains, road dust, vehicular pollution, C&D waste etc. also contribute towards air & water pollution in the region.

As per analysis of air and water quality carried out, deterioration in environmental quality cannot be attributed directly to the various activities happening at the dumpsites. **As further detailed investigations are required to assess actual impact of the dumpsite related activities on the environment (air, water & soil quality), interim cost of damage to environment is based on the Environmental Compensation to be levied for violation of Solid Waste Management Rules, 2016. Cost of damage to environment has been calculated based on the Environmental Compensation to be levied for violation of Solid Waste Management Rules and has been assessed as Rs.155.9 Crore (for Bhalswa), Rs. 142.5 Crore (for Ghazipur) and Rs. 151.1 Crore (for Okhla).**

- xii. Source apportionment studies are required to assess the actual impact of air pollution sources at dumpsite on air quality in the region.

- xiii. Detailed hydrogeological investigations and containment transport modelling is required to assess the impact of dumpsites on surface / ground water."

8. As shown above, in O.A. No. 514/2018, damage to the environment was assessed at Rs. 148.46 crores for Air pollution, Water pollution, Soil pollution, Climatic (GHG emissions) and Aesthetics has been taken into consideration in the report and damage cost to environment is estimated at Rs 148.46 crores. The report has following conclusions:-

**"7. Results & Conclusion**

The report focuses on identifying and estimating monetary losses (in 2019 Rupees) on the environment due to the operation of Bandhwari municipal dumpsite. The damage was assessed with a consideration that there is no major polluting industries existing in nearby vicinity other than the dumpsite. The study estimates a total

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incurred damage of about ₹ 148.46 Crore due to externalities from Bandhwari dumpsite. The breakup is shown in Table 22. The cost for damages includes drivers of externalities like greenhouse gas emissions, air pollution, water pollution, soil pollution and aesthetic loss.

**Table 22: Break Up of Monetary Estimation of Damages (reported in 2019 values)**

<b>Environment</b>	<b>Estimated Damage Cost in Lakhs. INR</b>
Air	Nil
Water	2900
Soil	31*
Climatic (for last 5 years)	7,000
Aesthetic	4,946
<b>Total</b>	<b>14,846</b>

\*Soil value is not considered in total, to avoid double-counting, as it based on total quantum of heavy metal from leachate which is considered in water as well.

The valuation of damages is done for greenhouse gas emissions using social cost of carbon approach recommended by USEPA. The social cost of carbon is indirect measure of loss in economy due to emission of CO<sub>2</sub> and is contributing by 73% of total damage due to Bandhwari municipal dumpsite. Air pollution damages are not valued as the emissions hardly breach the limits and the area in which emissions are higher, no population exposure is there. Further, the leachate contaminated groundwater and soil damages are valued using cost transfer method and Extern report valuations. Groundwater sample analysis shows lead and nickel exceeding the BIS standards at sampling locations near the dumpsite. Groundwater beneath the dumpsite showed high contamination due to heavy metals such as Cr, Cu, Pb & Ni. Physiochemical characteristics such as BOD, COD, SS, N, P of the treated leachate showed higher concentration and have contributed to half of the total damage cost in water environment. The leachate is valued for the damages which it can cause due to contamination of soil and water. The damages to water are considered as overall damages. The total quantum of heavy metals due to leachate is fixed and is used for valuation for both soil and water, however, higher damages are seen for water and hence considered in total. Aesthetic losses due to dumpsite are valued using hedonic pricing method. GHG emissions are a part and parcel of any dumpsite. If proper control systems are kept in place these emissions can be controlled and may be utilized as well and hence

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*maximum damages can be averted. Leachate also should be controlled and treated scientifically."*

**Use of reclaimed land occupied by legacy waste sites**

32. As already mentioned earlier, legacy waste dump sites have resulted in huge damage to the environment and population in the vicinity of such dump sites who have suffered in safety, health and comfort. For compensating them for such damage, one third of land occupied by legacy dump sites (on reclamation) needs to be reserved for dense forest and in the process of afforestation, Campa Funds can be utilized in accordance with the provisions of Compensatory Afforestation Fund Management and Planning Authority Act, 2016 (CAMPA Act). One third of reclaimed land out of the said dump site needs to be reserved for integrated waste management facilities. Remaining one third can be used for any other purpose, consistent with the above purposes, including a part of it being utilized for monetizing, if funding is required for tackling the legacy waste. Legacy waste clearance has to be in minimum further time as laid down statutory timelines have already expired and serious damage is taking place. It may be noted that remediation of legacy sites may be one time affair and such situations should not arise in future. Bio-remediation followed by bio-mining has to be executed in accordance with the Guidelines/SoP laid down by CPCB<sup>9</sup> and the residues/rejects arising out of such processes are to be properly utilized and managed with well-defined destinations. Having regard to the fact that significant quantity of rejects is generated out of biomining processes. Tribunal in its order dated 23.03.2023 in OA No. 606/2018 in respect of State of UP has already directed that CPCB, in consultation with other concerned agencies,

<sup>9</sup> <https://mpcb.mizoram.gov.in/uploads/attachments/6e7c1548449702807cb534c7cf89aafe/pages-207-guidelines-for-disposal-of-legacy-waste.pdf>

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including some of the States PCBs and Municipal Corporations, may work out environmentally safe methods/options for their use, elaborate para 4.3 of its guidelines and issue operative directions, particularly for such cities having significant quantities of legacy waste. Once remediation is done at one site like Muzaffarpur, repeated tendering may be avoided and instead standardized rates be worked out for the execution of similar remediation to save time or such execution be done Departmentally. The remaining 115 ULBs may remediate legacy waste expeditiously by preponing proposed schedule. Use for land to be reclaimed be declared in advance so that further steps can be taken in that direction. This is in line with order of this Tribunal dated 11.10.2022 in OA No. 300/2022, *In re: News item published in News 18 dated 26.04.2022 titled "Delhi: Massive Fire at Bhalswa Dump Yard, Fourth This Year; 13 Fire Tenders on Spot"*. Relevant part thereof is quoted below:-

"xxx .....xxx.....xxx

37. Restoration measures will include scientific disposal of the accumulated garbage as per statutory Rules and environmental norms, fire control and mitigation measures, construction of boundary wall/ bio-fencing by trees and shrubs/ afforestation, plantation, leachate treatment facility. Course of action planned and executed at other places<sup>10</sup> where legacy waste dumpsites are reported to have been remediated may also be studied. Ground Water Authority may examine the extent of leachate flow into the ground water on which remedial action may be taken.

38. It is to be ensured that current waste is not added to legacy waste dumpsites. After collection, the same be taken to the destination such as Integrated Waste Management Facility or stand alone Waste Management Facilities such as Composting Centres, C&D Waste Centres and RDF Units, Waste to Energy Units, Cement Factories, Road Construction and filling up identified low lying areas, as per norms. This requires careful planning and execution with the involvement of senior level officers instead of leaving the task to junior officers as appears to be currently happening. Precautions in light of report of the Committee headed by Justice S.P. Garg, retired Judge, Delhi High Court need to be taken forthwith. To control foul smell and improve aesthetics, turfing of landfill sites must be done forthwith either in the form of a boundary walls with necessary entry and exit gates or fencing by plantations of at

<sup>10</sup> such as Indore and Ahmedabad

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least three rows of native fast growing and tall native trees requiring minimum water in the periphery of landfill sites as well as complying with other criteria for development of facilities at such sites following the provisions under the Schedule I of MSW Rules, 2016. A clear action plan with defined course of action needs to be drawn up after brain storming and studying the remediation processes adopted at other places. Consequences of overshooting timeline against identified officers/service providers may be specified and enforced. The Committee may consider undertaking visits to appropriate sites.

39. One of the crucial links in management of remediation work based on bio-mining and bio-remediation is the utilization and disposal of rejects like inert, RDF, stabilized bio-earth. Segregated fractions and components which are in high quantity be safely utilized and disposed. Bulk users of RDF, three waste to energy projects should utilize the RDF and if required enhance their capacity without compromising environmental norms and public safety.

40. To compensate the affected citizens of the area, the authorities are under obligation to develop dense forest in at least on one third of the land occupied by the dumpsite, after the sites are cleared. One third can be utilized for setting up Integrated Waste Management Facilities or other like infrastructure. The remaining one-third can be utilized for any other purpose, including raising of funds consistent with environment concerns without affecting the use of the two-third, as earlier mentioned. The authorities may explore setting up a tourism and recreational centre with the involvement of an appropriate agency on PPP or Hybrid Annuity Model or other mechanism so that investment is made which is allowed to be recovered from the tourists visiting such centres. Creation of an appropriate water body may be considered as part of such recreational centre. Possibility of setting up an Interpretation Centres at all the three sites to facilitate study for creating awareness for the citizens may also be considered.

41. Community involvement including the Welfare Associations, Educational Institutions, Volunteers, corporates, charitable and other social organisations and individuals may be explored. Such involvement may be explored for plantation drives also. There is also need to strengthen the Control Room and set up Grievance Redressal Mechanism accessible to the citizens to extend immediate help in emergencies within a month."

33. Thus, execution plan relating to management of municipal solid waste for both Urban and Rural areas need to include setting up of new facilities and augmentation of existing waste processing plants (centralized and decentralized) for un-processed waste estimated to be 4072 TPD. Bio-remediation/bio-mining process for remaining 115 sites and for ongoing sites needs to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to

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comply with laid down specifications. Other material recovered during such processes be put to use through authorized dealers/handlers /users instead of unorganized disposal. Further, instead of creating more dumping sites for waste generated on day-to-day basis, waste processing plants already set up be fully utilized so that no further legacy waste is generated. Simultaneously, **plastic waste and construction and demolition waste processing plants be also set up ensuring that bio-medical, hazardous and E-waste are not co-mingled and treated with solid waste.** It may be worthwhile to take into consideration guidelines on the subject issued by the Ministry of Housing and Urban Affairs (MoH&UA), GoI titled "Waste to Wealth" on 2.10.2017 under Swachh Bharat Mission.<sup>11</sup>

#### **Sewage Management**

34. Gap in generation and treatment of sewage has to be addressed at the earliest as observed earlier. The level of gap in sewage treatment is to the extent of 2193 MLD. Appropriate treatment of such waste has to be undertaken ensuring that no fecal contaminants are discharged into water streams/ponds/rivers. The existing STP be properly operated and kept compliant with the standards. Treated sewage needs to be utilized for secondary purposes. Immediate efforts need to be made for ensuring connectivity with STPs so to operate with their fully designed and installed capacity.

35. Compliance status of laid down standards at the outlets of STPs has to be ensured. Timeline for the establishing requisite treatment systems in terms of judgment of Hon'ble Supreme Court in *Paryavaran Suraksha vs.*

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<sup>11</sup> <http://cpheeo.gov.in/upload/5abc86de40012WastetoWealth2Oct.pdf>



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*Union of India*, supra has long expired, speedy further action has to be ensured.

36. As already noted and also observed in the judgement of the Hon'ble Supreme Court in *Paryavaran Surakhsha*, supra, quoted earlier, the matter falls in 11<sup>th</sup> and 12<sup>th</sup> Schedules to the Constitution. It is constitutional responsibility of the State and the Local Bodies to provide pollution free environment and to arrange necessary funds from contributors or others. Being part of right to life, which is also basic human right and absolute liability of the State, lack of funds or other resources such as land (sites for waste management) cannot be plea to deny such right. Such resources have to be found by the State by its policies and according due priority to the subject. Further, while there may be no objection to any central funds being availed, the State cannot avoid its responsibility or delay its discharge on that pretext. Free ship or other policies involving State resources cannot take priority over basic need for hygiene and pollution free environment.

37. Sewage can be processed by cost-effective methods at least at several identified locations with least expenses. Decentralized and the prefabricated/modular treatment plants can be explored, apart from imposing condition of ZLD on industries and large individual establishments like, Group Housing Societies etc. set up waste water management and utilization systems and reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State's financial burden can be reduced.

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38. In this context, the draft Notification of MoEF&CC dated 25.02.2022<sup>12</sup> etc. and the relevant part of the draft Notification in context of sewage and solid waste management is reproduced below:

*“xxx .....xxx.....xxx*  
**C. Management of sewage/waste water, Reuse and recycle of treated wastewater by dual plumbing system**

*10. Dual Plumbing System shall be implemented - one for supplying fresh water for drinking, cooking and bathing etc. and another for supply of treated water for flushing.*

*11. Only treated water shall be used for flushing.*

*12. In no case, sewage or untreated waste water generated within the project area shall be discharged through storm water drains or otherwise into water bodies nor discharged/injected into the ground water by any mode.*

*13. Subject to Clause (3) of this notification, the project authority may opt or avail to common off-site treatment facility, as feasible, for treatment with reuse & recycle of corresponding quantity of treated water through the dual plumbing system for flushing and other non-potable use.*

**A. For projects with built up area of 5,000 sq. mtrs. to 20,000 sq. mtrs. -**

*i. In areas where there is no municipal sewage network,*

*a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

OR

*b. In case of usage of septic tank, only black water shall be discharged in the septic tank. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such*

<sup>12</sup><http://www.indiaenvironmentportal.org.in/files/file/Building%20Construction%20Environment%20Regulations%202022.pdf>

*treated water should be used with dual plumbing system for flushing and other non-potable use;*

*The excess treated water should conform to the general discharge norms of CPCB/MoEF&CC.*

*ii. In areas where there is municipal sewage network*

- a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

OR

- b. The project authority may opt to discharge only black water in such municipal sewage network subject to availability of trunk sewer line. For this purpose, two separate pipeline network- one for black water discharge and other for collection of grey water shall be installed. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

***B. For projects involving built-up area of 20,000 sq. mts. or more -***

*14. Subject to Clause (3) of this notification, Onsite Sewage Treatment Plant with capacity to treat 100% waste water generated within the project area through tertiary treatment shall be installed. Treated waste water shall be reused on site for landscape, flushing, HVAC, fire-fighting, and other end-uses.*

*15. The adequacy of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the authorized agency.*

*16. Discharge of excess treated wastewater outside the premises, after treatment in STP, should meet the discharge standards as notified by CPCB/MoEF&CC from time to time.*

*17. Wastewater and treated water quantification system through metering/sub-metering shall be installed.*

18. Sludge from the onsite sewage treatment shall be collected, conveyed and disposed as per the Central Public Health and Environmental Engineering Organization (CPHEEO) Manual, Ministry of Housing and Urban Affair, on Sewerage and Sewage Treatment Systems.

19. Where Common Sewage Treatment Plan facility has been availed, it shall be ensured that treated waste water is recycled back to respective building for reuse.

#### **D. Solid Waste Management**

20. Subject to Clause (3) of this notification, onsite solid waste management facility should be developed and a formal contractual arrangement shall be ensured with authorized recyclers/concerned municipal agency for disposal of all non-biodegradable waste.

21. Subject to Clause (3) of this notification, where there is no alternate arrangement for disposal of biodegradable waste, Organic waste composter/Vermiculture pit with a minimum capacity of 1.0 kg/150 sqm. of built-up area/day shall be installed & operated."

#### **Maintaining sources of clean water (rivers, storm water drains and water bodies – lakes, wetlands etc.) free from treated or untreated sewage, channelizing treated sewage for non potable purposes**

39. We also find that sanctity and significance of natural storm water drains needs to be maintained. Storm water drains, if left unpolluted, can be source of drinking water for humans, birds, animals or aquatic life and discharge of sewage or even treated water which is not of standard of drinking water, seriously affects such drinking water resource adversely affecting their health. They are not to serve as sewage carrier. The Tribunal has comprehensively dealt with this issue on 03.08.2022 in OA No. 1002/2018, *Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors.* Thus, in the State, rivers, streams, ponds and lakes should be maintained for their pristine quality.

40. Water quality data maintained by CPCB and Bihar State PCB shows that at all 33 locations, where water quality of river Ganga is monitored,

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water of Ganga is not fit for bathing, what to talk of drinking. It contains high extent of fecal coliform bacteria. There is thus need to prevent sewage being discharged into Ganga or its tributaries.

41. Efforts are also required on utilization of treated sewage such as by establishments like malls, industrial estates, automobile establishments, power plants, playgrounds, railways, bus stands, local bodies, universities etc. to save potable water for drinking. The treated sewage can be utilized for industrial/agricultural/other non-drinking uses like washing railway wagons/yards, buses, roads, water sprinkling and several such models reportedly exist<sup>13</sup>. The State may contemplate with prospective plan to utilize treated sewage extensively rather than discharging into natural water courses which are very precious.

42. In particular, we may refer to the Government of India (Ministry of Power) Notification dated 4.3.2020 requiring Thermal Power Plants to utilise treated sewage:

***“Mandatory use of treated sewage water by the Thermal Power Plants as per the provisions of the Tariff Policy 2016-regarding.***

*The Tariff policy 2016 issued by Ministry of Power (copy enclosed) under the clause 6.2 (5) has mandated that the thermal*

<sup>13</sup> <https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html>  
<https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms>  
<https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/>  
<https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/>  
[https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp\\_articleshow/87169850.cms](https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms) <https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/>  
[https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841\\_1.html](https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841_1.html)  
[https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC %26 KTPS success story 28052019.pdf](https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC%26%20KTPS%20success%20story%2028052019.pdf)  
<https://cpcb.nic.in/success-stories/upload/1501156301.pdf>  
[http://cpheeo.gov.in/upload/uploadfiles/files/engineering\\_chapter7.pdf](http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf)

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power plant(s) including the existing plants located within 50 km radius of sewage treatment plant of a Municipality/local bodies/similar organization, shall in the order of their closeness to the sewage treatment plant, mandatorily use treated sewage water produced by these bodies and the associated cost on this account be allowed as a pass through in the tariff.

2. To facilitate use of treated sewage water by the power plants, a draft MOU (copy enclosed) between ULB and power plants was placed on CEA website addressed to all the power utilities. This document provided the flexibility to the ULBs to build the STP, and deliver the required water quality to the power plants after tertiary treatment. The power plants also had choice to construct their own tertiary treatment plant and associated transportation pipelines.

2.1 As per the present arrangements the cost of the STP is borne by the urban Local Body, and the cost of tertiary treatment, the pipeline for transport of water and the pumping system for this purpose is to be borne by the Thermal Power Plant.

Thus; in the draft MoU:-

Part-A - which includes the raw sewage supply system from sources to STP, Sewage Treatment Plant (Primary and secondary-STP), supply of secondary treated sewage water from STP to inlet of TTP (Tertiary Treatment Plant) is the responsibility of the Urban Local Body; while

Part-B - which includes the Tertiary Treatment Plant, the Treated Sewage Water pumping station, the pipe line conveying the water upto point of delivery at power plant, is the responsibility of the thermal power plant.

3. It was clarified that irrespective of mode of investment explained above no payment would be made by power utility towards supply of secondary treated water from STP secondary treatment plant which acts as input water for the Tertiary Treatment Plant (TTP).

3.1 As regards the setting up of the system of Part B - the tertiary treatment plant, the pipeline and the pumping system is concerned, two options were given. One option was that the ULB will set it up and realize the cost thereof from the thermal power plant by levying a charge per Kilo Liter of water. The second option given was the thermal power plant may set up the system of Part B itself. It has been seen that where the first option was followed - the Municipal Body setting up the system of Part B and recovering the cost thereof by a tariff per KL of water, there were disputes regarding the rates at which charges were levied.

3.2 Considering this and the delays caused by this; the arrangement of treated water supply between STPs and power plants has been reviewed and to promote the use of treated sewage water by the Thermal Power Plants as per the provisions of the Tariff Policy 2016, it has been decided as under:

a) The treated sewage water transportation system may be constructed by the power plants and the cost of transportation of

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*treated sewage water up to the power plant shall be borne by the end use power plant.*

*b) The Urban local bodies (ULBs) shall facilitate the power plants in obtaining the Right of way etc, for laying the water transportation pipeline by the power plant.*

*c) The tertiary treatment plant may be constructed by the power plants and consequently the cost of tertiary treatment plant may be borne by the end use power plant."*

43. The State Authorities may accordingly coordinate with the concerned power plants. Bihar State PCB may grant CTO to power plants, including captive power plants and concerned ULBs for making such arrangements in time-bound manner.

44. We may also mention that use of treated sewage for afforestation measures may result in higher carbon sequestration for which carbon credit can be claimed as per applicable policy, which may be explored by the State, if so advised.

45. As already observed, there is need for planning to prevent sewage (treated or untreated) entering the potable water resources. Instead, the same is to be suitably treated and channelized for non-potable purposes – agriculture, industrial or others. By way of illustration, we may refer to certain models which can be considered at appropriate locations. The same have been mentioned in order of this Tribunal dated 11.10.2022 in M.A. No. 43/2022 in OA No. 41/2020, *Pushpendra Kumar vs. Nagarpanchayat, Kadaura & Ors.*, as follows:

*"5. In this regard, we have drawn their attention to Seechewal Model<sup>14</sup>, Karnal Technology of sewage treatment and zero discharge and manual on sewerage and sewage treatment systems- 2013 (chapter7), issued by the Central Public Health & Environmental Engineering Organisation (CPHEEO), Ministry of Urban Development, GoI, which provide for inexpensive and simple methods of treatment*

<sup>14</sup> <https://www.civildaily.com/news/seechewal-modal-of-wastewater-management/>

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of waste water, its utilization for irrigation and other secondary purposes. The said models are briefly described as follows:-

**Seechewal Model**

- Provides for use of treated waste water for irrigation in order to conserve precious surface fresh water and ground water. The process involves passing waste water through four well for cleaning the waste water and thereafter use of such treated water for irrigation. The process can be undertaken by communities through collective approach.

**Karnal Technology Of Sewage Treatment & Zero Discharge.**

- Involves growing trees/plants on ridges with one meter wide and 50 cm height and irrigated by treated effluent in furrow. The technique utilizes entire bio mass present in waste water and provides nutrient to soil and plants. By this method forest plants/trees can be grown which can be used for firewood and timber. By this technique no chance of pathogen, heavy metals or organic compounds enter the food chain. Tree species like Eucalyptus, Leucaena can be grown.

**Central Public Health & Environmental Engineering Organisation (CPHEEO)**

**Manual on Sewerage and Sewage Treatment Systems - 2013 (Chapter 7)**

- Provides various case studies of utilization of treated sewage and its reuse as cooling water in power plant, in airport, in petroleum refinery, fish culture (like at Mudiali, Kolkata), road washings, ground cooling, boilers and also in agriculture. In agriculture the suitability of treated sewage is dependent upon soil, salt tolerance of the crop, intake of minerals and climate conditions. Sewage conforming to specified norms can be applied to selected species of food crops into soil by strip, basin or furrow irrigation. Sprinkler irrigation could be used with treated sewage. During rainy and non irrigating seasons, the treated sewage can be held in lagoons or undertaking irrigation in additional land/waste land including resorting to artificial recharge of ground water."

We have also come across and low cost options for sewage/sullage treatment for less population at village Sultanpur and Village, Kurak Jagir in District Karnal. These grey water management projects based on waste stabilization and system have been executed under Swachh Bharat

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Mission Gramin and MG NREGA. These systems are designed for intake of waste water less than 100 KLD allowing waste to stabilize and using wet flow of ponds for irrigation. Such models may help for medium and small towns and the Rural areas as substitute for high cost technology. Central Public Health and Environment Engineering Organization (CPHEEO), Ministry of Housing and Urban Affairs dealt with the matter in its instructions titled "Municipal Used Water Treatment Technology for Medium and Small Towns"<sup>15</sup> in September 2022. Accordingly, the State may adopt low cost treatment options like Oxidation pond and utilize treated water for fisheries, duck-cum-fish culture and agricultural and horticulture purpose. The tribal practices and their upgradation according to technological upgradation with revenue raising options and mechanism be facilitated with coordinated approach.

46. Restoration measures with respect to sewage management need to include identification of sites for setting up of sewage treatment and utilization systems, upgrading systems/operations of existing sewage treatment facilities to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. STPs need to have co-treatment facilities of septage rather than having isolated FSTPs. Guidelines of SBM - U 2.0 may be referred to in this respect. For urban areas, SBM-U 2.0 provides co-treatment of fecal sludge at STPs with sewage for which exclusive funding provisions are made under ringfenced accounts.

#### **Utilisation of already set up STPs**

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<sup>15</sup> <https://sbmurban.org/storage/app/media/rr-final-signed.pdf>

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47. Available treatment capacity should be fully utilised. **STPs be made compliant with the prescribed standards. There is urgent need that entire installed capacity is utilised and also ensuring that STPs under construction are well connected with conveyance system. In light of interaction with the Chief Secretary today, further requirement of STPs to an extent for urban and for rural areas can be based on oxidation pond and other options, including modular STP with emphasis on utilisation of treated sewage. Further, if in-situ projects be executed with due care and performance checked. Such projects can be intermediary options.** It may be specifically ensured that instead of discharging sewage from STPs to river Ganga or its tributaries, the treated effluents be utilised for agriculture and other secondary purposes.

48. Sewage treatment facilities adopted in terms of septic tank/soak pit/FSTP particularly for rural areas and villages may be reviewed in view of health, hygiene and the guidelines of MoH&UA.

49. Following points may also be duly considered with regard to establishment and operation of STPs:

**"A. Pipelines Networks & Related Engineering Structures:**

1. Estimation of quantity of Sewage generation (present and at the end of design period).
2. Topographical Survey of the area for which Sewage System is being designed (Contour, L-Section and cross section of Nallah/Drain to be intercepted.).
3. Details of out falls to be Tapped (both major and minor Pipelines) leading to River/Nala/Lakes/Ponds/Open Areas.
  - All Household connections to be made to branch Sewers
  - All Branch Sewers should be connected to main/trunk Sewer
  - Main/trunk Sewer line conveying Sewage to STP.
4. **Sewage Network:**
  - Length, (Kilometers)

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- Pipelines, (diameter), both major and minor (millimeter),
- Total number of Wards to be covered.

5. **Details of Sewage Pumping Station:**

- Number of Pumping Stations, if required
  - Capacity (MLD)
  - Power/Electricity requirements for pumping sewage through electric supply or DG Sets
6. Scheme for Geo-tagging of outfalls and its marking on GIS based Map with Unique Code
7. Details of Public Toilets and Urinal (Ward Wise) to be constructed and maintained by Municipal Corporation/Council/ PHE/ Jal Nigam/ other agency/through outsourcing
8. Details of Operation and Maintenance (O&M) of Pipelines, Pumping Stations and other Engineering structures being developed for transportation of Sewage to STP for Final Treatment
9. Budget provisions for implementation of various activities as listed under point No.1-8.

**B. Treatment of Sewage at STP:**

1. Details of Biological and Engineering Measures for the Sewage Treatment.
2. Scheme for the use of Treated Water in Irrigation, Park/Garden, construction activities, other purposes etc.

**Need to consider change in approach for administrative processes**

50. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period nor loose ended time lines without accountability can be a solution. Responsibility of the State is to have comprehensive time bound plan with tied up resources to control pollution which is its absolute liability. If there is deficit in budgetary allocations, it is for the State alone to have suitable planning by reducing cost or augmenting resources. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates breach of which has taken place

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frequently in the past without accountability is not a convincing solution. It is poor substitute for compliance within laid down timelines for long past. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps.

51. It is the mindset and determination to act in a mission mode which can produce results.

52. **Thus, it may be necessary to brainstorm with available experts and other stake holders in the State at different levels, evolve models for both solid and sewage management which can be fast replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action.** Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration. The Chief Secretary may also entrust responsibility to Senior Secretaries to monitor waste management for establishments governed by non-municipal entities.

53. Compliance of environmental norms on the subject of waste management has to be on high on priority. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level.

54. While reviewing the progress in formulation and implementation of District Environment Plan (DEP), as per Articles 243 W and other provisions of the Constitution read with 11<sup>th</sup> and 12<sup>th</sup> Schedule, vide order

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dated 17.01.2023 in O.A No. 360/2018, *Shree Nath Sharma vs. Union of India & Ors.*, the Tribunal noted that in the State of Bihar, District Environment Plans have been prepared which are to be duly implemented by the District Magistrates through District Level Committees. Waste management is major component of the said plans for all the towns and villages. The operative part of the order is reproduced below:-

*"13. We have considered the reports. We are satisfied that further action needs to be taken by the concerned States/UTs in the light of observations and recommendations in the above report. It is well known that there is urgent need for upgrading environmental standards in the country - air, water and land in the interest of public health and in the light of Constitutional goal and mandate. This is not possible without planning. Planning should be at all levels - Districts, States as well as national. This has to be part of ongoing exercise for discharge of State's Constitutional obligation for providing pollution free environment and protection of natural environmental resources under public trust doctrine in the light of applicable statutory regime and earlier orders of the Tribunal. The District Environment plans must contain all relevant data on different thematic subjects, covering each city, town and village, with identified gaps in compliances and set out plan for remedial action in measurable terms with requisite budgetary support to meet estimated cost. It must provide for grievance redressal mechanism with review at higher levels. This can be basis for planning at higher level and also enable monitoring and measurement of progress with reference to baseline data. On that basis there can be further policy making and planning. One of the steps is to identify vulnerable districts with respect to specific environmental issues like sand mining, industrial pollution, stone crushers/brick kilns and mining, ground water depletion etc. so as to give due attention to monitor them. The plans may provide for awarding appreciation to best/ model districts/areas which may be then replicated at other places. Plans may also provide for taking on board civil society and creating awareness through educational, social and charitable institutions, including in coordination with Legal Services Authorities. The District Plans as on 31st December of the year must be finalized with respect to remaining 98 districts expeditiously, preferably within three months. CPCB may follow up with concerned States. Progress in implementation of the plan be placed on website by 31st January every year. Likewise, State Environment Plan, taking into account District Environment Plans or any other relevant data may be finalized by 28th February every year and placed on respective State websites. The CPCB may thereafter in coordination with any other Ministry or authority prepare a consolidated plan based on State Environmental Plans by 31st March every year and place*

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*the same on its website. Consolidated national plan may also be filed with the Registrar General of this Tribunal by April 30 every year. If found necessary, the same be placed for consideration before the Bench. Let District, State and National Environmental plans be prepared and updated accordingly on continuous basis annually. Subject to such plans being considered as and when necessary and any grievance being separately considered, the application is disposed of."*

55. In order to facilitate expeditious execution of sewage and solid waste management projects, the **Chief Secretary may consider suitable orientation/interaction programmes for District Magistrates or other concerned officers to improve environmental governance.** The plans grounded for sewage and solid waste management be monitored rigorously at district and Tehsil level.

#### **Adhering to the timelines**

56. Since the issue has been pending since long and there are adverse effects of continuing delay on environment and public health, it cannot be a matter of satisfaction that some steps are taken till the entirety of the problem is tackled on war footing. Planning has to be to resolve the problem without any further delay, in shortest possible time. Whatever timeline is laid down, it should not be breached. If breached, adverse consequences for such failures must follow on the designated accountable officers instead of loose-ended processes.

#### **Community involvement**

57. Another important subject is community involvement not only for IEC activities but also for planning and execution of waste management activities. Welfare associations, corporates, religious, educational and charitable institutions can play their role. The District Environment Plans must have authentic and updated database which can be helpful for policy making and execution of projects. Regularly monitor of bridging of gaps in

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sewage and solid waste management in districts is required by the Chief Secretary through a suitable nodal officer, preferably of the rank of Additional Chief Secretary. Status of sewage and solid waste management with respect to each city, town and village be placed on State's portal and be made part of District Environment Plan. This may be done in next two months.

**Further observations to explore implementation mechanism**

58. In the light of above observations, it appears that there is need for paradigm shift in handling of the situation. The nagging problem of waste management stares the administration in the face and remains unresolved to the detriment of environment and public health. First change required is to set up a **centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level**. Of course, local authorities have to do their duty and stocktaking at the district levels may continue but subject to supervision and control of such mechanism. **It should be headed by an officer of the rank of Additional Chief Secretary with representation from concerned departments - Urban Development, Rural Development, Environment and Forest, Agriculture, Water Resources, Fisheries and Industries**. The mechanism should be working on fulltime basis. Its functions should include preparing a comprehensive blue print, periodic review of progress in bridging the gaps in sewage and solid waste management and establishing, continuous interaction with the stakeholders, including experts and institutions, concerned departments, community members and all other stakeholders. There must be a continuous training programme for those involved in execution of waste management projects. In this regard reference is made to recent order of the Tribunal dated 23.01.2023 in M.A. No. 98/2022 in OA No. 180/2021, *Mukul Kumar vs.*

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*State of Uttar Pradesh & Ors.* It was held that training must be planned for probationers and in service officers, particularly those who have to serve as District Magistrates to implement DEPs including sewage and solid waste management. The operative part of the order is reproduced below:

*"17. The Tribunal noted that while DEPs have been prepared and uploaded on websites in about 640 out of 738 districts (about 90%), execution thereof remains a challenge. There are huge gaps in compliance of environmental norms to the detriment of environment and public health. District Magistrates have to provide leadership on the subject at grassroot level. We are not sure whether the subject is part of training imparted in academies for probationers and in-house officers such as LBS National Academy of Administration, Mussoorie, IIPA, New Delhi and other State Academies. It may be desirable that need for such training is considered. National Judicial Academy at Bhopal has included the subject as part of its training to judicial officers. On that pattern, with such further modifications as found necessary, syllabus of Administrative Training Institutes may need to include the subject. We request the Secretary, DoPT, GoI and Chief Secretaries of all States/UTs to consider this aspect in coordination with the Directors of the Academies in question. Such training programs may include not only academic discussion but also undertaking field visits to places where successful environmental compliance models exist. Infact such training may be required in Police Academies/Public Prosecutors also. In the first instance, training may be imparted to all existing District Magistrates and thereafter to others who may have potential to work as District Magistrates or other positions where they may have to deal with such issues.*

*18. Let the Secretary, DoPT, GoI and Chief Secretaries of all States/UTs consider the issue and file their respective action taken reports with the Tribunal within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. CMC may continue its monitoring and file its further report of compliance status as on 31.03.2023 by April 15, 2023 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."*

#### **Service Providers**

59. Best practices be evolved and followed for selecting service providers and simplifying procedures for fixing terms of engagement. Mechanism be considered to engage service providers by due diligent process who may execute work relating to solid and sewage management simultaneously throughout the State - all districts, cities and towns. Selection of service

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providers may be done taking into account of his past performance and number of projects and capacity to handle successfully. There is also need for evolving key indicators and its monitoring by independent Social/Environmental Agencies about functioning of STP and solid waste management programs.

60. "Integrated Solid Waste Management for local Governments a practical guide"<sup>16</sup> brought out by Asian Development Bank published in 2017 details out solid waste management, planning and segregation of waste categories, waste collection methods, waste processing, waste to energy and diversion land fill development, operation and its management of landfill and also including contract issues by involving public private partnership. The document has been prepared based on the experience and the practices followed in several Asian Countries. The State of Bihar may look into and consider this report to handle solid waste generated, particularly the cost effective technologies mentioned in the report.

**Need for compliance of statutory duties by specified authorities under SWM Rules and monitoring by NMCG and MoH&UA for centrally assisted/sponsored schemes**

61. Under the Solid Waste Management Rules, 2016, statutory authorities for various actions have been specified. **Under Rule 5**, a Central Monitoring Committee (CMC) is to be constituted headed by the Secretary, MoEF&CC with representation from Ministries of Urban Development, Rural Development, Chemicals and Fertilizers, Agriculture, CPCB, State PCBs/PCCs, Urban and Rural Development Departments, Urban Local Bodies and Towns from the of the States, FICCI, CII and subject experts. The CMC is to meet once in a year.

<sup>16</sup> <https://www.adb.org/sites/default/files/institutional-document/324101/tool-kit-solid-waste-management.pdf>

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The Ministry of Urban Development has to coordinate with the States/UTs **under Rule 6** for periodic review and formulation of National Policy and strategies and taking other measures. **Under Rule 7**, the Department of Fertilizers, Ministry of Chemical and Fertilizers have to provide market development assistance for compost and promote marketing of such compost. **Under Rule 8**, Ministry of Agriculture has to evolve mechanism for utilization of compost. **Under Rule 9**, Ministry of Power has to decide compulsory purchase and tariff issues. **Under Rule 10**, Ministry of New and Renewable Energy Sources has to facilitate infrastructure creation and provide for subsidy. **Under Rule 11**, the concerned Secretaries of Urban Development have to prepare State Policy and Management strategies and the Town Planning Department has to ensure setting up waste processing and disposal facilities and take other enumerated actions. **Under Rule 12**, the District Magistrates have to identify suitable lands and review performance of local bodies. **Under Rule 13**, the Secretaries of Panchayats have also to perform similar duties. **Under Rule 14**, CPCB is to coordinate with State PCBs and formulate standards of ground water, ambient air quality, noise, etc. **Under rule 15**, local authorities have to prepare solid waste management plans, collection of waste and coordination with the other stakeholders for enumerated steps. **Under Rule 16**, the SPCBs/PCCs have to enforce the rules and monitor compliances. **Under Rule 17**, there are duties of private bodies, including the manufacturers to be monitored by the State Bodies. **The timelines are provided in Rule 22** for various steps. Last timeline of 5 years from the Rules expires on 7.4.2021. There is also provision for audit and submitting of annual report **under Rule 24**. Since there has been large scale non-compliances of the said rules, all the concerned authorities need to review the progress and perform their responsibility in accordance with

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law. The MoEF&CC has to finally monitor compliance, as already mentioned.

62. Based on interaction with States/UTs extensively on the issue of solid and sewage waste management, we are of the view that Central Ministries and Departments need to facilitate States/UTs to effectively execute centrally sponsored projects. This will include utilization of waste for defined purposes involving components of central funding. Some such aspects include (i) utilisation of installed STPs are fully utilized remaining unutilised due to lack of connectivity which can be overseen by MoH&UA. Utilization for treated sewage should be taken as an integral part of the sewage treatment planning with STPs. (ii) looking into applicability of standards for sewage treatment in Urban and Rural areas, considering the usage of treated sewage and mode of disposal under the Water (Prevention and Control of Pollution) Act. 1974. This can be done by MoH&UA, MoEF&CC and CPCB under the coordination of MoH&UA; (iii) maximizing use of treated sewage and the compost made out of municipal solid waste as full or partial substitute of fertilizer and ultimately reviewing subsidy issue which may be done under joint coordination of MoH&UA and Ministry of Agriculture and Ministry of Chemical and Fertilizer (iv) process of setting up of waste to energy projects as per applicability in cities and towns with specified technologies and ensuring compliance with environmental norms by Ministry of Power and Ministry of Non-Renewal Energy (MNRE) and MoH&UA while funding the projects. We have already cleared that such projects may be kept out of the scope of environmental clearances but taking due care based on siting and preventing human health damages (v) specific directions on management of rejects out of biomining processes of legacy waste to avoid haphazard disposal/dumping by CPCB and MoEF&CC.

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63. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Affairs (MoH&UA) and Ministry of Jal Shakti (MoJS)/ National Mission for Clean Ganga (NMCG) who have programmes like Swachh Bharat Mission (SBM – Urban 2.0)<sup>17</sup>, AMRUT 2.0<sup>18</sup>, Swachh Bharat Mission (Grameen)<sup>19</sup> and River Cleaning, appropriately monitor compliance of waste management norms by concerned States/UTs and take remedial action on their part. Central Funding and State budgetary provisions need to be adequately allocated and apportioned keeping in view of environment compensation which is based on the restoration work estimate. While granting/disbursing funds to States/UTs, execution mechanism for centralized tendering at the State level to overcome delays at each city/town level may be considered. This may facilitate timely utilization of funds. MoEF&CC and CPCB may continue monitoring as per MSW Rules and the Water Act. MoH&UA and NMCG may also note the gaps reported by the States and UTs in solid and liquid waste management. MoH&UA may further consider to render proper financial and technical support to States and UTs and also keeping in view of Environment Compensation (EC) either directed by the Tribunal or States having given statements to ringfenced EC at their own level.

#### **Conclusion**

64. **We hope in the light of interaction with the Chief Secretary, the State of Bihar will take further measures in the matter by innovative approach and stringent monitoring, ensuring that legacy waste to the extent or more than 11.74 lakh MT as well as unprocessed urban waste of 4072 TPD and gap in liquid waste generation and treatment which**

<sup>17</sup> <https://sbmurban.org/storage/app/media/pdf/swachh-bharat-2.pdf>

<sup>18</sup> <https://mohua.gov.in/upload/uploadfiles/files/AMRUT-Operational-Guidelines.pdf>

<sup>19</sup> [https://jalshakti-ddws.gov.in/sites/default/files/sbm-ph-II-Guidelines\\_updated\\_0.pdf](https://jalshakti-ddws.gov.in/sites/default/files/sbm-ph-II-Guidelines_updated_0.pdf)

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is 2193 MLD are bridged at the earliest, shortening the proposed timelines, adopting alternative/interim measures to the extent and wherever found viable. Restoration plans need to be executed at the earliest simultaneously in all districts/cities/ towns/ villages in a time bound manner without further delay with well laid monitoring mechanism at State and District level. District Magistrates must take ownership for monitoring of sewage and solid waste management and regularly providing report to Chief Secretary on monthly basis and overall compliance be ensured by Chief Secretary for which regular meetings be conducted.

65. As already observed, it will also be open to the State to plan raising of requisite funds from generators/contributors of waste or by any other legal means.

66. In our recent order dated 01.09.2022 in O.A No. 606/2018 (in respect of State of West Bengal), considering scale of compensation adopted in earlier cases including in OA No. 1002/2018, *Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors.*, compensation was determined @ Rs. 2 Crore per MLD for untreated liquid waste and in OA No. 286/2022 for unprocessed legacy waste compensation was fixed @ Rs. 300 per MT to be utilized for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. Operative part of the said order is reproduced below:-

***“Conclusion about quantum of compensation***

*49. In the light of above and considering damage to the recipient environment, we hold that apart from ensuring compliance at the earliest, compensation has to be paid by the State for past violations. The amount of compensation is fixed @Rs. 2 crore per MLD (at which rate compensation has been levied against Noida and DJB in OA No. 1002/2018, Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors, referred to in para 48 above for detailed*

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*reasons mentioned therein). As noted earlier, gap in generation and treatment in West Bengal, as per data furnished is 1490 MLD. Thus, under this head, liability of the State of West Bengal is to pay compensation of Rs. 2980 crores, rounded off to Rs. 3000 crore in view of continuing damage. For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein). This works out to Rs. 366 crore but adding 134 crore for continuing addition of unprocessed waste @ 13469.19 TPD, the total amount is rounded off to Rs. 500 crore. Thus, final amount of compensation under the two heads (solid and liquid waste) is assessed at Rs. 3500 crores which may be deposited by the State of West Bengal in a separate ring-fenced account within two months, to be operated as per directions of the Chief Secretary and utilised for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. If violations continue, liability to pay additional compensation may have to be considered. Compliance will be the responsibility of the Chief Secretary."*

67. In view of above, considering the statement about gap in sewage generation and treatment and also gap in solid waste management, we levy compensation of Rs. 4,000/- crores on the State on polluter pays principle for its failure in scientifically managing the liquid and solid waste in violation of mandate of law, particularly judgments of the Hon'ble Supreme Court and this Tribunal. The amount may be kept in a ring-fenced account within two months to be operated as per directions of the Chief Secretary only for waste management (liquid and solid) in the State in the light of above observations. The amount be utilized for setting up solid waste processing facilities, remediation of legacy waste and setting up of STPs and FSSTPs so there remains no gap. Better alternatives to utilize the wet waste for composting at appropriate locations be explored. The scale of expenditure for STPs may be reviewed in the light of realistic expenses involved in decentralized/traditional systems or otherwise.

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**Directions for further follow up**

68. We sum up our directions as under:

- i. The Chief Secretary, Bihar may take further remedial measures to ensure compliance of SWM Rules considering the statutory timelines to be sacrosanct as already directed by this Tribunal vide judgment dated 22.12.2016<sup>20</sup> (para 10). Similarly, the timelines for ensuring setting up of necessary sewage management systems have to be accepted as rigid timelines in view of judgment of the Hon'ble Supreme Court dated 22.02.2017<sup>21</sup> (para 6)
- ii. Ring-fenced amount of Rs. 4,000/- crores for solid and sewage management be set apart within two months and such funds be kept as "non-lapsable". (para 26 & 67)
- iii. Legacy waste at 115 ULBs as well as at other ongoing sites be remediated without further delay and quantify remediated legacy waste indicating that no legacy waste is remaining and reported in the next compliance report. (Para 30)
- iv. CPCB in consultation with some of the States PCBs and Municipal Corporations may work out environmentally safe methods/options for their use as directed in respect of State of UP (para 32).
- v. Plastic waste and construction and demolition waste processing plants be set up ensuring that bio-medical, hazardous and E-waste are not co-mingled and treated with solid waste (para 33).
- vi. Immediate efforts be made for ensuring connectivity with existing STPs and proposed STPs (para 34).
- vii. The issues relating to compliance of STPs with standards and utilization of treated sewage be monitored and looked into by centralised mechanism at State level. Instead of high costed STPs in small population towns/villages, oxidation ponds and other low cost options be preferred including modular STPs. Similarly, in-situ remediation projects be duly executed (para 47).
- viii. Chief Secretary may immediately set up orientation programme on regular basis at appropriate institutional level to deal with environmental issues at district level. The execution plans should not be held up in repeated tendering systems. (para 55).
- ix. As directed earlier in respect of State of UP, MoH&UA may review utilisation of capacities of STPs established and utilisation of treated sewage (para 62).

<sup>20</sup> (2016) SCC Online NGT 2981

<sup>21</sup> (2017) 5 SCC 326

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- x. As directed earlier in respect of State of UP, MoH&UA with Ministry of Agriculture and Ministry of Chemical and Fertilizer may maximize use of treated sewage and the compost and reviewing subsidy policy (para 62).
- xi. As directed earlier in respect of State of UP, Ministry of Power and Ministry of Non-Renewal Energy (MNRE) may hasten the process of setting up of waste to energy projects and lay down rolling plan (para 62).
- xii. Chief Secretary may set up a centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level and District level (para 58) and;
- xiii. State level Monitoring Mechanism be set up under Chief Secretary and District level Monitoring Mechanism under District Magistrate for monthly review starting from 1<sup>st</sup> June, 2023 (para 64).
- xiv. The State may explore utilizing applicable policies for carbon credit by increasing its forest cover, utilizing treated sewage (para 44).
- xv. The compliance report to be filed may include progress achieved on solid and sewage management for all the ULBs and all the Gram Panchayats on individual basis with statistics.

69. Further, six monthly progress reports with verifiable progress which may include details with respect to each city, town and village in terms of quantity of sewage and solid waste generation, treatment and the gap may be filed by the Chief Secretary to the Registrar General of this Tribunal by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Copies thereof may be furnished to the MoJS/NMCG, MoH&UA, CPHEEO (MoH&UA) and CPCB and also be placed on the website of the State Government.

A copy of this order be forwarded for compliance to the Chief Secretary, Bihar, Secretary, MoH&UA, MoEF&CC, GoI, Ministry of Power and Ministry of Non-Renewal Energy, National Mission for Clean Ganga, CPCB, Secretary, Ministry of Chemicals and Fertilizers, GoI, Ministry of Agriculture, GoI, CPHEEO of MoH&UA, GoI by e-mail.

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On report being filed with the Registrar General of this Tribunal, the same may be placed before the Bench, if found necessary.

If any grievance survives, it will be open to the aggrieved parties to take further remedies as per law.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

May 04, 2023  
Original Application No. 606/2018

  
True copy

ANNEXURE - A - 6

**BIHAR STATE POLLUTION CONTROL BOARD**  
Parivash Bhawan, N.S.D.-2, Patliputra Industrial Area,  
Patliputra, Patna - 800010

Ref. No. 2486

Patna, dated: 16.11.23

From:

S. Chandrasekar, es.  
Member Secretary.

To:

The Municipal Commissioner,  
Chapra Municipal Corporation,  
Chapra, Bihar.

Sub: Evaluation of Potential sanitary landfill site-regarding-

Ref: Schedules I & II of the Solid Waste Management Rules, 2016, checklist and Jml /  
shape file of Chapra Municipal Corporation, Chapra

Sir,

With reference to the above mentioned subject and matter under reference, it is to inform that the landfill site has been evaluated on the basis of checklist and the related Jml / shape file submitted by Chapra Municipal Corporation, Chapra (a Google Map enclosed herewith).

For this landfill site, SEIAA, the appropriate approval authority may be approached for obtaining Environmental Clearance.

Encl As above.

Yours faithfully,

(S. Chandrasekar)  
Member Secretary.

Self attached.

30/12/23

नगर आयुक्त  
छपरा नगर निगम

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Typed copy of Annexure-A-6

**BIHAR STATE POLLUTION CONTROL BOARD**  
**Parivesh Bhawan, N.S.B-2, Patliputra Industrial Area**  
**Patliputra, Patna-800010**

Ref. No.2795

Patna, dated 16.11.23

From

**S. Chandrasekar**  
**Member Secretary.**

To,

**The Municipal Commissioner,**  
**Chapra Municipal Corporation,**  
**Chapra, Bihar**

Sub:- Evaluation of Potential sanitary landfill site-regarding  
Ref:- Schedule I & II of the Solid Waste Management Rules,  
2016, checklist and kml/shape file of Chapra Municipal  
Corporation, Chapra

Sir,

With reference to the above mentioned subject and matter under reference, it is to inform that the landfill site has evaluated on the basis of checklist and the related kml/shape file submitted by Chapra Municipal Corporation, Chapra(a Google Map enclosed herewith)

For this landfill site, SEIAA the appropriate approval authority may be approached for obtaining Environmental Clearance.

Encl: As above

Yours faithfully,  
Sd/ illegible  
16.11.2023  
(S.Chandrasekar)  
Member Secretary

*Inshukh*  
*True Typed copy*

छपरा नगर निगम

ANNEXURE - A-7

आयुक्त कार्यालय, सारण प्रमण्डल, छपरा

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जोत्नागिकारी एवं समाहर्ता संख्या:-07-03/2023...2700 छपरा, दिनांक 30/11/2023

01

सारण, छपरा

आलेखकार,

बिहार (सेवा एवं इकाई),

गीरानन्द पटेल, पटना।

विषय :- सारण जिलान्तर्गत गणेश गंगस के गौना-अरना, पाना नं०-269 के अन्तर्गत छाता सं०-02, खंसा सं०-07 में रकबा-5.00 (पांच) एकड़ बकारत गोकरीदार जो ठेकेदार जो नरपेताकीदार, गृमि को नगर निगम, छपरा के लिए घोष एवं तल अपशिष्ट प्रयस्करण (SWM) के निर्माण हेतु नगर विकास एवं आवास विभाग, बिहार, पटना को निःशुल्क अन्तर्निभागीय भू-हस्तांतरण की स्वीकृति।

आदेश :- स्वीकृति।

2. हस्तांतरित भूमि का विवरण:-

अंचल अपनंर	मौजा अरना	पाना नं० 269	छाता सं० 02	खंसा सं० 07	रकबा 5.00 एकड़
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3. स्वीकृति इस शर्त के साथ दी जाती है, कि जिस प्रयोजन हेतु भूमि दी जा रही है, उसमें उसकी उपयोगिता नहीं रहने पर भूमि स्वतः राजस्व एवं भूमि सुधार विभाग, बिहार, पटना को लौट जायेगी।

4. अन्य शर्तें राजस्व एवं भूमि सुधार विभाग, बिहार, पटना द्वारा समय-समय पर निर्गत परिपत्रों के तहत लागू/मान्य होंगी।

(आयुक्त, सारण प्रमण्डल, छपरा का आदेश संख्या-07-03/2023, दिनांक 28.11.2023)

  
आयुक्त के सचिव

सारण प्रमण्डल, छपरा।

जापांक:- 2700 / छपरा, दिनांक 30 / 11 / 2023

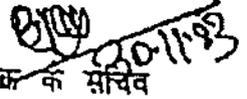
✓ प्रतिलिपि:-समाहर्ता, सारण, छपरा को अभिलेख संख्या-01/2023-24 मूल में संलग्न कर अग्रतर कार्रवाई हेतु प्रेषित।

  
आयुक्त के सचिव

सारण प्रमण्डल, छपरा।

जापांक:- 2700 / छपरा, दिनांक 30 / 11 / 2023

प्रतिलिपि:-अपर मुख्य सचिव, राजस्व एवं भूमि सुधार विभाग, बिहार, पटना/ प्रधान सचिव, नगर विकास एवं आवास विभाग, बिहार, पटना को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

  
आयुक्त के सचिव

सारण प्रमण्डल, छपरा।

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Translated copy of Annexure- A-7

OFFICE OF COMMISSIONER, SARAN DIVISION, CHAPRA  
File No.07-03/2023- 2700 Chapra, Dated 30.11.2023

To,

The Accountant General,  
Bihar(A&E)  
Birchand Patel, Patna.

Sub:- Approval of free Non Departmental land transferred to the Rural Development and Housing Department, Bihar, Patna for construction of Solid Waste & Liquid Waste disposal (SWM) for the Municipal Corporation under Saran District at Amnaur Anchal. Mauza-Arna. Thana No. 269, Khata No.02, Khesra No.07. Area 05 acres Bakast free of cost

Order- Accepted.

2. Details of transferred land

Anchal	Mauza	Thana No.	Khata No.	Khesra No.	Area
Amnaur	Arna	269	02	07	05.00acre

3. Approval is given with the condition that if the land is not useful for the purpose for which it was being acquired, it will automatically revered to the Revenue and Land Reforms Department, Bihar, Patna.

4. Other conditions will be applicable as per circulars issued from time to time by Revenue and Land Reforms Department, Bihar, Patna

(Order of Commissioner, Saran Division File No.07-03/2023 Dated 28.11.2023

Sd/ illegible

Secretary to the Commissioner  
Saran Division, Chapra

Memo No. 2700/ Chapra, dated 30.11.2023

Copy to:-

The Collector, Saran, Chapra, Record No.01/2023-24 attached to the original and sent for further action.

Sd/ illegible

Secretary to the Commissioner  
Saran Division, Chapra

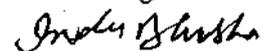
Memo No. 2700/ Chapra, dated 30.11.2023

Copy to:-

The Additional Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna/Principal Secretary, Urban Development and Housing Department, Bihar Patna for information and necessary action.

Sd/ illegible

Secretary to the Commissioner  
Saran Division, Chapra



True translated copy

10/10/2016/LEGAL Sec-BSPCB

## ANNEXURE - A - 8

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Page 1 of 3

REGISTERED  
 BIHAR STATE POLLUTION CONTROL BOARD  
 Purvesh Bhuwan  
 Phone-0612-2261250/2262265, Fax-0612-2261050  
 E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Ref. No.: 153016

Patna, dated:- 21.8.24

From

Dr. D.K. Shukla,  
 Chairman.

To

The Municipal Commissioner,  
 Chapra Municipal Corporation,  
 Chapra, Saran. 841301

**DIRECTION UNDER SECTION 31A OF THE AIR  
 (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981,  
 AND SECTION 33A OF THE WATER (PREVENTION AND  
 CONTROL OF POLLUTION) ACT, 1974.**

1. WHEREAS, the State Government has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Protection and Control of Pollution) Act, 1981.
2. WHEREAS, you were required to obtain previous Environmental Clearance from State Environmental Impact Assessment Authority (SEIAA); 'Consent-to-Establish' (hereinafter referred to as CTE) and 'Consent-to-Operate' (hereinafter referred to as CTO) from Bihar State Pollution Control Board (hereinafter referred to as the 'Board') under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'Water Act') and under section 21 of the Air (Prevention and Control of

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Page 2 of 3

Pollution) Act, 1981 (hereinafter referred to as 'Air Act') before establishing and operating the landfill site at Village- Arna, P.S. Amnor, District- Saran.

3. WHEREAS, the State Board evaluated the land site proposed by the Chapra Nagar Nigam as per the sitting criteria provided in the Solid Waste Management Rules, 2016, for developing a scientific landfill site. The state Board vide its letter dated 16.11.2023 directed you to obtain Environmental Clearance from the SEIAA for the said landfill, the competent authority for granting Environmental Clearance.
4. WHEREAS, a public complaint was made to the State Board wherein it has been alleged that unprocessed and mixed solid waste is being dumped at the landfill site without treating and processing the solid waste.
5. WHEREAS, the State Board vide its letter dated 01.08.2024 forwarded the said complaint to the District Magistrate, Saran, with copy marked to you, for taking suitable action in the matter.
6. WHEREAS, it is worth mentioning that in landfill site, only inert and reject waste shall be dumped and it should not be used as dumping site for dumping the unprocessed solid waste.
7. WHEREAS, operation of landfill site without a prior Environmental Clearance from SEIAA and without obtaining a valid CTE and CTO from the State Board is in violation of the mandatory provisions of the Water Act and Air Act and dumping of unprocessed and mixed solid waste is in violation of the prescribed rules of the Solid Waste Management Rules, 2024.

I, therefore, in exercise of power conferred by Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, & Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, direct you to:

(i) Stop dumping of unprocessed and mixed solid waste at the landfill site;

(ii) File a compliance report within 15 days from the receipt of this notice, failing which Environmental Compensation shall be levied on you for violating the aforesaid direction.

- Signed by

Devendra Kumar Shukla

Date: 20-08-2024 15:36:59

D.K. Shukla  
Chairman

Copy to:

(i) The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna, for information and necessary action.

(ii) The District Magistrate, Saran, to ensure that the direction is complied immediately.

Devendra Shukla  
True copy

सुमित कुमार,  
नगर आयुक्त, छपरा

से०  
निगम

छपरा नगर निगम



Sumit Kumar, I.A.S.  
Municipal Commissioner,  
Chapra

E-mail ID : ulbchaprarnagarnigam@gmail.com

पत्रांक 767/छ0न0नि0

प्रेषित,

श्री राजु कुमार तिवारी,  
टेकनिवास, कथनार  
रिविलगांज, सारण।

छपरा/दिनांक 13/03/2024

विषय :- NIT NO-14/2023-24 का गुप सं०-01 Construction of Boundary Wall & Approach Road in Chapra Nagar Nigam Landfill Site At Mauja Arna, Near Katsa Bazar, Amnaur, Saran, Chapra का कायदेश।

उपरोक्त विषय सूचित करना है कि विषयवर्तित कार्य आपको ई-टेंडरिंग की प्रक्रिया से आवंटित है। अतएव निम्न शर्तों के अधीन कायदेश निर्गत किया जा रहा है।

- (1) कार्य आवंटन की तिथि 13.03.2024 होगी, एवं कार्य समाप्ति की अवधि तीन माह होगी।
- (2) उक्त कार्य का एकरारनामा की राशि 9733002.00 है।
- (3) त्रुटि सुधार अवधि कार्य समाप्ति के तीन वर्षों की होगी, इसके लिये कोई अतिरिक्त भुगतान देय नहीं होगा।
- (4) कार्य प्रारंभ करने के पूर्व अधोहस्ताक्षरी एवं सम्बंधित अभियंता को सूचित करना आवश्यक होगा।
- (5) कार्य में लगने वाले सामग्रियों की गुणवत्ता के जाँच हो जाने के उपरान्त ही सामग्रियों का उपयोग कार्य में किया जाए।
- (6) कार्य को निर्धारित समय-सीमा के अंदर पूर्ण करना होगा। निर्धारित समय-सीमा के अंदर कार्य पूर्ण नहीं करने की स्थिति में नियमानुसार राशि की कटौती कर अग्रतर कारवाई की जाएगी।
- (7) कार्य का भुगतान उपलब्ध आवंटन के अंतर्गत किया जायेगा। विलम्ब के लिये किसी प्रकार का टाया माग्ग नहीं होगा।
- (8) कार्य के प्रारंभ होने के पूर्व, कार्य अवधि तथा कार्य समाप्ति के पश्चात् का फोटोग्राफ कार्यालय में जमा करना होगा।
- (9) संवेदक को कार्य के प्रारंभ में योजना के पूर्ण विवरण का सूचना पट्ट लगावा अनिवार्य होगा।
- (10) प्रतिदिन की जाने वाली कार्य की सूचना तकनीकी पदाधिकारी को दें, ताकि पर्यवेक्षण किया जा सके।
- (11) पी.सी.सी एवं आर.सी.सी. सम्बन्धी अन्य कार्यों सहित इलाई हेतु तकनीकी पदाधिकारी से समय निर्धारित कराने के पश्चात् ही इलाई आदि कार्य करें।
- (12) योजना का सम्पूर्ण कार्य प्राक्कलन की विशिष्टियों एवं श्री अभय कुमार, कनीय अभियंता, प्रतिनिधित्व सहायक अभियंता, छपरा नगर निगम एवं कार्यपालक अभियंता, नगर विकास प्रमण्डल-01, छपरा, सारण के तकनीकी पर्यवेक्षण में पूर्ण करेंगे।

*(Signature)*

नगर आयुक्त,  
छपरा नगर निगम।

प्रतिलिपि :- ज्ञापक 767/छ0न0नि0 छपरा/दिनांक 13/03/2024  
कार्यपालक अभियंता, नगर विकास प्रमण्डल-1, सहायक अभियंता, न0वि0प्र0-1 एवं  
श्री अभय कुमार, कनीय अभियंता, छपरा नगर निगम को सूचनार्थ एवं आवश्यक  
कारवाई हेतु प्रेषित।

नगर आयुक्त,  
छपरा नगर निगम।

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Translated copy of Annexure: A-9

Sumit Kumar, I.A.S. Chapra Municipal Corporation Sumit Kumar, I.A.S.  
Municipal Commissioner, Municipal Commissioner,  
Chapra Municipal Corporation Chapra Municipal Corporation

To,

Sri Raju Kumar Tiwary,  
Tekeniwas, Kachmar,  
Revilganj, Saran.

Chapra, dated 13.3.2024

Sub:- Working direction of Group No.1 construction of Boundary wall and approach road in Chapra Nagar Nigam Landfill Site at Mauza-Arna, near Katsa Bazar, Amnaur, Saran, Chapra of N.I.T. No. 14/2023-24.

The above subject is to inform you that the subject work is available for purchase through e-tendering process. The work order is being issued under the following conditions:-

- (1) The Date of allotment of work will be 13.3.2024 and the completion period of the work will be 3 months.
- (2) The amount of agreement for the said work is Rs.9733002.00
- (3) The defect rectification period will be three years from the date of completion of work, not extra payment will be payable for this.
- (4) Before starting the work it is necessary to inform the undersigned and the concerned Engineer
- (5) After quality of materials used in the work is improved comparable materials should be used for the work.
- (6) The work must be completed within the stipulated time limit, in case the work is not completed within stipulated time limit additional action will be taken by deducting the amount as per Rules.
- (7) Payment for the work shall be made within the available allocation. No claim for merger shall be entertained.
- (8) Before starting of the work photocopies of work period and completion certificate must be submitted to the office.
- (9) At the start of work the contractor have to right down the full details of the plan.
- (10) The work to be done on a daily reported to the technical officer, so that supervision can be done.
- (11) P.C.C. and R.C.C. related get work done only after getting the time fixed from the technical officer for the work along with other works.
- (12) The entire work of the scheme will be completed as per specification of the Estimate and under technical supervision of Sri Abhay Kumar, Junior

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Engineer deputed Assistant Engineer and Executive Engineer, Urban  
Development Division-01, Chapra Saran

Sd/ illegible  
Municipal Commissioner  
Chapra Municipal Corporation

Memo No. 767/Cha.Na.Ni. Chapra/ dated 13.03.2024

Copy- sent to Executive Engineer, Urban Development Division-01, Assistant  
Engineer, Nagar Vikas Pramandal-01 and Sri Abhay Kumar, Junior Engineer,  
Chapra Nagar Nigam for information and necessary action.

Sd/ illegible  
Municipal Commissioner  
Chapra Municipal Corporation

*Indu Shankar*

True translated copy



ANNEXURE + A-10

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E-mail ID : ulbchapranagarnigam@gmail.com

पत्रांक 2.6.36. छ०न०नि०

सेवा में,

अध्यक्ष

बिहार राज्य प्रदूषण नियंत्रण पर्यद  
बिहार पटना।

छपरा / दिनांक 21.08.2024

विषय :- छपरा नगर निगम के लिए ठोस एवं तरल अपशिष्ट प्रबंधन केंद्र हेतु कटसा, ग्राम-अरना, थाना- अमनौर क्षेत्रान्तर्गत अधिग्रहित भूखंड से संबंधित प्राप्त जन शिकायत के सन्दर्भ में अनुपालन प्रतिवेदन समर्पित किये जाने के संबंध में।

प्रसंग :- भवदीय पत्रांक 153016 दिनांक 21.08.2024

महाशय,

- उपरोक्त विषयक प्रासंगिक पत्र के माध्यम से प्राप्त निदेश के संबंध में स्पष्ट करना है कि छपरा नगर निगम के द्वारा ठोस एवं तरल अपशिष्टों के समुचित प्रसंस्करण एवं निष्पादन हेतु वर्ष 2023 में ठोस अपशिष्ट प्रबंधन नियम 2016 के प्रावधानों में अंतर्निहित "स्थल चयन के लिए मानदंडों" में दिए गए मानदंडों के अनुरूप चयनित करते हुए जिला प्रशासन, सारण से यह जमीन छपरा नगर निगम को हस्तांतरित कराया गया [( अनुलग्नक 1- जिला प्रशासन के द्वारा हस्तांतरित जमीन एवं बिहार राज्य प्रदूषण नियंत्रण पर्यद के द्वारा दिया गया स्वीकृति)।
2. नगर निगम के लिए विभागीय निदेश के आलोक में बांछित 10 एकड़ भूमि के विरुद्ध हस्तांतरित किये गये भूखंड का कुल रकबा 05 एकड़ है, जिसकी सम्यक घेराबंदी की गयी है। विभागीय पत्रांक 1815 दिनांक 07.06.2024 के अनुसार fresh waste processing पर रोक है, इसलिए लिगेसी वेस्ट का process कर भूमि को reclaim कर लिया जाएगा। ( अनुलग्नक 2 - विभागीय पत्रांक- 1815 दिनांक 07.06.2024)।
3. उक्त भूखंड के हस्तांतरण के पूर्व नगर निगम छपरा के संपूर्ण संगृहीकृत ठोस अपशिष्ट को श्यामचक स्थित भंगार में एकत्रित किया जाता था, जिसे वर्ष 2024 के प्रारंभ में लिगेसी वेस्ट में वर्गीकृत करते हुए उनके निष्पादन किये जाने का निर्णय लिया गया तथा तदनु रूप निविदा के माध्यम से निष्पादन हेतु एजेंसी का चयन किया गया है। (अनुलग्नक 3 - विभागीय पत्रांक 5341 दिनांक 22.01.2023)
4. वर्ष 2024 तक संग्रहित एवं एकत्रित लिगेसी वेस्ट की समग्र मात्रा को तीव्र गति से माह दिसम्बर, 2024 तक निष्पादित किया जाना है। उक्त आलोक में छपरा नगर निगम के 02 स्थानों - श्यामचक एवं कटसा (विषयांकित भूखंड) पर Trommel का अधिष्ठापन करवाते हुए लिगेसी वेस्ट को निष्पादित करवाया जा रहा है। (अनुलग्नक 4 एजेंसी का Timeline दोनों जगह का)।

*(Signature)*

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5. कटसा में स्थानांतरित किया जा रहा ठोस अपशिष्ट वर्तमान में श्यामचक से शिफ्ट की जा रही लिंगेसी वेस्ट की मात्रा है। लिंगेसी वेस्ट के निस्तारण उपरांत ठोस अपशिष्ट प्रबंधन नियम, 2016 में निहित प्रावधानों के अनुरूप वर्तमान में दैनिक रूप से संग्रहित हो रहे अपशिष्टों के प्रसंस्करण की कार्रवाई प्रारंभ की जानी है, जो कि नगर विकास एवं आवास विभाग के स्तर से ही लंबित है। यह काम नगर निगम द्वारा नहीं करना है। (अनुलग्नक 2 - विभागीय पत्रांक-1815 दिनांक -07.06.2024)

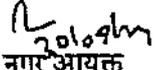
6. उत्कालोक में स्पष्ट है कि कटसा स्थित भूखंड का उपयोग वर्तमान में तीव्र गति से लिंगेसी वेस्ट के प्रसंस्करण एवं निस्तारण की प्रक्रिया को पूर्ण करवाने के संदर्भ में हो रही है।

7. बिहार राज्य प्रदूषण नियंत्रण पर्वद के द्वारा पत्रांक-2735 दिनांक-16.11.2023 से कटसा की जमीन का मुख्यतः स्वीकृति दे दिया गया था और छपरा नगर निगम को उक्त जमीन का SEIAA से Approval करवाने का मार्गदर्शन दिया।

इसके आलोक में छपरा नगर निगम द्वारा प्रधान सचिव नगर विकास आवास विभाग को उक्त Landfill Site की जमीन पर SEIAA Approval दिलवाने पत्रांक-3723 दिनांक-29.11.2023 से पत्र लिखी गई थी, जो कि अभी तक लंबित है। (अनुलग्नक 5- पत्रांक -3723 दिनांक-29.11.2023)।

सादर सूचनार्थ समर्पित।

विश्वासभाजन

  
नगर आयुक्त  
छपरा नगर निगम

Translated Copy of Annexure-A-10

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छपरा नगर निगम  
 सुमित कुमार, ३३०२०२०  
 नगर आयुक्त, छपरा नगर निगम  
 E-mail: ulbchapranaganigam@gmail.com

Sumit Kumar  
 Municipal Commissioner, Chapra

फॉन-२६३६ ८०८०८०

To

The Chairman,

Bihar State Pollution Control Board, Bihar, Patna

Chapra/ Dated- 31.08.2024

Sub:- Regarding submission of compliance report in respect of Public complaint relating to the acquired plot at Kaisa Village-Arna P.S.-Amnour.

Context: Your letter No.153016 dated 21.08.2024

Sir,

Regarding the direction through the relevant letter on the above subject, it is clarified that this land was transferred to Chapra Municipal Corporation from the district administration, Saran by selecting it in accordance with criteria given in the "Memorandum for Site Selection" under the provisions of Solid Waste Management Rules, 2016 in the year 2023 for proper processing and disposal of Solid and Liquid waste by Chapra Municipal Corporation (Annexure-Land transferred by district administration and approval given by Bihar State Pollution Board, Bihar, Patna.

2. in the light of departmental direction for the Municipal Corporation, the total area of the plot transferred against the desired 10 acres of land is 05 acres, which has been properly fenced. As per the departmental letter No. 1815 dated 07.06.2024, there is a ban on fresh waste processing, hence the land will be reclaimed by processing the legacy waste(Annexure-2 departmental letter No.1815 dated 07.06.2024).

3. Before the transfer of said plot the entire collected solid waste of Chapra Municipal Corporation was collected in Bhagar located Shyamchak, which was decided to be disposed of by classifying it as Legacy Waste in the beginning of the year 2024 and accordingly an

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agency has been selected for disposal through tender (Annexure-3 departmental letter no.5341 dated 22.01.2023).

4. The entire quantity of legacy waste collected and gathered till the year 2024 is to be disposed of at the fast pace by the month of December, 2024. in the above context legacy waste is being disposed by installing Trommel at two places of Chapra Municipal Compaction, Shyamchak and Katsa ( subjected plot).(Annexure-4- time line of the agency for both the places)

5. The Solid Waste being transferred to Katsa is the amount of legacy waste currently being shifted from Shyamchak. After disposal of legacy waste, the process of processing of the waste currently being collected daily is to be started in accordance with the provisions contained in the Solid Waste Management Rules, 2016, which is pending at the level of the Urban Development and Housing Department. This work is not to be done by the Municipal Corporation (Annexure-2- departmental letter no.1815 dated 7.6.2024).

6. It is clear from the above that Land plot at Katsa is currently being used to complete the process of processing and disposal of legacy waste at a fast pace.

7. The land at Katsa was mainly approved by the Bihar State Pollution Control Board vide letter no.2735 dated 16.11.2023 and Chapra Municipal Corporation was guided to get the said land approved by SEIAA.

In the light of this, a letter was written by Chapra Municipal Corporation to the Principal Secretary, Urban Development and Housing Department, letter no. 3723 dated 29.11.2023 to get SEIAA approval on the land of the said landfill site, which is still pending(Anenxure-5-letter No. 3723 dated 29.11.2023).

Dedicated for information with respect.

Yours sincerely,  
Sd/ Municipal Commissioner  
Chapra Nagar Nigam

*Jyoti Shrivastava*

True translated copy

ANNEXURE ~~A-11~~

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Item No.05

Court No. 2

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

Original Application No. 1315/2024

Ramesh Prasad

Applicant(s)

Versus

State of Bihar

Respondent(s)

Date of hearing: 27.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: None

**ORDER**

1. Ramesh Prasad Singh resident of Village Ramchak, P.O. Katsa, District Saran, State of Bihar has sent a letter petition received in Tribunal on 05.09.2024 and this has been registered as Original Application under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') for exercising *suo-moto* jurisdiction in view of law laid down by Supreme Court in ***Municipal Corporation of Greater Mumbai Versus Ankita Sinha and Others, (2022) 13 SCC 401.***

2. Complainant has said that around 6 months back Chapra Nagar Nigam had started dumping of municipal solid waste on a vacant land of erstwhile Maraurha Sugar Mill Cane Farm which is situated only 15 meters away from Khadra river and 15 meters from Abadi. Khadra river is

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a perennial river used for bathing, irrigation and religious purposes. Dumping of solid waste near river is not only contaminating ground water and soil but also contaminating river water and creating health hazards to local residents. The said dumping of solid waste is an utter violation of Solid Waste Management Rules, 2016. Complaint is supported by certain photographs which *prima-facie* support allegations made in complaint.

3. In view of the above discussion, we are *prima-facie* satisfied that a substantial question relating to environment has arisen out of implementation of enactments mentioned in Schedule 1 of NGT Act, 2010 but before taking any further action in the matter we find it appropriate to obtain a factual report and for this purpose, constitute a Joint Committee comprising Bihar State Pollution Control Board; District Magistrate, Saran; and, Central Pollution Control Board.

4. District Magistrate, Saran shall be the Nodal Authority for co-ordination and compliance of this order.

5. Above Committee shall visit the site, collect relevant information interact with stakeholders and submit a factual report within one month.

6. List on 02.01. 2025.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 27, 2024  
Original Application No.1315/2024  
M

2

*Indu Shukla*  
True copy

Annexure-A-12

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL No.14567/2025****CHAPRA NAGAR NIGAM****APPELLANT****VERSUS****RAMESH PRASAD SINGH AND ORS.****RESPONDENTS****ORDER**

1. Mr. K. Parameshwar, learned senior counsel appearing for the appellant, seeks leave to withdraw the civil appeal with liberty to apply for vacating the interim order dated 24<sup>th</sup> September, 2025 passed by the National Green Tribunal, Eastern Zone, at Kolkata in O.A. No.18 of 2025 premised *inter alia* on the ground that the appellant has been complying with an order passed by the National Green Tribunal, Principal Bench at New Delhi.

2. Permission granted.

3. The civil appeal is, accordingly, dismissed as withdrawn, with liberty as prayed.

4. If an application seeking vacation of the order dated 24<sup>th</sup> September, 2025 is made, we request the National Green Tribunal,

Signature Not Verified  
Digitally signed by  
Rajind Chahal  
Date: 2025.09.21  
17:11:32 IST  
Reason:

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Eastern Zone to decide the same assigning due priority, subject to its convenience. This request is made having regard to the submission made before us that although the original application was fixed on 8<sup>th</sup> December, 2025, hearing has since been adjourned to 19<sup>th</sup> February, 2026 and non-compliance of the impugned order could result in contempt.

.....J.  
[DIPANKAR DATTA]

.....J.  
[AUGUSTINE GEORGE MASIH]

**NEW DELHI;**  
**December 12, 2025**

ITEM NO.29

COURT NO.8

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.14567/2025

CHAPRA NAGAR NIGAM

Appellant

VERSUS

RAMESH PRASAD SINGH AND ORS &amp; ORS.

Respondents

FOR ADMISSION

I.A. No.315138/2025-STAY APPLICATION

Date : 12-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s) : Mr. K. Parameshwar, Sr. Adv.  
Mr. Govind Jee, AOR  
Mr. Omanakuttan K K, Adv.  
Ms. Rambha Singh, Adv.  
Ms. Laiba Arif, Adv.  
Mr. Ankur Kumar, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. The civil appeal is dismissed as withdrawn in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)  
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)  
COURT MASTER (NSH)

(signed order is placed on the file)

Item No.04

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.18/2025/EZ  
(Earlier O.A. No.1315/2024/PB)  
(I.A. No.79/2025/EZ)

Ramesh Prasad Singh

Applicant

Versus

State of Bihar &amp; Ors.

Respondents

Date of hearing: 24.09.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Upendra Yadav, Advocate for the applicant  
(through VC).

Respondents: Mr. Surendra Kumar, Advocate for respondents no.1.  
Ms. Amrita Pandey, Advocate for respondent no.2  
(through VC).  
Mr. Ashok Prasad, Advocate for respondent no.3  
(through VC).  
Mr. Indu Bhushan and Mr. Ghanshyam Pandey,  
Advocates for respondent no.4 (through VC).

**ORDER**

**I.A. No.79/2025/EZ**

1. I.A. No.79/2025/EZ has been filed by the District Magistrate, Chapra for recalling the directions issued in order dated 29.05.2025 regarding his personal appearance and for expunging adverse remarks made against him in the abovesaid order.

2. We have heard learned counsel for respondent no.1 and gone through the relevant records.

3. In view of the facts and circumstances of the case including the fact that remarks were made without seeking written explanation and grant of personal hearing to the District Magistrate, Chapra, the adverse remarks made against him in order dated 29.05.2025 are expunged.

However, the prayer for recalling order for his personal appearance has become infructuous with his appearance before this Tribunal through V.C. today and I.A. No.79/2025/EZ is disposed of accordingly.

**O.A. No. 18/2025**

4. The applicants have raised grievances regarding dumping of Municipal Solid Waste on vacant land of erstwhile Maraurha Sugar Mill Cane Farm.

5. Joint Committee constituted by this Tribunal submitted final report inter alia recommending that dumped site is operating without consent from BSPCB and that no further dumping of the solid waste at the alleged site may be allowed.

6. Responses have already been filed by respondents no.1, 3 and 4.

7. In view of the Precautionary Principle embodied in Section 20 of the National Green Tribunal Act, 2010 and also recommendations made by the joint committee, which have not been objected to by the applicant or any of the respondents so far, it is ordered that no further solid waste be dumped in the land in question in any manner and respondent no.4 is restrained from dumping any solid waste in the land in question.

8. The District Magistrate, Chapra and Senior Superintendent of Police, Chapra are directed to ensure that no further dumping of Municipal Solid Waste takes place on the land in question.

9. List on 08.12.2025 for final hearing.

10. Pleadings may be completed before that date and if any response/additional response is to be filed by any of the respondents, the

same may be filed within four weeks and if any rejoinder is to be filed by the applicant, then the same may be filed within next two weeks.

11. A copy of this order may be sent to the Chief Executive Officer, Municipal Corporation, Chapra and the District Magistrate, Chapra and the Senior Superintendent of Police, Chapra by email for requisite compliance.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

September 24<sup>th</sup>, 2025  
Original Application No.18/2025/EZ  
(Earlier O.A. No.1315/2024/PB)  
(I.A. No.79/2025/EZ)/SKB



E-mail ID : ulbehapranagarnigam@gmail.com

पत्रांक 24.2.8. छ०न०नि०

सेवा में,

सदस्य सचिव  
राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण,  
बिहार पटना।

छपरा / दिनांक 20/12/2025

विषय :- एकीकृत ठोस अपशिष्ट प्रबंधन केन्द्र, अरना, कटसा (अंचल -अमनौर, जिला -सारण), छपरा के संचालन हेतु अनापत्ति प्रमाणन के संबंध में।

महाशय,

उपर्युक्त विषयक कहना है कि छपरा नगर निगम के ठोस अपशिष्ट प्रबंधन हेतु वर्ष 2023 में अरना, कटसा (अंचल -अमनौर, जिला -सारण), छपरा में पांच एकड़ का एक भूखंड प्रमंडलीय आयुक्त, सारण के द्वारा छपरा नगर निगम को हस्तांतरित करवाई गई थी।

2. हस्तानांतरित की गई भूमि ठोस अपशिष्ट प्रबंधन कार्य हेतु निर्धारित मापदंडों के सभी मानकों का पालन करते हुए निर्धारित की गई थी, जिसका सत्यापन राज्य प्रदूषण नियंत्रण बोर्ड, पटना के द्वारा भी निर्धारण के पूर्व एवं उपरांत किया गया है।

3. हस्तानांतरित भूमि की पर्यावरणीय एवं स्वास्थ्य के दृष्टिकोण 10 फीट ऊँचे चाहरदीवारी के द्वारा घेराबंदी कराते हुए सुरक्षित किया गया है।

4. उपरोक्त भूमि का उपयोग निगम के द्वारा मात्र Legacy Waste के Processing हेतु किया जा रहा था, जहाँ पूर्व से एकत्रित एवं श्यामचक भंगार से स्थानांतरित Legacy Waste की मात्रा की Bio-Mining पद्धति द्वारा प्रसंस्करण कराते हुए RDF एवं अन्य उत्पादों को सीमेंट उद्यम अथवा अन्यत्र उपयुक्त स्थानों पर भेजा जा रहा था। वर्तमान में माननीय NGT, पूर्वी जोन, कोलकाता के आदेश के आलोक में कार्यों को स्थगित रखा गया है।

5. उल्लेखनीय है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के DO No.-22/19/2017 - IA-III दिनांक 03.07.2017 के आलोक में ठोस अपशिष्टों के प्रसंस्करण कार्य हेतु Prior Env. Clearance की आवश्यकता को स्वच्छ भारत मिशन के उद्देश्यों की प्रतिपूर्ति को ध्यान में रखते हुए शिथिल कर दिया गया है।

तदालोक में नगर निगम छपरा अपने ठोस अपशिष्ट प्रबंधन कार्यों के अंतर्गत Waste Processing के उद्देश्य से अरना, कटसा (अंचल -अमनौर, जिला -सारण), छपरा स्थित अपने भूखंड के उपयोग हेतु बिना Prior Env.Clearance के आपके प्राधिकार से अनापत्ति प्रमाणन की अपेक्षा करता है. ताकि निर्बाध रूप से उक्त भूखंड पर स्वच्छ भारत मिशन के उद्देश्यों के संदर्भ में कार्यों का संपादन किया जा सके।

- अनु० :- i. भूमि हस्तानांतरण आदेश की प्रति  
 ii. बिहार राज्य प्रदूषण बोर्ड, बिहार द्वारा मानकों के सत्यापन संबंधित पत्र की प्रति।  
 iii. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के DO No.- 22/19/2017 – IA-III दिनांक 03.07.2017 की छायाप्रति।

विश्वासभाजन

30/12/25

नगर आयुक्त

छपरा नगर निगम  
 नगर आयुक्त  
 छपरा नगर निगम

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Translated copy of Annexure-A- 13

Sunil Kumar Pandey, Chapra Municipal Corporation  
 Bihar Administrative Service  
 Municipal Commissioner, Chapra  
 Municipal Corporation

.....|  
 E-mailID:ulbchapranagarnigam@gmail.com  
 .....

Letter No.2428 Chh.Na.Ni.

To

The Member Secretary,  
 State Environmental Impact Assessment Authority  
 Bihar, Patna.

Chapra, dated 30.12.2025

Sub:- Regarding No Objection Certification for operation of  
 Integrated Solid Waste Management Center, Arna, Katsa  
 (Anchal-Amnour, District-Saran)(Chapra).

Sir,

Regarding the above, it is to be said that for the Solid Waste Management of Chapra Municipal Corporation, a plot of 5 Acres of Arna, Katsa (Anchal-Amnour, District-Saran)(Chapra) was transferred to Chapra Municipal Corporation by the Divisional Commissioner, Saran in the year 2023.

2. The land transferred was determined by following all the Standers of norms prescribed for Solid Waste Management Work, which has also been verified by the State Pollution Control Board, Patna before and after determination.

3. The transferred land has been secured from Environmental and Health point of view by fencing it with a 10 feet high boundary wall.

4. The above land was being used by Corporation solely for the processing of Legacy Waste where the legacy waste already collected and transferred from Shyamchak Bhargar was being processed through Bio Mining Method and RDF and other products were being sent to Cement Plants or other suitable location. Currently, in the light of the order of Hon'ble N.G.T., Eastern Zone, Kolkata, the work has been put on hold.

5. It is not worthy that in the light of D.O. No. 22/19 /2017-IA-III dated 03.07.2017 of Ministry of Environment, Forest and Climate Change, Government of India, requirement of prior ENV Clearance for processing of Solid Waste has been relaxed keeping in view the fulfillment of the objectives of SWACHH BHARAT MISSION

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In view of this Municipal Corporation expects no objection certificate from your authority without priori ENV Clearance for the use of its plot situated at Arna, Katsa (Anchal-Amnaur, District-Saran) (Chapra) for the purpose of Waste Processing under its Solid Waste Management Works, so that the works can be carried out uninterruptedly on the said plot in context to the objectives of SWACHH BHARAT.

Faithfully  
Sd/ illegible  
30.12.2025

Municipal Commissioner,  
Chapra Municipal Corporation

Articles:-

- i. Copy of Land Transfer Order
- ii. Copy of letter from Bihar State Pollution Control, Bihar, regarding verification of Standards.
- iii. Photo copy of D.O. No.22/19/2017-1A-III, dated 03.07.2017 of Ministry of Environment, Forest and Climate Change, Government of India.

*Order Shri Shri  
True  
Typed copy*



Ghanshyam Pandey &lt;ghanshyamlegal@gmail.com&gt;

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**IA by Chapra Nagar Nigam OA/18/2025 Respondent no. 4. Before Hon'ble NGT/EZ.**

1 message

**Ghanshyam Pandey** <ghanshyamlegal@gmail.com>

Mon, Feb 16, 2026 at 11:32 AM

To: Amrita Pandey &lt;amritalegal@gmail.com&gt;, surendra kumar &lt;surendra\_kr15@rediffmail.com&gt;, ASHOK PRASAD &lt;ashokadvhc@gmail.com&gt;

Respected All,

Please find attached the copy of the IA by Chapra Nagar Nigam in OA/18/2025 filed before the Hon'ble NGT/EZ.

This is for your kind information and necessary action.

**Regards,****Ghanshyam Pandey****Advocate  
High Court at Calcutta,  
NGT(EZ), NCLT (KB)  
M: +91 96867 50386****IA by Chapra Nagar Nigam.pdf**

7433K



Ghanshyam Pandey &lt;ghanshyamlegal@gmail.com&gt;

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**IA by Chapra Nagar Nigam OA/18/2025 Respondent no. 4. Before Hon'ble NGT/EZ.**

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**Ghanshyam Pandey** <ghanshyamlegal@gmail.com>

Wed, Feb 18, 2026 at 4:34 PM

To: Amrita Pandey &lt;amritalegal@gmail.com&gt;, surendra kumar &lt;surendra\_kr15@rediffmail.com&gt;, ASHOK PRASAD &lt;ashokadvhc@gmail.com&gt;

Respected All,

This is to bring to your kind attention that in OA/18/2025/EZ, IN THE MATTER OF: RAMESH PRASAD SINGH -VERSUS- THE STATE OF BIHAR & ORS., pending before the Hon'ble NGT, EZ. Please find attached herewith the final copy of the IA after defect.

This is for your kind information and record.

**Regards,****Ghanshyam Pandey**

**Advocate**  
**High Court at Calcutta,**  
**NGT(EZ), NCLT (KB)**  
**M: +91 96867 50386**

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 **IA final.pdf**  
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