

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 993 OF 2024**

IN THE MATTER OF :

News Item titled "News Item titled "PACKAGE Where has the plastic waste disappeared" appearing in The Times of India dated 30.07.2024

RESPONDENTS : MOEF&CC AND ALL STATES/UTs

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NEW DELHI
DATED :03.09.2024

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

ORIGINAL APPLICATION NO. 993 OF 2024

IN THE MATTER OF :

News Item titled "News Item titled "PACKAGE Where has the plastic waste disappeared"
appearing in The Times of India dated 30.07.2024

CORAM : HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CP
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

RESPONDENTS : MOEF&CC AND ALL STATES/UTs

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.37, UNION TERRITORY
OF LAKSHADWEEP**

I, Santosh Kumar Reddy V, son of Vijaya Rami Reddy V, presently holding the charge of Secretary, Department of Environment & Forest, U.T of Lakshadweep Administration, Kavaratti – 682 555 do hereby solemnly affirm on oath and state as under:

1. That I am the Secretary, Department of Environment & Forests, Atal Paryavaran Bhawan, U.T of Lakshadweep, Kavaratti and have been authorized to file this affidavit on behalf of UT of Lakshadweep Administration (UTLA) and in my official capacity I am well acquainted with the facts and circumstances of the present matter and competent to swear the present affidavit.
2. In compliance with order dated 31st July, 2024 in the *suo-motu* jurisdiction OA No. 993 of 2024 in the matter News Item titled "News Item titled "PACKAGE Where has the plastic waste disappeared" appearing in The Times of India dated 30.07.2024. The following response is herewith filed as affidavit.
3. It is respectfully submitted that, Lakshadweep is the smallest Union Territory, a group of islands in Arabian sea with a total land area of 32 km² located between 8° – 12° 13" North

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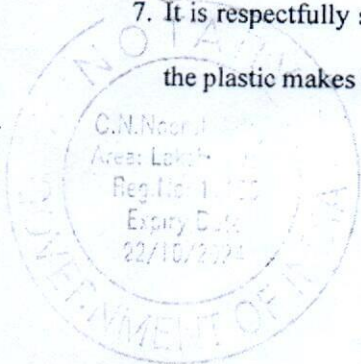


[Signature]
P. N. MOHAMED VIDAYA
ADVOCATE & NOTARY
GOVT. OF U.T. Lakshadweep
Reg. No: 17125, Date: 22/10/2024

[Signature]
Secretary (Environment & Forests)
U.T. of Lakshadweep
Kavaratti-682 555
Xm

latitude and 71° – 74° East longitude, situated between 220 to 440 kms. in the west coast of Kerala. There are 10 inhabited islands, 17 uninhabited islands, few reefs and submerged banks, those are geographically isolated from each other.

4. It is respectfully submitted that, Lakshadweep is single line Administration and no urban local bodies or statutory town/cities are present. A total of 10 Village Dweep Panchayat with 88 wards are present in Lakshadweep. All the Village Dweep Panchayats have been declared as Model Villages under Swachh Bharat Mission (G) SBM Phase II during the year 2022-2024.
5. It is respectfully submitted that, U.T. of Lakshadweep is considered as Category IV as per "The National Action Plan for Municipal Solid Waste Management" i.e., Town having waste generation less than 50 ton per day. Further it is also hereby submitted that UTLA do not have Urban Development Department and Solid and Plastic Waste management is implemented by the Department of Panchayat through the concerned local bodies (Village Dweep Panchayats) of each Island.
6. It is respectfully submitted that, for implementing the Plastic Waste Management Rules 2016 in sustainable manner in the ground and to have effective regulatory framework for the plastic waste generated in the Islands Lakshadweep Administration, implemented Lakshadweep Solid Waste (Handling and Management) Bye-Laws, 2022 by suppressing Lakshadweep Sanitation Conservancy Bye-law 1998 and Lakshadweep Solid Waste Management Bye-Law, 2018 and it came in force on 05th August of 2022. The true copy of the Lakshadweep Solid Waste (Handling and Management) Bye-Laws, 2022 notification F.No.14/12/2021-DOP Dated 05.08.2022 is herewith produced and marked as Annexure R - (1).
7. It is respectfully submitted that, for minimizing the use of Plastic in the UTLA and since the plastic makes immense potential to pollute Marine environment and spreads its harmful



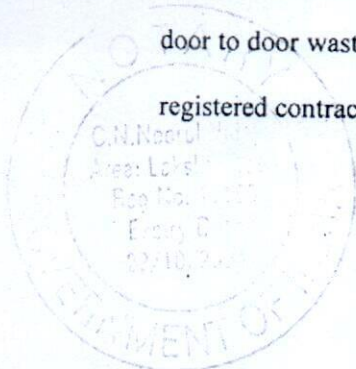
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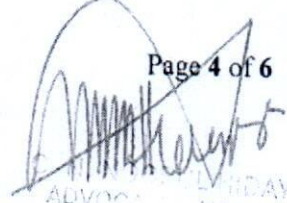
C. A. ADARSH IDAYA
 GOVT. OF LAKSHADWEEP
 DEPARTMENT OF NOTARY
 Kavaratti, Lakshadweep
 Reg. No. 1, Expiry Date: 22/10/2024

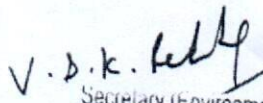
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 U.T. of Lakshadweep
 Kavaratti-682 555
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effect on marine eco-system, bio diversity and potentially human health, Lakshadweep Administration prohibited the use of 13 numbers of single use plastics from the UTLA vide notification S.No.66/33/2019-E&F(P&L) dated 25.01.2019. True copy is produced herewith and marked as **Annexure R - (2)**. Further it is also submitted that, in continuation of notification F.No.66/33/2019-E&F(P&L) dated 25.01.2019, the Secretary (Environment & Forest), UTLA added further 10 numbers of materials to the category of Single Use Plastic and prohibited use and selling in all Islands includes the territorial waters of Lakshadweep with effect from 15th April 2021 vide notification F.No.66/33/2019-E&F(P&L) issued on 13.04.2021. True copy is produced herewith and marked as **Annexure R - (3)**.

8. It is respectfully submitted that, the Administration banned the import of SUP from entry point viz Kochi, Calicut and Mangalore. At the respective entry ports, scanning centers are positioned to check and subsequently regular inspections are being conducted in shops/hotels/restaurants and other institutions to find out any violations takes place in those establishments. The Administration has constituted Special Task Force at State level, District level and Island level to implement the policies and programmes on elimination of Single Use Plastics in UTLA. Further the UTL Administration also distributing cloth bags for promoting alternatives to Single use plastics through School and College students.
9. It is respectfully submitted that, the UTLA have been receiving a total of 523 MT plastic waste per year. Plastic waste handling and management are done in Public Private Participation (PPP) model through e-tender and proper and adequate arrangements are already made by the Administration for scientific management of plastic wastes. All the non-biodegradable plastic wastes collected by the registered contractor through means of door to door waste collection and from the conventional waste bins are segregated by the registered contractor and further transported to a mainland recycler for the proper disposal



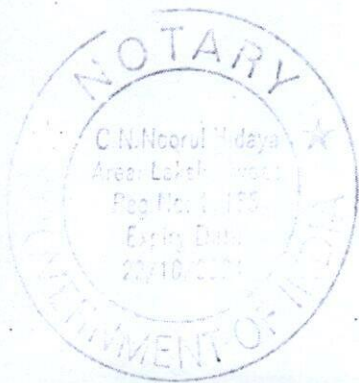
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 ADVOCATE GENERAL
 GOVT. OF LAKSHADWEEP
 Reg.No: 17105, Expiry Date: 22/10/2024


 Secretary (Environment & Forests)
 U.T. of Lakshadweep
 Kavaratti-682 555
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i.e., sold off to a registered recycler at Kerala. In total of 453.81 MT recyclable plastic waste are transported to Mr. Firoz.C, CM Scrap traders, BR 11/539, Nellore, Farook, Kozhikode, Kerala, PIN 673 631 so far during 2024-25, the recycler is registered with Kerala State Pollution Control Board vide order F.No.PCB/KKD/DO/9197/2018 dated: 07.01.2019.

- 10. It is respectfully submitted that, the Lakshadweep Administration established 10 numbers of Central Garbage Depositories in all 10 inhabited Islands with 2 numbers of 100 kg/Hr incinerators for the incinerable wastes in the Islands of Kavaratti & Agatti and 2 numbers of Material Recovery Facility for the scientific segregation and disposal. The processes are underway to increase numbers of Material Recovery Facilities and Incinerators.
- 11. It is respectfully submitted that, there no such plastic producer/manufacturer or recyclers in Lakshadweep listed under the Plastic Waste Management Rule, 2016 and allied legislations. All the commodities including plastic materials are imported by the local shop owners from mainland Kerala or Karnataka and all the household non-biodegradable waste is generated are exported to Mainland. Further it also submitted that no such bulk waste generators are present in Lakshadweep.
- 12. It is respectfully submitted that, as mentioned in the paragraph no. 7, the Lakshadweep Administration has prohibited 23 plastic materials to minimize the import and use of plastic materials in the Islands of Lakshadweep.
- 13. On the facts and in the circumstances it is therefore most respectfully prayed that this Hon'ble Tribunal may pass appropriate orders.



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[Signature]

C.N.NOORUL HUDA
ADVOCATE & NOTARY
GOVT. OF INDIA - Lakshadweep
Reg No: 17155, Expiry Date: 22/10/2024

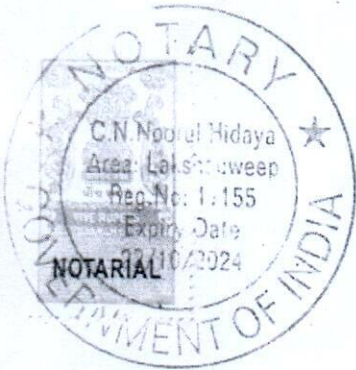
[Signature]
DEPONENT
Secretary (Environment & Forests)
U.T. of Lakshadweep
Kavaratti-662 555
[Initials]

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VERIFICATION

Verified that the contents of above affidavit paragraph 1-13 are true and correct to the best of my knowledge as drawn from the records of the case, no part of it is wrong and nothing material has been concealed therefrom.

Verified at Kavaratti, U.T of Lakshadweep on this 31st Day of August, 2024



V. A. K. Pabbay
DEPONENT

Secretary (Environment & Forests)
U.T. of Lakshadweep
Kavaratti-682 555
Km

EXECUTED & SIGNED IN MY PRESENCE
ON 31/08/2024 AT Kavaratti

ATTESTED
[Signature]
C.N. NOORUL HIDAYA
ADVOCATE & NOTARY
GOVT. OF INDIA, Area: Lakshadweep
Reg.No: 17155, Expiry Date:22/10/2024



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Annexure-R-1

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लक्षद्वीप का राजपत्र The Lakshadweep Gazette

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EXTRAORDINARY

VOL. LVIII No. 31 WEDNESDAY, 17th AUGUST, 2022/26th SRAVANA, 1944 (SAKA)

UT Administration of Lakshadweep
Office of the Secretary (PRI),
UT of Lakshadweep, Kavaratti.

F. No. 14/12/2021-DOP

Dated:- 05.08.2022

NOTIFICATION

In exercise of the powers under section 3,6 and 25 of the Environment (Protection) Act, 1986 (Act 29 of 1986) and in suppression of Municipal Solid Waste (Management & Handling) Rules, 2000; the Central Government published the Solid Waste Management Rules, 2016 on 8th April 2016. Rule 15(e) of the said Rules made it obligatory on local authorities to frame Bye-Laws incorporating all the provisions of the rules within a year from the date of notification;

Whereas the Solid Waste Management Bye-Law, 2018 were published by the Union Territory Lakshadweep Administration on 01.03.2019;

And whereas considering the amendments in the rules and the orders passed by Hon'ble National Green Tribunals and Hon'ble Supreme Court of India, it is imperative to amend the Bye laws.

Now therefore, in dispensation of the duty vested under Rules 15(e) & z(f) of the Solid Waste Management Rules, 2016 and in exercise of the powers under Regulation 82(1)(a), (b), (c), (e) Regulation 82(2) of the Lakshadweep Panchayat Regulation, 1994 and in suppression of Lakshadweep Sanitation Conservancy Bye Law, 1998 and Lakshadweep Solid Waste Management Bye Laws, 2018, except in respect of thing done or committed to be done before such suppression, the Union Territory of Lakshadweep hereby makes the Bye-Laws for the management and treatment of Solid Waste.

CHAPTER — I
GENERAL

1. **Short Title and Commencement:** (1) These bye-laws may be called as **The Lakshadweep Solid Waste (Handling and Management) Bye-Laws, 2022.**
(2) It shall come into force on the date of Publication in the Official Gazette of UT of Lakshadweep.
2. **Applicability:** These bye-laws shall apply to every domestic, institutional, industrial, commercial and other non residential solid waste generator within the District /Village Dweep Panchayat area of UT Administration of Lakshadweep (hereinafter referred to as the District / Village Dweep Panchayat).
3. **Definitions:**
In this Bye-Law, unless the context otherwise requires the following words shall have meaning herein defined: -
 - 3.1. **"Aangan"/premises/place** means the public place in front of, or adjacent on any side of any premises, extending to the road, kerb side including the footpath, plot or premises;
 - 3.2. **"Administrator"** means the Administrator of Union Territory of Lakshadweep appointed by President of India under article 239 of the Indian constitution;
 - 3.3. **"Agency/Agent"** means any entity/person appointed or authorized by District /Village Dweep Panchayat to act on its behalf, for discharge of duties or functions i.e. sweeping of streets, collection of waste, collection of charges / fines, and other such delegated responsibilities etc.;
 - 3.4. **"Authority"** means the UTL Administration, District Panchayat or Village Dweep Panchayat as the case may be.
 - 3.5. **"Banned Items"** means any item including but not limited to non-bio degradable plastics of any kind, poisonous spray or other aerosols which have adverse effects on environment supported by scientific study or any kind of synthetic or natural occurring materials having proven adverse effects on environment if exposed or may contaminate flora or fauna causing irreversible damage;
 - 3.6. **"Bio-medical waste"** means any waste, which is generated during the diagnosis, treatment or immunization of human beings or animals or in research

activities pertaining thereto or in the production or testing of biological, and including categories mentioned in **Schedule III** of the Bye-laws;

- 3.7. **"Bulk garden and horticultural waste"** means bulk waste from parks, gardens, traffic islands, road medians etc. including grass and wood clippings, weeds, woody 'brown' carbon-rich material such as pruning, branches, twigs, wood chipping, straw or dead leaves and tree trimmings, which cannot be accommodated in the daily collection system for bio-degradable waste;
- 3.8. **"Chairperson"** means the Village Dweep Panchayat Chairpersons as elected under sub section (1) of Section 23 of Chapter III of the Lakshadweep Panchayat Regulation 1994;
- 3.9. **"Chief Executive Officer"** means an officer appointed by Administrator as Chief Executive Officer, District Panchayat;
- 3.10. **"Collection"** means lifting and removal of solid waste from designated collection points or any other location;
- 3.11. **"Collection at Source"** means the collection of solid waste by District /Village Dweep Panchayat directly from the premises of any building or common premises of a group of buildings. This is also referred as "point to point collection";
- 3.12. **"Community Service"** means to serve the community by sweeping of road, cleaning of walls, tree guard portion etc.
- 3.13. **"Construction and Demolition waste"** means waste from building materials, debris and such rubble resulting from construction, re-modeling, repair and demolition operations;
- 3.14. **"Central Garbage Depository"** means a land utilize by local body for disposal of solid waste before its segregation and final disposal.
- 3.15. **"Delivery"** means handing over any category of solid waste to a District /Village Dweep Panchayat worker or any other person appointed, authorized or licensed by the District /Village Dweep Panchayat for taking delivery of such waste;
- 3.16. **"Director Panchayat"** means an Officer In charge of Panchayats in the Department of Panchayati Raj working under the direct control and Superintendence of the Secretary of that Department;

- 3.17. "**District**" means the district of Lakshadweep comprising the entire Union Territory of Lakshadweep;
- 3.18. "**Door-to-Door collection system Panchayat vehicle**" means the vehicle such as E-cart, three or four wheeler mechanized vehicle provided by the District Panchayat/Village Dweep Panchayat/any other agency so authorized
- 3.19. "**Energy**" means the energy used for processing and those generated by the processing or in the clearing thereof or in the removal of such matter there from.
- 3.20. "**E-Waste**" means waste electrical and electronic equipment whole or in part or reject from their manufacturing and repair processes, which are intended to be discarded.
- 3.21. "**Fuel**" means the energy consumed for the collection, transportation, processing and disposal of waste or generated as a bye product of processing in the form of solid, liquid or gas.
- 3.22. "**Fuel Charge**" means the amount incurred for the collection, transportation, processing and disposal of waste.
- 3.23. "**Garbage**" means Biodegradable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.
- 3.24. "**Generator of waste**" means any person generating solid waste within the limits of District / Village Dweep Panchayat;
- 3.25. "**Hazardous waste**" means any waste, which by reason of any of its physical, chemical, reactive, toxic - harmful, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances and shall include wastes specifically listed in **Schedule II** of these Bye-laws.
- 3.26. "**Litter**" means all refuse and other such waste material which, tends to create nuisance, dirt, insanitary conditions, ugliness and endangers cleanliness, public orderliness and movement, environment, public health, safety, life and welfare if dropped, thrown, scattered, deposited or left un-cleaned or unpicked as against the prohibition under these Bye-laws;
- 3.27. "**Littering**" means carelessly spreading litter so that falls, descends, blown, seeps, percolates or otherwise escapes or is likely to fall, descend, blown,

seep, percolate or otherwise escape into or onto any public or private place;
Or causing, permitting or allowing litter to fall, descend, blow, seep, percolate or otherwise escape into or onto any public or private place;

3.28. **"Market"** includes any place where persons assemble for the sale of, or for the purpose of exposing of sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human needs whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the person frequenting, the market by the owner of the place or by any other person;

3.29. **"Nuisance"** includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offense to the sense of sight, smell, hearing, breath, modesty and dignity or disturbance to movement, work, rest or sleep, or which is or may be dangerous to life or injurious to health or property;

3.30. **"Neighborhood"** means a clearly defined locality, with reference to its physical layout, character or inhabitant.

3.31. **"Offensive matter"** includes animal carcasses, kitchen or stable refuse dung, dirt and putrid or putrefying substances other than sewage.

3.32. **"Owner"**

- a. Means any person who exercises the rights of an owner of any building or land or apart thereof or with whom from time to time is vested the legal title to premises, and if owner is not present for the time being those lease holder and tenants are considered as owner for the propose of the Bye-laws.
- b. In the case where the person in whom the legal title is vested is insolvent or decreases or in under any form of legal disability whatsoever, the person in whom the administration and control of such persons property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.

- c. In any case where the Village Dweep Panchayatis unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon.

3.33. "**Panchayat Executive Officer**" means a Panchayat Executive Officer appointed under sub section (1) of Section 33 of Chapter IV of the Lakshadweep Panchayat Regulation 1994;

3.34. "**Person**" means any person or persons and shall include any shop or establishment or firm or company or association or body of individuals whether incorporated or not and their agents; assignee etc; and shall mean to include Government and its offices and employees.

3.35. "**Premises**" means any land or building or part of a building and includes-

- (a) The garden, ground and out- houses, if any, appertaining to a building or part of a building;
- (b) Any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

3.36. "**Private Street**" means any street which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners.

3.37. "**Public Gathering**" Public Gathering means any event such as processions, exhibitions, circus, fairs, public rallies, commercial, religious, socio-cultural events, protests and demonstrations, etc., organized in public places for any reason, where the permission of Police and District administration or Village Dweep Panchayat is required;

3.38. "**Public Nuisance**" means any act, omission, offence or wrong-doing which causes or is likely to cause nuisance (as defined) in any public place;

3.39. "**Public place**" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

3.40. "**Public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public has a right of access, and includes-

- a. The verge of any such road, street or thoroughfare,

- b. Any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- c. Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

- 3.41. "**Public Street**" means any street which is not a public road and includes any passage securing access to two or more places belonging to the same or different owners.
- 3.42. "**Receptacle**" means container, including bins and bags, used for the storage of any category of waste as prescribed by District /Village Dweep Panchayat from time to time;
- 3.43. "**Refuse**" means any waste matter generated out of different activities, processes, either degradable/non-degradable garbage and rubbish /inert in nature, in either solid or semi-solid form which cannot be consumed, used or processed by the generator in its existing form;
- 3.44. "**Regulation**" means the Lakshadweep Panchayat Regulation, 1994;
- 3.45. "**Repeated offence**" means when an offence under these bye-laws has been repeated atleast five times by the same person it will be called repeated offence except in case para 5.1 in the bye-law;
- 3.46. "**Rubbish**" includes ashes, broken bricks, broken glasses, dust, malba, mortar and refuse of any kind which is not filth;
- 3.47. "**Sanitation**" means the promotion of hygiene and the prevention of disease and other causes of ill health related to environmental factors. However, the relevant provisions in respect of sanitation and health in any other rules, act or bye laws shall continue to prevail as usual.
- 3.48. "**Secretary Panchayat**" means the Secretary in charge of the Department of Panchayati Raj in the Union Territory of Lakshadweep.
- 3.49. "**State Board or Committee**" means, as applicable, the State Pollution Control Board of a state or the Pollution Control Committee of a Union Territory.
- 3.50. "**Source**" means the premises from which waste is generated.
- 3.51. "**SWM**" means Solid Waste Management
- 3.52. "**Stabilized biodegradable waste**" means the biologically stabilized (free of pathogens) waste resulting from the mechanical / biological treatment

of biodegradable waste; only when stabilized such waste can be used with no further restrictions;

- 3.53. "**Storage**" means the temporary containment of solid waste in receptacles; prevent littering, attraction to vectors, stray animals and excessive foul odors;
- 3.54. "**Street**" includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;
- 3.55. "**UTLA**" means Union Territory of Lakshadweep Administration;
- 3.56. "**Village Dweep Panchayat**" means a Village Dweep Panchayat constituted under the Lakshadweep Panchayat Regulation 1994;
- 3.57. "**Village Dweep Panchayat Solid Waste**" includes commercial and residential wastes generated in a Village Dweep Panchayat as Solid or Semi-Solid form excluding industrial hazardous waste but including properly and fully treated bio-medical waste as per applicable rules;
- 3.58. "**Ward**" means an administrative ward of Lakshadweep Village Dweep Panchayat unless specified otherwise.
- 3.59. Words and expressions used herein but not defined, but defined in the Lakshadweep Panchayat Regulation, 1994, the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977 and the Air (prevention and Control of Pollution) Act, 1981 and all the Waste Management Rules shall have the same meaning as assigned to them in the respective Acts/Rules.
4. **Power to issue necessary instructions towards promoting Clean and Green environment**
- 1) The Secretary Panchayat shall have the power to issue instructions for compliance from time to time towards promoting clean and green environment in the Panchayat areas for the purpose of this Bye-law.
5. **Prohibition of littering, and other nuisance and ensuring "Clean Aangan/Premises/Place".**
- 5.1. **Littering at any public/private place:** No person shall throw or deposit

litter at any occupied/unoccupied/open/vacant public or private place except in authorized public or private litter receptacles.

- 5.2. Littering from vehicles:** No person shall throw or deposit litter upon any street, road, sidewalk, playground, garden, traffic island or other public/private place from any vehicle either moving or parked.
- 5.3. Litter from waste carriage vehicles:** No person shall drive or move any truck or other vehicle filled with litter unless such vehicles are so designed to cover the litter and loaded as to prevent any litter from being blown off or deposited upon any road, sidewalks, traffic islands, playground, garden or other public place.
- 5.4. Creating Public Nuisance:** No person shall cook, bathe, spit, urinate, defecate, feed animals / birds or allow their droppings/faeces, wash utensils or any other object or keep any type of storage in any public place except in such public facilities or conveniences specifically provided for any of these purposes.
- 5.5. Sale of Banned Items:** The Administration reserves the right to ban the sale, purchase and use of any items including but not limited to non-bio degradable plastics of any kind, poisonous spray or other aerosols which have adverse effects on environment supported by scientific study or any kind of synthetic or natural occurring materials having proven adverse effects on environment if exposed or may contaminate flora or fauna causing irreversible damage within its territorial area, so as to regulate solid waste disposal, and manage any threat to the environment. Provided that any such resolution shall be sent to the Chief Executive Officer, who shall have the authority to annul any such resolution in general public interest. No person shall indulge in production, distribution, storage, sale and use of banned items.
- 5.6. Temporary Toilets to Construction Site:** Temporary toilets shall be provided by the builder at construction sites, where a labour force is deployed for carrying out construction activities to prevent open defecation. Making of such prior provision should be one of the conditions while granting building permission by concerned Authority and must be adhered to.
- 5.7. Toilets to rented buildings:** It shall be the responsibility of the owner of any premises to provide adequate toilets and sanitation facility for the residents or

occupier(s) of the said premises. Failure to do so shall invite penalties as specified in the schedule.

- 5.8. **Sealing of the Premises:** Village Dweep Panchayat through Panchayat Executive Officer is authorized to seal any premises where toilet/sewerage/septic tank facilities have not been provided by the owners or occupiers. Provided that no such order of sealing shall be made without giving prior notice to the owner. Provided further that any such seal shall be opened on directions of Chief Executive Officer on providing such facilities and penalty prescribed in the schedule of the bye law.
- 5.9. **Coordination with other Departments for the enforcement of SWM Rules:** Village Dweep Panchayat, through Panchayat Executive Officer, may request any other department including electricity, road, PWD, water etc to cut-off the supply of essential services to the occupier who has refused comply with the directions of Panchayat Executive Officer regarding Solid and liquid waste disposal/management, toilets and sewerage. The concerned department, on receipt of such request, shall, within seven days of such request, comply with the same.
- 5.10. **Spitting:** The spitting in and around the public road, prime important areas viz. beaches, botanical garden, government institutions premises etc. are prohibited.
- 5.11. **Imposing Penalty under Rule 5:** In case of any violation reported / observed with regard to instructions made under Rule 5, i.e., **Prohibition of littering, and other nuisances and ensuring "Clean Aangan/Premises/Place"** of this Bye-law, the Village Dweep Panchayat/ District Panchayat may impose fine / penalty as in para 9, Penalties for contravention of bye-laws shall be applied.
6. **Segregation, storage, delivery and collection of Solid Waste**
- 6.1. **Segregation of waste into separate specified groups:** Every generator of Solid Waste shall separate the waste at source of generation into the following categories as applicable and shall store separately, without mixing it for segregated storage in authorized storage bins, private/public receptacles for handing over or delivering to authorized waste pickers or waste collectors as directed by the District Panchayat from time to time;

- 1) Bio-degradable (wet) waste,
- 2) Specified domestic hazardous waste,
- 3) Fully treated Bio-medical waste (as per applicable rules),
- 4) Construction and demolition waste,
- 5) Bulk garden and horticulture waste including tree and plant trimmings,
- 6) All other non- biodegradable (dry) waste including recyclable and non-recyclable waste. Sanitary waste like napkins, diapers, tampons etc shall be securely wrapped in pouches provided by the manufacturers or brand owners or in suitable wrappers as instructed by the official / authority and shall be stored with the dry waste for handing over.
- 7) All bulk generators shall manage the waste at their premises as per instructions notified by the District Panchayat from time to time

6.2. Implementation of Rules/bye-law: District Panchayat may separately decide and notify different stages for implementation of the rules/ byelaw taking into account the level of awareness among generators of waste as well as availability of infrastructural support in their operational Local Body.

6.3. Colour coding: District Panchayat shall separately decide and notify from time to time the mandatory colour coding and other specifications of receptacles prescribed for storage and delivery of different types of solid waste to enable safe and easy collection without any mixing or spillage of waste, which generators of different types of solid waste shall have to adhere to.

6.4. Delivery of segregated premises waste: It shall be the duty of every generator of solid waste, either owner or occupier of every land and building to collect or cause to be collected from their respective land, premises and building, to segregate waste and to store and deliver the same to the Panchayat worker/vehicle/waste picker / waste collector deployed by the Village Dweep Panchayat for the purpose.

6.5. Bio-degradable waste: Segregated Bio-degradable Solid Waste (as per the illustrative list in **Schedule I**, if not composted by the generator, shall be stored by them within their premises and its delivery shall be ensured to the Village Dweep Panchayat worker/vehicle/waste picker / waste collector or to the bio-degradable waste collection vehicle provided for specified

commercial generators of bulk bio-degradable waste at such times as may be notified from time to time.

- 6.6. **Composting by all waste generators:** Local composting or processing of waste shall be promoted to minimize transportation of waste. It shall be mandatory for the bulk waste generators to do in-house processing of waste. The Secretary Panchayat or Executive Officer, Village Dweep Panchayat shall be authorized to issue necessary instructions in this regard.
- 6.7. **Specified household hazardous waste:** (as listed in **Schedule II**) shall be stored and delivered by every generator of waste to the collection vehicle, which shall be provided by the Village Dweep Panchayat or any other Agency authorized by the Lakshadweep administration. The collected waste shall be disposed by the agency as per the applicable as authorized by the Lakshadweep Pollution Control Committee (LPCC) under the administration.
- 6.8. **Untreated bio-medical waste:** (as listed in **Schedule III**) shall be collected and stored in specified types of covered receptacles and delivered by every generator of such waste to the collection vehicle which shall be provided by Village Dweep Panchayat or any other Agency authorized by the Lakshadweep Pollution Control Committee (LPCC) for collection of such waste, or to a centre designed for collection of such waste for disposal in a manner that is mandated by the Administration of Union Territory of Lakshadweep or Lakshadweep Pollution Control Committee (LPCC) in accordance with the Bio-Medical Waste (Management and Handling) Rules, 2016.
- 6.9. **Construction and Demolition waste** shall be stored and delivered separately at such spot and at such time as notified by Village Dweep Panchayat or its agent from time to time for collection of such waste. Small generators (household level) shall be responsible to segregate the Construction and Demolition waste at source by contacting a local help-line of Village Panchayat/ District Panchayat or the Agent who shall then send a vehicle to pick up such segregated construction and demolition waste on payment of necessary charges by the said generator and transport this waste to a processing centre. The details of local Help line of Village Dweep

Panchayat/ District Panchayat shall be available in the Office of Panchayat Executive Officer.

6.10. Dry waste: All other Non-biodegradable ("Dry") waste - both recyclable and non-recyclable shall be stored and delivered by every generator of waste to the dry waste collection vehicle, which shall be provided by Village Dweep Panchayat, or its Agents at such spots and at such times as may be notified by them from time-to-time.

6.11. Bulk garden and horticultural waste: Bulk garden and horticultural waste shall be kept un-mixed and composted at source. Village Dweep Panchayat shall also notify Instructions/ guidelines with regard to pruning of trees and storage and delivery of tree trimmings including segregated garden and horticultural waste by charging suitable fees as notified by it from time to time.

6.12. Burning of waste: Disposal by burning of domestic, hazardous and commercial solid waste at roadsides, or at any private or public property is prohibited.

6.13. Guilty of Offence: If such owner or occupier fails to comply with any direction contemplated by this Bye law, he / she shall be guilty of an offence punishable under relevant laws and Village Dweep Panchayat may remove, or cause to be removed dispose of or treat such hazardous waste in any suitable manners and recover the expenses incurred in doing so from such owner or occupier.

6.14. Violation under Rule 6: In case of any violation reported / observed with regard to instructions made under Rule 6, i.e., **Segregation, storage, delivery and collection of Solid Waste** of this Bye-law, the District Panchayat may impose and collect fine / penalty as prescribed in clause 9 Penalties of Contravention of these bye-laws as specified in respect of industry, institutions, commercial enterprise / establishments and similarly the Village Dweep Panchayat may impose and collect fine / penalty as prescribed in Schedule I of the Bye-laws in respect of residential premises / areas.

7. Obligatory duties of District/ Village Dweep Panchayats

- 7.1. Action against Transport Contractors, agents or Employees of District/ Village Dweep Panchayat:** The District Panchayat shall take action against the Transport Contractor (and/or Agents/employees of District / Village Dweep Panchayat, if any worker of the contractor or any employee of District / Village Dweep Panchayat mixes segregated waste at any point of collection, or fails to pick up waste as per the specified time schedule.
- 7.2. Infrastructure facilities:** District /Village Dweep Panchayat shall provide adequate infrastructure facilities to assist citizens in compliance with these Bye-laws. In addition to waste collection services, litter bins, dry waste sorting centers, and composting centers shall be set up wherever possible and essential, in consultation with local citizens. Adequate community toilets shall be provided in all localities with the participation of Community Based Organizations to prevent nuisance such as defecating/urinating, washing and bathing in public places.
- 7.3. Citizen Resource Base:** The Authority shall publish information about composting as well as recycling of dry waste through composting centers and dry waste sorting centers listing them on its notice board regularly. The Secretary Panchayat shall be authorized to issue necessary instructions in this regard.
- 7.4. Bio-degradable articles:** The Authority shall authorize interested organizations to collect bio-degradable articles (colored papers, decorative materials, flowers, leaves, fruits etc.) at certain designated sites near water bodies such as beaches, lakes, ponds, etc. in notified receptacles. The collection from such receptacles shall preferably be composted at a suitable location.
- 7.5. Point-to-Point waste collection services:** The Authority shall provide for the collection of the solid waste from specific pick-up points on a public or private road up to which the generator must bring the collected, segregated and stored waste for delivery to District Panchayat/ Village Dweep Panchayat/UTLA worker/vehicle/waste picker or waste collector as the case may be.

7.6. Collection at source: The Authority shall provide for the collection of solid waste from premises of a building or group of buildings from waste storage receptacles kept on the premises to which the authority shall be provided access at such times as may be notified by the Panchayat.

7.7. Community Bins in public places:

- a) District or Village Dweep Panchayat or its agents shall provide and maintain suitable community bins on public roads or other public spaces. Also notify the same on District or Village Dweep Panchayat office notice board from time to time.
- b) Segregated waste shall be delivered by the concerned generators to such community bins, and thereafter collected by District/ Village Panchayat or authorized agents as the case may be. The District/ Village Dweep Panchayat or its Agents have to ensure compliance of segregation and avoidance of public nuisance and health hazards from these community bins. Every community bin shall be separate for bio-degradable and non-bio-degradable waste. Details of all such places including the arrangements and schedules of waste collection from such places shall be available at the Office.
- c) Officials/authority of District or Village Dweep Panchayat shall ensure that at no point of time the community bins are overflowing or exposed to open environment and prevent their scattering by rag pickers, stray animals or birds etc.

7.8 Dry waste sorting centers / Material Recovery Facilities: In order to regulate and facilitate the sorting of the recyclable and non-recyclable waste, the Authority shall provide as many dry waste sorting centers as required. These dry waste sorting centers shall be on District or Village Dweep Panchayat land or land belonging to the Government or other bodies, made available especially for this purpose, or in the form of sheds provided at suitable public places and shall be manned or operated by registered cooperative societies of waste pickers / licensed recyclers or any other Agents authorized or appointed by the Authority. The inert waste which

remains after sorting shall be utilized for base filling in domestic house construction or handed over to Lakshadweep Public Works Department for base filling in building construction

7.9 Time schedule and route of collection: The time schedules and routes in Village Dweep Panchayat for collection of different types of solidwaste shall be fixed and notified in advance by the concerned official/authority. Details shall be made available at concerned authority office notice boards.

7.10 License to Collection of waste: Similarly, the arrangements for the collection of construction and demolition waste, and garden and horticultural waste by Village Dweep Panchayat or its licensees shall be made available to the public as well as to the bulk generators of waste by the Panchayat Executive Officer /Health Officer/ any other authorized official as the case may be.

7.11 Surprise checks: Any authorized Officer / Agent of District/ Village Dweep Panchayat shall have the right to enter, at all reasonable times, with such assistance as he considers necessary, any place for the purpose of

- (i) Performing any of the functions entrusted to him by the Authority or
- (ii) Determine whether, and if so, in what manner, any such functions are to be performed, or whether any provisions of these Bye-laws have been complied with.

7.12 Publicity: The Authority shall publicize the provision of the Bye-laws through the media of signs, advertisement, hoardings, banners, leaflets, announcement on radio and televisions, newspapers and through any other appropriate means, so that all citizens are made aware about the statutory duties of citizens and District/ Village Dweep Panchayat for services, recycling, anti-litter and anti-nuisance penalties and fines.

7.13 Designated officers and periodic reports: The District Panchayat Chief Executive Officer or Panchayat Executive Officer or any other authorized official concerned shall designate officers under their control who shall be responsible for implementing the obligatory responsibilities of District/ Village Dweep Panchayat specified under these Bye-laws in accordance with the plans and time schedules for implementation. The specific plans and time schedules and

achievements against the same along with reasons for short falls, if any, shall also be shared publicly by the official/authority through the Panchayat notice board.

- 7.14 Transparency and Public Accessibility:** To ensure greater transparency and public accessibility, the District/ Village Dweep Panchayat shall provide all necessary information that is required to be publicized through its notice board and public announcement.
- 7.15 Co-ordination with Government Bodies:** The District and all Village Dweep Panchayats shall co-ordinate with other government agencies and authorities, to ensure compliance of these Bye-laws.
- 7.16 Cleaning Shramdan:** The Authority shall ensure arrangements for cleaning, at set intervals, of all public roads, places, markets and tourism places, parks of the local body, cremation grounds, burial places, coastal area etc. and the Authority shall be committed to collect and carry the garbage from these places and transport it to the final disposal place in closed vehicles.
- 7.17 Own/Outsource the sanitation work:** The District/ Village Dweep Panchayat shall utilize its own/outsourced/contract sanitation workers and vehicles in carrying out sanitation and solid waste management functions for full or partial daily cleaning work, so that the local body is able to keep its area neat and clean in public interest.
- 7.18 Establishment of Ward Office:** In order to manage the complete daily cleaning system of the city, the District/ Village Dweep Panchayat shall establish a Ward office (complaint center) in each ward, garbage bin/container at suitable places as required, public toilets/urinals, transfer stations to transport the garbage to the final disposal, processing unit, etc.
- 7.19 User charges:** The Authority shall levy user charges from the every residential premises, industry, institutions, commercial enterprise / establishments premises for the waste management services rendered as determined by the authority from time to time. For this purpose, the authority shall appoint its designated persons/agencies in all the wards of the Panchayat to collect user charges as notified in compliance with Solid Waste Management Rule, 2016.
- 7.20 Collection of User Charges:** The user charges for door to door or point garbage collection shall be collected only by the authorized institutions/person/agency as

decided by the UT Administration. The above rates shall be published and properly advertised.

- 8 **Obligatory Responsibilities of District /Village Dweep Panchayat and /or generators of waste in case of some specific categories/situations:** Keeping in mind the particular nature of some situations, the following responsibilities are specifically mandated:

8.1. Poultry, Fish and Slaughter Waste : Poultry, Fish and Slaughter Waste (From all areas other than designated slaughter houses and markets)

8.1.1. Every owner / occupier of any premises other than designated slaughter houses and markets who generates poultry, fish and slaughter waste as a result of any commercial activity, shall store the same separately in closed, hygienic condition and deliver it at a specified time, on a daily basis to Authority collection vehicle provided for this purpose. Deposit of such waste in any community bin is prohibited and shall attract fines as indicated in the schedule - I.

8.1.2. The Panchayat Executive Officer /Health Officer/ any other authorized official of Village Dweep Panchayat shall be responsible for repair/re-modeling of civic facilities in the markets to provide hygienic and sanitary conditions in the market premises.

8.2. Vendors/Hawkers: All vendors/hawkers shall keep their biodegradable and other waste unmixed in containers / bins at the site of vending for segregated storage of waste generated by that vending activity. It shall be the responsibility of the generator/ vendor to deliver this waste duly segregated to the Collection Vehicle of District /Village Dweep Panchayat or to the nearest designated community bins as directed, failing which, fine shall be imposed as per the Schedule-I.

8.3. House /Gullies/Service Lanes:

8.3.1. It shall be the responsibility of the owner/occupier of premises within house-gullies to ensure that no waste is dumped or thrown in the house-gully, and to segregate and deliver any solid waste to the waste collection vehicle which shall be provided by Authority at such spots and at such times as may be notified by the official/authority.

8.3.2. Where owners/occupiers of such premises wish to avail of the services of District /Village Dweep Panchayat for the cleaning of the house gully, they must apply to the concerned Office of Panchayat and pay suitable prescribed charges as notified by District Panchayat from time to time. It shall be the responsibility of the owners/occupiers to provide access to the house gully for cleaning purposes.

8.4. Litter by owned / pet animals:

It shall be the responsibility of the owner of any pet animal to promptly scoop/clean up any /litter/faecal matter caused by any owned/pet animals on the street or any public place, and take adequate steps for the proper disposal of such waste in their own sewage or other such sanitary system.

8.5. Public Gatherings and Events:

8.5.1. For Public Gatherings and Events, organized in public places for any reason (including for processions, exhibitions, fairs, public rallies, commercial, religious, socio-cultural events, protests and demonstrations, etc.) where Police and/or District / Village Dweep Panchayat permission is required, it shall be the responsibility of the Organizer of the event or gathering to ensure the cleanliness of that area as well as all appurtenant area immediately after the event.

8.5.2. **A Refundable Cleanliness Deposit:** The Organizer of the event shall pay required deposit with the concerned office for the duration of the event, which shall be refundable on the completion of the event on notifying that the said public place has been restored back to a clean state, and any waste generated as a result of the event has been collected and transported to designated sites, to the satisfaction of Panchayat Executive Officer/Health Officer/ any other authorized official concerned. This deposit shall be only for the cleanliness of the public place and does not cover any damage to property. This section shall also apply to various other events which are being organized outside the Panchayat Parks i.e. on roads/lanes etc. In case the Organizers of the event wish to avail the services of Panchayat for the cleaning, collection and transport of waste generated as a result of that event, they shall apply in advance to the concerned Office of District / Village Dweep Panchayat and pay the necessary charges in advance as may be fixed for this purpose by UTLA. Such cleanliness

deposit and charges shall be such as are decided by Panchayat from time to time. If any party conducts an event without giving security deposit, the cleanliness deposit shall be recovered as a fine from them.

8.6. Receptacles on private property:

Every owner or occupant of private property shall maintain authorized refuse receptacles on private premises provided the receptacles are neither visible from public street/roads and sidewalks nor accessible to animals.

8.7. Other public places

The Government / Semi-government, statutory bodies shall be responsible for implementation of these Bye-laws within the public premises occupied by them.

9. Penalties for contravention of these Bye-laws

9.1. Whomsoever contravenes any of the provisions of these Bye-laws or fails to comply with the requirements made under any of these Bye-laws shall be punished with a fine as mentioned in **Schedule-I** appended to these Bye-laws, failing which, the said defaulter shall be liable to be punished under law. The fines can be recovered in the same manner and to the same extent as per provision in the regulation or any other relevant statute.

9.2. Guilty of Offence: The owner/ occupier shall be deemed to be guilty of the offence and shall pay the fine.

9.3. Penalty to the Agency: If it becomes necessary on the part of the District /Village Dweep Panchayat to remove or process the waste, which was the responsibility of any other agency to remove or process then the responsible person or entity shall be liable to pay the expenses to the District /Village Dweep Panchayat at the rate of 5 times the charges prescribed or Rs. 5000/- per incidence whichever is higher.

9.4. Administrative charges: Nothing in these bye-laws prevents District /Village Dweep Panchayat to recover in addition to the fine prescribed under bye-laws, administrative charges for any extra expense incurred on removal or disposal of waste because of non cooperation of any person.

9.5. Payment of Dues: The dues under these bye-laws shall be recovered in the same manner and to the same extent as shown in the regulation or any other

relevant statute. Provided that no such recovery Proceedings shall be initiated unless the defaulter has been given sufficient notice to pay the dues.

10. Miscellaneous provisions:

- 10.1. Bio medical waste and industrial waste:** Bio medical waste and industrial waste shall not be mixed with solid waste and the collection of such waste shall be made as per the rules/byelaws specified separately for the purpose. Common Bio Medical Waste Treatment Facility (CBWTF) services shall be availed for disposal of bio medical waste as per rules/byelaws. Disposal of such hazardous waste will have to be ensured at the Common Bio Medical Waste Treatment Facility (CBWTF) plant at the prescribed charges.
- 10.2. Ban of Stray Animals in waste dumps and Public Places:** The Village Dweep Panchayat shall ensure that stray animals are not allowed to roam freely around waste dumps or at other public places and arrangement shall to be made by Village Dweep Panchayat for restraining them at authorized area/place only.
- 10.3. Ban on Waste/Muddy Water/Night Soil:** No one will collect or throw waste water, muddy water, night soil, dung, excreta etc. from his/her building, institution or commercial establishment to pollute the atmosphere and ground with its stench and harm public health or obstruct traffic, failing which, administrative charges or fine shall be levied on the spot for spreading such waste.
- 10.4. Spreading Pollution:** A person found spreading pollution or filth in public parks etc. by throwing dead animal/cattle or its parts, it shall be liable to be punished under law.
- 10.5. Development of Management Information System:** The District /Village Dweep Panchayat shall develop a management information system for effectively taking corrective measures as well as proper planning for future. Geographic Information System (GIS) shall be introduced and MIS may be integrated in this system. There should be route maps and duty charts with each of the supervisory staff, who should check work on site is going as per schedule and vehicles and manpower are giving their optimum output.

11. Responsibility of Authority —

11.1. Transport of the solid waste: - The vehicles used for the transport of solid waste are to be duly closed so that the waste should not be openly visible and the waste is not chilled on the road during transportation, the following standards should be maintained during the transportation of the solid waste.

11.1.1 The solid waste would be collected and cleaned as per schedule from the established waste collectors. Along with the waste, the surrounding area of the disposal site should also be kept clean.

11.1.2 The design of the transport vehicles will be such that the waste will not be allowed to touch ground until it reaches its final processing/disposal site, and thus the recurring handling of the waste will not be allowed.

12. Recycling of the solid waste -All the recyclable solid waste after segregation shall be sent to mainland for recycle and recovery. The inert materials shall be utilized for base filling in house construction or base filling in construction by the Lakshadweep Public Works Department.

13. Prosecution and Penalties: - As provided in these byelaws, for any breaching of the said byelaws, prosecutions and penalties can be rendered as levied down in these byelaws or in the Lakshadweep Panchayat Regulation, 1994. Further, as per the Environment Protection Act of 1986, cases can be filed against them.

14. RESPONSIBILITY OF ELECTED MEMBERS AND PANCHAYAT EXECUTIVE OFFICER

14.1. Administrative Powers: The administrative powers to implement the provisions of this Bye-law shall be vested in the Panchayat Executive Officer or any other Official so authorized by the UTLA. The Panchayat Executive Officer / the authorized Official shall report to the concerned Chief Executive Officer / Block Development Officer, District Panchayat in respect of user charges / fines collected and deposited with District Panchayat and he/she shall be directly responsible to them for the proper discharge of the functions imposed by or under this bye-law.

14.2. The Panchayat Executive Officer/ Authorized Official shall-

- a) Supervise and control the acts done and steps taken by the officers and employees of the Village Dweep Panchayatin solid waste management.
- b) Exercise such other powers and perform such other functions that may be conferred or entrusted under the provisions of this Bye law or the rules made there under.
- c) The Chairperson, the Panchayat Executive Officer, the Health Officer may, in emergent circumstances, direct the execution of any work or performance of any act related to solid waste management, in respect of which sanction of the Panchayat is necessary and in his/her opinion the immediate execution or performance of which is necessary for the safety of the public and may also direct that the expenses incurred for the execution of such work or performance of such act be paid from the fund of the Village Dweep Panchayat.

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Responsibility of Elected Members: The elected members of the panchayat shall have the responsibility to ensure that the provisions of these bye laws are followed in letter and in spirit in their respective areas.

15. **Appeal :-** There shall be no appeal against fine when the total amount of fine does not exceed Rs. 10,000/- per incidence. Appeal against any other order of Panchayat Executive Officer or authorized Official of Village Dweep Panchayat shall lie with Chief Executive Officer, District Panchayat whose decision shall be final.

16. ACCESS TO PREMISES

- 1) The occupier of premises shall grant the District /Village Dweep Panchayat access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Authority in the carrying out of its services.
- 2) Wherein the opinion of the Authority, the collection or removal of refuse from any premises is likely to result in damage to the premises or to the District /Village Dweep Panchayat equipments being used or injury to the refuse

collectors or any other person, it may, as a condition of rendering a refuse collection service in respect of the premises, require the occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

17. NOTICE AND PENALTY

- 1) The Village Dweep Panchayat may serve a notice on the occupier of any premises, requiring such occupier to clear any waste on such premises in a manner and within a time specified in such notice.
- 2) If a person, on whom a notice has been served, fails to comply with the requirements imposed by the notice, such person shall be guilty of an offence and liable to be punished under law.
- 3) If a Person on whom a notice is served fails to comply with any requirements imposed by such notice, the Village Dweep Panchayat may enter the premises and clear the waste, and recover from the occupier the expenditure incurred in having done so.
- 4) a. Where on any occasion, an officer of the Village Dweep Panchayat finds any person who such officer has reason to believe on that occasion committed an offence under sections of the Bye-laws, he may serve a notice to that person offering such person the opportunity of discharging any liability to for that offence by payment of a fixed penalty.
b. A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall specify-
 - a) the period;
 - b) the amount of the fixed penalty; and
 - c) to whom, and the address at which, the fixed penalty may be paid.
- 5) Any person who contravenes or fails to comply with any provision of these Bye-laws shall be to a punishable under relevant statute.
- 6) Any person who dump, deposit, discharge, spill or release waste, or cause or permit such wastes to be dumped, discharged, spilled or released, whether or not the waste is in a container or receptacle, in or. at any place,

whether publicly or privately owned, including but not limited to vacant land, sea water, beaches, low lying area, marshy land and unutilized well/pond except in a container or at a place which has been specially indicated provided or set apart for such purpose is an offence and liable to, be fined on the spot as prescribed in the Schedule; the order can be issued by Panchayat Executive Officer of the Village Dweep Panchayat and one who contravenes the order shall be liable to be prosecuted.

18. PROVISION FOR PROCESSING OF SOLID WASTES

- 1) The Authority may, for the purpose of recycling, treating, processing and disposing solid waste or converting such solid wastes into compost or any other matter construct, acquire; operate, maintain and manage any establishment within or outside the Panchayat area and run it on a commercial basis or may contract out such activity.
- 2) The Authority may make adequate arrangements for the treatment of solid waste for the preparation of compost and the disposal of it by sale or other means.
- 3) While selecting site, the District /Village Dweep Panchayat shall take due care of the ground water table; land use etc. of the sites.
- 4) It should a sufficient distance from habitation tourist areas, wetlands etc.
- 5) It should be at a sufficient height above the local ground Water level wherever possible, failing which the base level need to be raised.
- 6) The waste processing and disposal site must be fenced to prevent unauthorized entry.
- 7) The waste processing or disposal facilities shall include facility based on state-of-the-art technology duly approved by the Pollution Control Committees.
- 8) The waste processing area should be covered and it shall be provided with impermeable base with facility for collection of leachete and surface water run - off into lined drains leading to a leachete treatments and disposal facility.

19. PROVISION FOR FINAL DISPOSAL OF SOLID WASTE

- 1) The Authority shall identify and notify suitable lands within or outside the Panchayat area for the purpose of final disposal of waste.
- 2) While notifying the land, health and Environment aspects shall be taken into consideration by the Village Dweep Panchayat.
- 3) All the recyclable materials shall be sent to the mainland for recycle and recovery. The inert waste shall be utilized for base filling in domestic construction. The Authority shall provide for decentralized processing plants wherever and whenever necessary. The Authority shall find suitable and adequate land for processing and disposal of Bio degradable waste.

20. PROVISION FOR LEACHATES COLLECTION AND TREATMENT

Provisions for management of leachates collection and treatments shall be made. The treated leachates shall meet the standards specified in Schedule — I of SWM Rules, 2016.

21. Head of Accounts for the Receipts of User charges & Penalties

The amounts of user charges and penalty of offence will be deposited under the Own Source Revenue of Panchayats in respective Islands under Rule 4 of Lakshadweep Panchayats (Finance and Accounts) Rules, 1997 read with Section 48 (1) and (2)(f),(g) and (h) of Lakshadweep Panchayats Regulation, 1994. Further the User Charges and Penalties can be utilized for restoration of environment under Waste Management.

SCHEDULE – I**Illustrative list of biodegradable and recyclable waste
(See clause 6.5)**

Biodegradable Waste “Biodegradable waste” means “wet” waste of plant and animal origin.	Recyclable waste “Recyclable waste” means “dry” waste that can be transformed through a process into raw materials for producing new products, which may or may not be similar to the original products
<ul style="list-style-type: none"> • Kitchen Waste including: tealeaves, egg shells, fruit and vegetable peels • Meat and bones • Garden and leaf litter, including flowers • Soiled paper • House dust after cleaning • Coconut shells • Ashes • Bi-products of Coconut plants 	<ul style="list-style-type: none"> • Newspapers • Papers. Books and magazines • Glass • Metal objects and wire • Plastic • Cloth Rags • Leather • Rexene • Rubber • Wood/ furniture • Packaging

Schedule II:**Specified hazardous waste:
(See clause 6.7)**

Specified Household Hazardous Waste:
<ul style="list-style-type: none"> • Aerosol cans • Batteries and button cells • Bleaches and household kitchen and drain cleaning Agents and its Containers. • Car batteries, oil filters and car care products and consumables • Chemicals and solvents and their containers • Cosmetic items, chemical – based Insecticides and their containers • Light bulbs, tube-lights and compact fluorescent lamps (CFL) • Discarded Medicines and its containers, • Paints, oils, lubricants, glues, thinners, and their containers • Pesticides and herbicides and their containers • Photographic audio/video tapes and their containers, chemicals • Styrofoam and soft foam packaging of furniture, packaging and equipment • Thermometers and mercury-containing products

Schedule III**List of Bio-medical waste: (Extract from the Bio-Medical Waste Rules)
(See clause 6.8)**

Bio-medical waste
"Bio-medical waste" means any waste, which is generated during the diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biological.
Category No 4 Waste sharps (Needles, syringes, scalpels, blades, glass, etc. that may cause puncture and cuts. This includes both used and unused sharps)
Category No 5 Discarded Medicines and Cytotoxic drugs (waste comprising of outdated, contaminated and discarded medicines)
Category No 6 Solid Waste (Items contaminated with blood, and body fluids including cotton, dressings, soiled plaster casts, lines, beddings, other material contaminated with blood)
Category No 7 Solid Waste (waste generated from disposable items other than the waste sharps such as tubing's, catheters, intravenous Sets etc)


By Order and in the name of
Administrator of Lakshadweep

Sd/-

(Shashank M. Tripathi IAS)
Secretary PRI,
UT of Lakshadweep

Place: Kavaratti, UT of Lakshadweep

Dated: 04.08.2022


True Copy



भारत सरकार / GOVT. OF INDIA

लक्षद्वीप प्रशासन / LAKSHADWEEP ADMINISTRATION
(पर्यावरण एवं वन विभाग) / (Department of Environment & Forest)
नीति & लीगल डिविजन / POLICY & LEGAL DIVISION
कवारत्ती द्वीप / Kavaratti Island - 682555
E-mail: lak-dcf@nic.in , Ph : 04896 262592

34 34/c
Annexure-R-2

37

Dated 25.01.2019

NOTIFICATION

F. No.66/33/2019-E&F (P&L): Whereas, Lakshadweep Sanitation Conservancy Bye-law 1998 published vide notification dated 17.07.1998 by the Union Territory of Lakshadweep to prohibit use of polythene/plastic materials for packing and carrying consumer goods in the territory.

And whereas, the Plastic Waste Management Rules 2016 published vide notification No. G.S.R. 320 (E) dated 18.03.2016 by the Government of India in the erstwhile Ministry of Environment & Forest, as amended from time to time, provided a regulatory framework for management of plastic waste generated in the country.

And whereas, to implements to these rules more effectively and to give threats on plastic waste minimization, source segregation, recycling, material recovery facility and adopt polluter pay principle for sustainability of the waste management system, the Union Territory of Lakshadweep Administration implemented Lakshadweep draft Solid Waste Management and Sanitation Conservancy Bye-law 2018 with effect from 19.07.2018.

And whereas, the State Level Advisory Committee in its 2nd SLAB meeting dated 16.01.2019 recommended to implement total ban on Single-Use Plastic in Islands.

And whereas, the Hon'ble Prime Minister has announced India's pledge to phase-out all Single-Use Plastic by 2022.

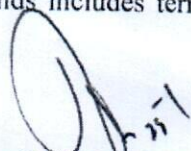
And whereas the Single-Use Plastic makes immense potential to pollute marine environment and spreads its harmful effect on marine ecosystem, biodiversity and potentially human health.

NOW, therefore, in exercise of the powers confirmed under section-3, 6 and 25 of Environment (Protection) Act 1986 (29 of 1986), under Sub section (e), (zf) of Rule, 15 of Solid Waste Management Rules 2016 and Sub section (1) (a), (b), (c), (e) and Sub section 2 of Section 82 of Lakshadweep Panchayat Regulation Act, 1994, the Union Territory of Lakshadweep prohibiting the use of following Single-Use Plastic from the Union Territory of Lakshadweep.

- 1) Plastic sheets/film used for food wrapping
- 2) Plastic sheets used as dining table covers
- 3) Thermocol plates
- 4) Plastic-coated paper plates
- 5) Plastic-coated paper cups
- 6) Plastic teacups
- 7) Plastic Tumblers
- 8) Thermocol cups
- 9) Water pouches/packets/PET plastic water bottle
- 10) Plastic Straws
- 11) Carry bags of all thickness
- 12) Plastic-coated carry bags
- 13) Plastic flags

This notification shall come with effect from 26th January 2019 in all Islands includes territorial water of the Union Territory of Lakshadweep.


Truecopy


(FAROOQ KHAN)
ADMINISTRATOR



Dated 13.04.2021

NOTIFICATION

F. No.66/33/2019-E&F (P&L): Whereas, the UT Administration prohibited 13 nos. Single-Use Plastic by exercise of the powers confirmed under section-3, 6 and 25 of Environment (Protection) Act 1986 (29 of 1986), under Sub section (e), (zf) of Rule, 15 of Solid Waste Management Rules 2016 and Sub section (1) (a), (b), (c), (e) and Sub section 2 of Section 82 of Lakshadweep Panchayat Regulation Act, 1994, vide Extra Ordinary Notification F.No. 66/33/2019-E&F(P&L) dated 25.01.2019.

And whereas, the Single-Use Plastic make immense potential to pollute marine environment and spreads its harmful effect on marine ecosystem, biodiversity and potentially human health.

NOW, therefore, in continuation of the Extra ordinary notification F.No. 66/33/2019-E&F(P&L) dated 25.01.2019 and in exercise of the powers conferred under section-3, 6 and 25 of Environment (Protection) Act 1986 (29 of 1986), under Sub section (e), (zf) of Rule, 15 of Solid Waste Management Rules 2016 and Sub section (1) (a), (b), (c), (e) and Sub section 2 of Section 82 of Lakshadweep Panchayat Regulation Act, 1994, the Union Territory of Lakshadweep prohibiting 10 more items of Single-Use Plastic is as below.

- 1) Plastic and plastic coated sacs/bags for filling cement, sand & metals etc.
- 2) Single Use Plastic cutlery/stirrers/spoon/fork, bowls etc.
- 3) Plastic garbage bags
- 4) PVC flex materials
- 5) Plastic packets/plastic sachet, plastic folders, trays, etc.
- 6) Plastic flowers, Plastic flower pot
- 7) Plastic brooms
- 8) Plastic/Synthetic shade net used for fencing
- 9) Plastic/Synthetic mat/door mat
- 10) Plastic seedling grow bags

This notification shall come with effect from 15th April 2021 in all Islands includes territorial water of the Union Territory of Lakshadweep.

13/04/2021

(DAMODHAR A.T.) IFS

SECRETARY, ENVIRONMENT & FOREST

To

The Director, Lakshadweep Government Press, UTLA, Kavaratti for publication in Lakshadweep Gazette.

True Copy

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 993 OF 2024

IN THE MATTER OF:

News Item titled- "News Item titled "PACKAGE Where has the plastic waste disappeared" appearing in The Times of India dated 30.07.2024

CORAM : HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CP
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

RESPONDENTS: MOEF&CC & ALL STATES/UTs

Know all to whom these presents shall come that I/We Santosh Kumar Reddy V, IFS, Secretary (Environment & Forest), Union Territory of Lakshadweep Administration, Kavaratti.

Them above named the SUNITA SHARMA
do hereby appoint advocate(s) to be my / or Advocate in the above – noted case authorize her:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and / or deny the documents of opposite party. _____

To withdraw or compromise the said case or submit to arbitration any differences of disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me /us to all intents and purpose.

Page 1 of 2

(SUNITA SHARMA) Adv.
V. P. K. Reddy

And I/We undertake that I/We of my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 30..... Day of ..August.... 2024 Accepted subject to the terms of the fees.

[Handwritten signature]

(SUNITA SHARMA)

ADVOCATE FOR THE RESPONDENT No. 37

I Identify the Signature/Thumb Impression of Below Mentioned Person

[Handwritten signature]
Client

Secretary (Environment & Forests)
U.T. of Lakshadweep
Kavaratti-682 555

[Handwritten signature]
Client

Secretary (Environment & Forests)
U.T. of Lakshadweep
Kavaratti-682 555

Signed in My Presence. The Client

