

BEFORE THE NATIONAL GREEN TRIBUNAL
(Southern Zone, Chennai)

Original Application No. 237 of 2020
(Through Video Conference)

IN THE MATTER OF

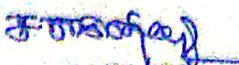
Tribunal on its own motion
Suo Motu based on the news item in
Dinamalar Newspaper, Chennai Edition
dated 15.10.2020, "Stagnation of garbage",
in the street-Health hazard due to Corporation".

...Applicants

Versus

1. The Principal Secretary to Government of
Tamil Nadu Health and Family Welfare Department,
Government Secretariat, Chennai,
Tamil Nadu-600 009
2. The Secretary to Government of Tamil Nadu
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu-600 009
3. Additional Chief Secretary to
Govt. of Tamil Nadu,
Govt. secretariat, Fort St. George,
Chennai, Tamil Nadu-600009
4. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu -600032
5. The District Collector,
Chennai District,
District Collectorate Office,
No.62, Rajaji Salai, 4th floor,
Chennai-600001
6. Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai-600 003

...Respondents


PA TO RDO
NORTH CHENNAI DIVISION


FOR COLLECTOR
CHENNAI DISTRICT

**STATUS REPORT FILED BY THE REVENUE DIVISIONAL OFFICER,
NORTH CHENNAI DIVISION**

I, V.Ravi, son of Thiru Veerasamy Hindu aged about 52 years, discharging duties as Revenue Divisional Officer, North Chennai Division, No.473, Thiruvottiyur High Road, Tondiarpet, Chennai-600081, do hereby solemnly affirm and sincerely state as follows;

1) The District Collector, Chennai District is the Fifth respondent herein. The Fifth Respondent was directed by the National Green Tribunal in its order dated 09.11.2020 had directed the District Collector to submit a status report in this case. The District Collector, Chennai District, in turn has directed me to inspect the said area and to submit an action taken report and the status report in respect of the complaint of the local public published in the Dhinamalar-Tamil daily-Chennai Edition on 15.10.2020. I am well acquainted with the facts of the case from the available records. I respectfully submit that I am well aware of the facts and circumstances surrounding the case and at the outset, I file this status report on behalf of the fifth Respondent herein.

2) I submit that consequent on a paper clipping published in the "Dhinamalar"-Tamil daily, Chennai Edition dated 15.10.2020, the National Green Tribunal has filed Suo Motu case on its own motion in O.A.No.237 of 2020 and in its order dated 09.11.2020 has directed the Respondents to submit a status report in this case. As such, in paras 9 and 10 of the order, the Hon'ble National Green Tribunal, South Zone has directed the District Collector and the fifth respondent in the said case to submit a status as well as action taken report regarding the allegations made in the newspaper report on or before 23.11.2020.


PA TO RDC
NORTH CHENNAI DIVISION


FOR COLLECTOR
CHENNAI DISTRICT

3) I submit, inspection of the said Gandhi Street, Lakshmpuram of Madhavaram Taluk shows that the during de-silting of the storm water drains, solid waste removed from the storm water drain in the said area was kept in plastic bags near the storm water drain. This irked the residents in the area. Hence, they have made a complaint and the same was published in the Tamil daily "Dhinamalar". However, in pursuance of the news clipping in "Dhinamalar-Chennai Edition" Tamil daily dated 15.10.2020, the Greater Chennai Corporation people have taken prompt action and removed the baggage's and garbage. Only the day to day garbage of the local residents is there and the same is being removed by the Greater Chennai Corporation officials. As on the date of inspection there were no such solid waste bags or garbage in the said Gandhi street, Lakshmpuram of Madhavaram Taluk.

4) It is respectfully submitted that the prompt action has already been taken by the officials working under the Sixth Respondent. The status report on the facts of the case are submitted to the Coram of Judges of in pursuance of the order dated 09.11.2020 in Original Application No. 237 of 2020 for favour of kind information and for further orders.

Solemnly affirmed at Chennai

on this the 28 day of November 2020

and signed his name in the presence


PA TO RDO
NORTH CHENNAI DIVISION


FOR COLLECTOR
CHENNAI DISTRICT

It has been over a year since the Solid Waste Management Rules 2016 (SWMR) were notified on 8th April 2016 to lay a solid framework for scientific waste management across urban settlements. The 2016 Rules supersede the Municipal Solid Waste Rules, 2000 and expand the ambit of application to every urban local body, including outgrowths in urban agglomerations, census towns, areas under Railways and airports.

The SWMR have several pioneering features. They put the onus of segregation on the waste generator and require segregation into 6 categories – biodegradable, non-biodegradable, domestic-hazardous, sanitary, construction-demolition and horticulture. With over one year since notification of SWMR, all resident associations and commercial institutions, in partnership with a local body, are required to segregate waste, process biodegradable waste, through on-site composting or bio-methanation and hand over recyclable waste to authorised waste pickers or recyclers. This clause heralds a path-breaking paradigm of decentralised waste management through the mantra of handle-your-own-filth. This obviates the need for a gargantuan centralised system of waste management requiring little community participation and rendering it unsustainable, un-scalable, uncivilized and unfair.

The Rules also require setting up of a material recovery facility for enabling informal/authorised waste collectors to sort out recyclable products. India has a strong “informal” waste economy, and the SWMR recognize, leverage this unique strength. Overall, the decentralized waste management envisaged, involving the community and harnessing India’s inherent opportunities, is critical according to experts and think tanks such as the Centre for Science and Environment.

If implemented well, SWMR have the potential to transform waste management system in India. In fact, for a country with such monumental waste management woes as ours, the rules seem too good to be true. Now before the result of Swachh Survekshan 2017 is released on 4th May, a reality check is in order: how well have SWMR been implemented?

Unfortunately, the path-breaking SWMR have not been followed up with appropriate empowerment of agencies. Delhi, the city that is probably under the sharpest gaze of all hues of observers, provides an interesting case in point. It still follows the Delhi Cleanliness and Sanitation Bye-laws of 2009 and municipal corporation’s (MCD) proposed amendments have been pending with the Delhi government since September 2013, despite the SWMR explicitly stating that bye-laws incorporating the provisions of the Rules have to be framed within one year of notification. During our enquiries, only one official across the hierarchy in a relevant agency could clarify that the MCD follows the Swachh Bharat guidelines and SWMR in absence of revised bye-laws. However, including him, all other employees contacted were clueless about the measures planned by MCD to implement SWMR. The situation in many other urban agglomerations is similar, if not worse.

However, an interesting story is unfolding in India outside government agencies. Quite a few housing societies have taken responsibility for on-site waste management. For instance, it’s been a year since Gurugram’s Regency Park II in DLF Phase 4 has been successfully segregating waste and composting using machines operated by staff trained by Green Bandhu, an NGO providing “innovative solutions for decentralised waste management”. Saurav Bardhan, Co-founder of Green Bandhu, explains that such on-site solutions are the answer to our seemingly unmanageable waste problems and opines that the Rules require agencies to formulate models that incentivise this. Besides, quite a few other elements required for transformational change are in place in India today. Several people across the spectrum from academic experts and think tanks to youth and activists are willing to take initiative and engage. The Policy framework, specifically SWMR, promotes sustainable waste management through measures listed above, with provisions to even allow local bodies to introduce user fees to meet their costs etc.

However, the current incentives produce over-flowing dhalaos and over-exhausted landfills. Outsourced SWM contracts dis-incentivise segregation or treatment as tipping fee is based on the quantity of waste dumped. Individuals aren’t incentivised to dispose waste responsibly and waste outside of one’s home is considered responsibility of the agencies. Even if citizens are motivated to segregate waste at source, the non-compartmentalised transport-and-dumping equipment deters such responsible behaviour.

The key challenge today is agencies responsible for implementing these changes aren't geared up and empowered. Thus, SWMR have not translated into municipal bye-laws. Community engagement hasn't taken off. Suitable infrastructure hasn't been developed and the incentive system hasn't been successfully altered.

The point we want to make here, however, is not one of administrative inefficiency. Rather, it is of the lack of empowerment of agencies mandated to implement such ground-breaking policy measures. The rules, without explicitly recognising so, demand the following from the relevant agencies: 1) Community Engagement to drive deep behavioural changes, 2) Technology Prowess to at least make the right technology decisions if not supervise technology development, 3) Political Capital to make needed bye-laws and enforce them, 4) Human Capital at a much larger scale to follow through on all aspects from planning to implementation, 5) Funds to support planning, research, and implementation. This is clearly quite a wish list and now here close to current levels of empowerment.

So while the rest of the ecosystem is gearing up, the local governance systems seem unable to rise to the challenge. Not because of deliberate mal-intentions of any agency, but probably because as a state and society, we have no clue on how to further the transformational agenda so deeply sought after by this and subsequent generations. And meanwhile, we continue to grapple with the eternally numbing thought: To clean or not to (be) clean.

The Solid Waste Management Rules has the ability to fully alter the waste management system in India. The rules sound too good to be true for a country with such colossal waste management. Unfortunately, the SWMR was not followed up with the correct mobilization of the agencies. There are a variety of other elements required for transformational change in location. Several people across the spectrum are willing to take the initiative to get involved. The policy structure, in particular SWMR, supports sustainable waste management through the steps set out above, with provisions that also encourage local authorities to impose user fees to cover their costs, etc.

However, the existing programs generate overflowing and over-exhausted landfill sites. Even if people are encouraged to segregate waste at the source, the non-compartmentalized transport and dumping equipment would discourage such responsible behaviour. The problem is that the organizations responsible for making such improvements are not geared and motivated. Community participation has not been withheld.

While the rest of the world evolves, local management mechanisms do not seem to be capable of handling this. Not because of some agency's deliberate mal intentions, but simply because we, as a state and community, have no idea as to how this and subsequent generations so desperately sought after the change agenda can be furthered.