

BEFORE THE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 60 OF 2019 (WZ)

Ganesh Dadarao Anasane

... Applicant

Versus.

Amravati Municipal Corporation & Ors.

... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF

THE RESPONDENT NO. 1

IN COMPLAINCE OF THE ORDER DATED 13.10.2022

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

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Date: 05.12.2022



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BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH PUNE
ORIGINAL APPLICATION NO. 60 OF 2019 (WZ)

Ganesh Dadarao Anasane

...Applicant

NOTARY

V.

Amravati Municipal Corporation & Ors.

...Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 IN
COMPLIANCE OF THE ORDER DATED 13.10.2022

I, Mr. Shrikant Ishwarsingh Chauhan, Age: 34 Years, Occupation: Law Officer, Amravati Municipal Corporation, Having Office At: Rajkamal Chowkh, Amravati 444 603, District: Amravati, Maharashtra, do hereby state on solemn affirmation as:

1. That, I am the Authorized Representative of the Respondent No. 1 i.e. Amravati Municipal Corporation and as such, well versed with the facts and circumstances arising in the present O.A. No. 60 of 2019 (WZ) and therefore competent to swear the present affidavit on behalf of the Respondent No. 1 before this Hon'ble Tribunal.
2. The Respondent No. 1 is filing the present Additional Affidavit in compliance of the Order dated 13.10.2022 passed by this Hon'ble Tribunal in the present matter raising objections to the quantum of amount calculated by the


SWAPNIL S. JAJU
NOTARY ADVOCATE
Amravati (M.S.) India
Reg.No. 15679

Respondent No. 3 to be levied as an Environmental Compensation upon the Respondent No. 1 i.e. The Amravati Municipal Corporation.

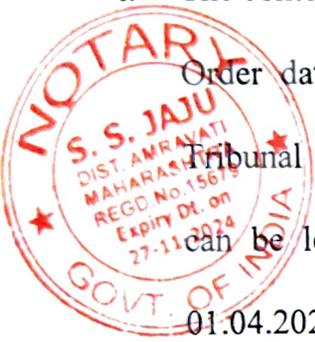
3. Vide the Order dated 24.08.2022, as the Respondent No. 1 Corporation was found in compliance of disposal of MSW as well as Bio Medical Waste and as the Respondent No. 1 Corporation had provided deadlines for disposal of Legacy Waste, this Hon'ble Tribunal was pleased to restrict the scope of the present Original Application limited to the issue as to whether the Respondent No. 1 Corporation was liable for any further Compensation for Environmental Damage. Vide the Order dated 07.09.2022, this Hon'ble Tribunal granted liberty to the Respondent No. 1 to make a representation with respect to the final calculation of Environmental Compensation before the Respondent No. 3. In terms of the Order dated 07.09.2022 passed by this Hon'ble Tribunal in the present matter, the Respondent No. 1 Corporation, on 12.09.2022 filed a detailed Representation before the Respondent No. 3.
4. Considering the representation dated 12.09.2022 filed by the Respondent No. 1 before the Respondent No. 3, the Respondent No. 3 on 14.09.2022 filed an Affidavit before this Hon'ble Tribunal and stated to have calculated a total amount of Environmental Compensation to be Rs. 230 Lakhs (Rs. 180 Lakhs after excluding the amount already paid by the Respondent No. 1 Corporation as Environmental Compensation).



5. With regard to the amount of compensation calculated by the Respondent No. 3 vide the Affidavit dated 14.09.2022, the Respondent No. 1 has to state as follows:

a. Compensation calculated for non-compliance of Solid Waste Management Rules, 2016, i.e. for non-establishment of MSW Plant:

- i. The contention of the Respondent No. 1 that in terms of the Para 36(a) of the Order dated 10.01.2020 passed by the Principal Bench of this Hon'ble Tribunal in O.A. No. 606 of 2018 (PB) the period for which compensation can be levied for non-compliance in this regard shall commence from 01.04.2020 was accepted by the Respondent No. 3 and hence, the Respondent No. 1 is not disputing the date i.e. 01.04.2020 from which the compensation was calculated by the Respondent No. 3.
- ii. It is the case of the Respondent No. 1 that around 200TPD of Municipal Solid Waste is being generated within the jurisdiction of the Respondent No. 1 Corporation and the same is being processed at Sukali Dumping Ground MSW Plant having capacity of 200 TPD and Akoli Bypass MSW Plant having capacity of 100 TPD. Vide the compliance Affidavit dated 13.08.2022, the Respondent No. 1 also brought on Record the data of monthly quantity of waste processed from January 2022. Thus, it is clear from the records of the present proceedings that the Respondent No. 1 Corporation is in compliance of SWM Rules 2016 since January 2022. Thus, if at all a



compensation has to be levied upon the Respondent No. 1, the same can be levied only upto 31.12.2021.

iii. To the utter surprise of the Respondent No. 1, the Respondent No. 3 while calculating the Environmental Compensation for non-compliance of SWM Rules, 2016 calculated the Environmental Compensation till 31.08.2022

without assigning any reason to reject the factual position that the MSW Plants of Respondent No. 1 are fully operative since January 2022. Thus, the Respondent No. 3 ought not to have calculated the compensation for non-compliance of SWM Rules, 2016 from January 2022 to 31.08.2022 and ought to have restricted the same till 31.12.2021 from 01.04.2020 i.e. for the period of 21 months instead of 29 months.

iv. The Respondent No. 3 rightly deducted an amount of compensation of Rs. 25 Lakh i.e. for the period of 5 months which was already paid by the Respondent No. 1 for the period from 01.04.2020 to 31.08.2020. Thus, for such deduction, the Respondent No. 1 has no objection.

v. It was the case of the Respondent No. 1 Corporation that due to the restrictions imposed by the Central as well as the State Government to curb the Covid-19 pandemic, the Respondent No. 1 could not undertake the work for establishment of MSW Plants for the period from 01.04.2020 to 29.06.2020 and from 23.03.2021 to 30.06.2021. The said period comes within the total period of 21 months for which compensation can be levied. The restrictions of Covid-19 pandemic brought operations of the Respondent No.



NOTARY

1 Corporation to a stand-still and thus, the Respondent No. 1 Corporation could not undertake any work for establishment of MSW Plants during the said period of 6 months. Such pandemic situation was akin to Act Of God and was beyond the control of the Respondent No. 1 Corporation and delay caused due to said situation was not at all at the behest of the Respondent No.

1 Corporation. Thus, the Respondent No. 1 corporation is liable to receive benefit of period of 6 months as stated above while imposing any environmental compensation. The Respondent No. 1 Corporation raised such ground vide the Representation dated 12.09.2022 before the Respondent No.

3 and requested to exempt the said period of COVID-19 pandemic from the total period for which Environmental Compensation can be levied, the Respondent No. 3 failed to consider the same. The Respondent No. 3 ought to have considered the said contention and ought to have deducted said period of 6 months from the total period for which compensation can be levied.

A copy of the Orders/Notifications/Circulars issued by the Central as well as State Government putting restrictions in order to curb the effect of COVID-19 Pandemic in the year 2020 are enclosed herewith as ANNEXURE-R1 (COLLY).

A copy of the Orders/Notifications/Circulars issued by the Central as well as State Government putting restrictions in order to curb the effect of COVID-19 Pandemic in the year 2021 are enclosed herewith as ANNEXURE-R2 (COLLY).



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vi. In terms of Para 5(a)(i) to 5(a)(v) of the present Affidavit, total compensation that can be levied for non-compliance of SWM Rules 2016 is for the period 10 months i.e. Rs. 50 Lakhs in terms of scale laid down in para 36(a) of the Order dated 10.01.2020 in O.A. No. 606 of 2018 passed by the Hon'ble Principal Bench of this Tribunal.

b. Compensation for non-compliance of Bio-remediation of Legacy Waste:

i. The contention of the Respondent No. 1 that in terms of Rule 22, Sl. No. 6 of SWM Rules, 2016, the period for which compensation can be levied for non-compliance of Bio remediation of Legacy Waste shall commence from 07.04.2021 was accepted by the Respondent No. 3 and hence, the Respondent No. 1 is not disputing the date i.e. 07.04.2021 from which the compensation was calculated by the Respondent No. 3. Also, it is admitted by the Respondent No. 1 Corporation that compensation can be levied till the compliance and Respondent No. 1 till 31.08.2022 had not completed remediation of the Legacy Waste. Thus, the period of 17 months for which compensation can be levied upon the Respondent No. 1 Corporation for non-compliance of bio-remediation of Legacy Waste was correctly calculated by the Respondent No. 3, however, the period for which the Covid-19 Pandemic was prevailing ought to have been deducted by the Respondent No. 3 while calculating the final amount of compensation.



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APNIL S. JAJU
 BARRISTER AT LAW
 DISTRICT AMRAVATI
 MAHARASHTRA
 REGD. NO. 15679
 EXPIRY DT. ON 27-11-2024

- ii. The Respondent No. 3 rightly deducted an amount of compensation of Rs. 25 Lakh i.e. for the period of 5 months which was already paid by the Respondent No. 1 for the period from 01.04.2020 to 31.08.2020. Also, such period of 5 months shall be deducted as for such period the Corporation was not even liable to pay any compensation for non-compliance of bio-remediation of Legacy Waste. Thus, for such deduction, the Respondent No. 1 has no objection.

- iii. It was the case of the Respondent No. 1 Corporation that due to the restrictions imposed by the Central as well as the State Government to curb the Covid-19 pandemic, the Respondent No. 1 could not proceed in any way to remediate the Legacy Waste for the period from 07.04.2021 to 30.06.2021. The said period of 3 months comes within the total period of 17 months for which compensation can be levied. The restrictions of Covid-19 pandemic brought operations of the Respondent No. 1 Corporation to a stand-still and thus, the Respondent No. 1 Corporation could not proceed in any way to remediate the Legacy Waste during the said period of 3 months. Such pandemic situation was akin to Act of God and was beyond the control of the Respondent No. 1 Corporation and delay caused due to said situation was not at all at the behest of the Respondent No. 1 Corporation. Thus, the Respondent No. 1 corporation is liable to receive benefit of period of 3 months as stated above, while imposing any environmental compensation. The Respondent No. 1 Corporation raised such ground vide the Representation dated



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12.09.2022 before the Respondent No. 3 and requested to exempt the said period of COVID-19 pandemic from the total period for which Environmental Compensation can be levied, the Respondent No. 3 failed to consider the same. The Respondent No. 3 ought to have considered the said contention and ought to have deducted said period of 3 months from the total period for which compensation can be levied.

A copy of the Orders/Notifications/Circulars issued by the Central as well as State Government putting restrictions in order to curb the effect of COVID-19 Pandemic in the year 2021 are already enclosed hereinabove as ANNEXURE-R2 (COLLY).

- iv. In terms of Para 10(b)(i) to 10(b)(iii) of the present Affidavit, the amount of Compensation that can be levied upon the Respondent No. 1 for non-compliance of bio-remediation of Legacy Waste is for the period 9 months i.e. Rs. 45 Lakhs in terms of scale laid down in para 36(b) of the Order dated 10.01.2020 in O.A. No. 606 of 2018 passed by the Hon'ble Principal Bench of this Tribunal.
- v. Also, in compliance of the Order dated 15.10.2022 passed by this Hon'ble Tribunal in the present matter, the Respondent No. 1 Corporation paid an amount of Rs. 1 crores as Interim Compensation and the same ought to have been be adjusted by the Respondent No. 3.
6. Thus, in terms of Para 5 (a)(vi) & Para 5 (b)(iv), if at all, the compensation that can be levied upon the Respondent No. 1 Corporation is Rs. 50 Lakhs for



ADVOCATE GENERAL

non-compliance of SWM Rules, 2016 i.e. for non-establishing of MSW Plants and Rs. 45 Lakhs for non-compliance of Legacy Waste respectively, totaling to Rs. 95 Lakhs. Thus, the amount of compensation of Rs. 180 Lakhs calculated by the Respondent No. 3 is erroneous for the reasons stated in Para 10 and ought not to be accepted by this Hon'ble Tribunal.

7. Without prejudice to the contentions raised hereinabove, it is further submitted on behalf of the Respondent No. 1 Corporation that on perusing the directions issued by the Principal Bench of this Hon'ble Tribunal in the Order dated 10.01.2020 in OA No. 606 of 2018 (PB), it was held that if the local bodies were unable to bear financial burden, the liability would be of the State Government with liberty to take remedial action against the erring local bodies. In terms of the orders passed by the Principal Bench Hon'ble Tribunal in OA No. 606 of 2018 (PB), the Principal Bench of this Hon'ble Tribunal, finally by an Order dated 08.09.2022, was pleased to levy on the State of Maharashtra a compensation amount of Rs. 12,000 crores. Thus, in terms of the Order dated 08.09.2022, the State of Maharashtra has already been levied the compensation and the Respondent No. 1 corporation is a local body within the State of Maharashtra. The fact that, the State of Maharashtra has been levied heavy compensation, no further environmental compensation ought to be levied separately on the Respondent No. 1 Corporation or else, the same would lead to double jeopardy. Even though the said contention was raised by the Respondent No. 1 Corporation before the Respondent No. 3, the same



was not considered by the Respondent No. 3 while finally calculating the amount of compensation that can be levied upon the Respondent No. 1.

8. Further, it is submitted on behalf of the Respondent No. 1 Corporation that, the Principal Bench of this Hon'ble Tribunal while considering the O.A. No. 606 of 2018 (PB) with regard to State of Madhya Pradesh was pleased to not

levy any Environmental Compensation on the State of Madhya Pradesh even though the State of Madhya Pradesh was liable to pay Environmental Compensation of Rs. 3000 Crores. The Principal Bench of this Hon'ble Court while releasing the State of Madhya Pradesh from the liability of paying Rs.

3000 Crores was pleased to record reasons for such exemption to State of Madhya Pradesh. It was recorded by the Principal Bench of this Hon'ble Court that the State of Madhya Pradesh had already allocated Rs. 9000 Crores for the subject, already there were ongoing sewage projects amounting to Rs. 2366 Crores, the amount of Rs. 7388 Crores stands ring-fenced for sewage treatment facilities, and thus on these findings, the Principal Bench of this Hon'ble Tribunal did not levy any compensation on the State of Madhya Pradesh and made it bound to the State of Madhya Pradesh to make meaningful progress in the matter within stipulated time. A copy of the Order dated 10.11.2022 passed by the Principal Bench of this Hon'ble Tribunal in O.A. No. 606 of 2018 (PB) is enclosed herewith as ANNEXURE R-3.

9. Thus, in circumstances mentioned and contentions raised hereinabove, the amount of Environmental Compensation as calculated by the Respondent No.



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3 to be levied upon the Respondent No. 1 Corporation suffers from infirmities and has been calculated by the Respondent No. 3 without application of mind and therefore, ought not to be levied upon the Respondent No. 3. Considering the compliances made by this Respondent No. 1 Corporation and the efforts put by the respondent No. 1 for addressing the issues raised in the present Original Application, this Hon'ble Tribunal may be pleased to take lenient view if at all this Hon'ble Tribunal concludes to levy any Environmental Compensation on Respondent No. 1 Corporation.



Whatever stated herein above is true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Also, the Annexures enclosed herewith this Affidavit are true copies of the Original Documents. Solemnly affirmed at Amravati on 5th day of Dec, 2022.

NOTARY



N.R.S. No. 772/17/2022
 Date: 05/12/2022
 THIS DOCUMENT
 CONTAINS 13 PAGES

DEPONENT
 (Shrikantsingh Chauhan)
 LAW OFFICER
 Municipal Corporation

I do swear in the name of God that, this is my name and signature and that the Contents of this my affidavit are true and correct.

Signature of deponent After Attestation

SWAPNIL S. JAJU
 NOTARY ADVOCATE
 Amravati (M.S.) India
 Reg.No. 15679



ANNEXURE R-1 (COLLY)

**No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs**

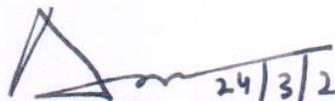
North Block, New Delhi-110001
Dated 24th March, 2020

ORDER

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.


24/3/2020
Home Secretary

To

1. **The Secretaries of Ministries/ Departments of Government of India**
2. **The Chief Secretaries/Administrators of States/Union Territories**
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

Annexure to Ministry of Home Affairs Order No .40-3/2020-D dated ()24.03.2020

Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities for containment of COVID-19 Epidemic in the Country.

1. Offices of the Government of India, its Autonomous/ Subordinate Offices and Public Corporations shall remain closed.

Exceptions:

Defence, central armed police forces, treasury, public utilities (including petroleum, CNG, LPG, PNG), disaster management, power generation and transmission units, post offices, National Informatics Centre, Early Warning Agencies

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. shall remain closed.

Exceptions:

- a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
- b. District administration and Treasury
- c. Electricity, water, sanitation
- d. Municipal bodies—Only staff required for essential services like sanitation, personnel related to water supply etc

The above offices (Sl. No 1 & 2) should work with minimum number of employees. All other offices may continue to work-from-home only.

3. Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist and medical equipment shops, laboratories, clinics, nursing homes, ambulance etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.

4. Commercial and private establishments shall be closed down.

Exceptions:

- a. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
- b. Banks, insurance offices, and ATMs.
- c. Print and electronic media
- d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
- e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.

- f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
- g. Power generation, transmission and distribution units and services.
- h. Capital and debt market services as notified by the Securities and Exchange Board of India
- i. Cold storage and warehousing services.
- j. Private security services

All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.
Exceptions:
 - a. Manufacturing units of essential commodities.
 - b. Production units, which require continuous process, after obtaining required permission from the State Government
6. All transport services – air, rail, roadways – will remain suspended.
Exceptions:
 - a. Transportation for essential goods only.
 - b. Fire, law and order and emergency services.
7. Hospitality Services to remain suspended
Exceptions:
 - a. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
 - b. Establishments used/ earmarked for quarantine facilities.
8. All educational, training, research, coaching institutions etc. shall remain closed.
9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.
10. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions / gatherings shall be barred.
11. In case of funerals, congregation of not more than twenty persons will be permitted.
12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Sec. 188 of the IPC.
13. Wherever exceptions to above containment measures have been allowed, the organisations/employers must ensure necessary precautions against COVID-19



virus, as well as social distance measures, as advised by the Health Department from time to time.

14. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such incident commander. The Incident Commander will issue passes for enabling essential movements as explained.
15. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.
16. The Incident Commanders will in particular ensure that all efforts for mobilisation of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
17. Any person violating these containment measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC (as per Appendix).
18. The above containment measures will remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.


24/3/2020
Union Home Secretary

Consolidated Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities for containment of COVID-19 Epidemic in the Country, as notified by Ministry of Home Affairs on 24.03.2020 and further modified on 25.03.2020 and 27.03.2020.

1. Offices of the Government of India, its Autonomous/ Subordinate Offices and Public Corporations shall remain closed.

Exceptions:

- a. Defence, central armed police forces.
- b. Treasury (including, Pay & Accounts Offices, Financial Advisers and field offices of the Controller General of Accounts, **with bare minimum staff**),
- c. Public utilities (including petroleum, CNG, LPG, PNG), power generation and transmission units, post offices.
- d. Disaster management and Early Warning Agencies
- e. National Informatics Centre.
- f. Customs clearance at ports/airports/land border, GSTN; and MCA 21 Registry **with bare minimum staff**.
- g. Reserve Bank of India and RBI regulated financial markets and entities like NPCI, CCIL, payment system operators and standalone primary dealers **with bare minimum staff**.

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. shall remain closed.

Exceptions:

- a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
- b. District administration and Treasury (including field offices of the Accountant General **with bare minimum staff**)
- c. Electricity, water, sanitation.
- d. Municipal bodies—Only staff required for essential services like sanitation, personnel related to water supply etc.
- e. Resident Commissioner of States, in New Delhi **with bare minimum staff**, for coordinating Covid-19 related activities and internal kitchens operations.
- f. Forest offices :Staff/ workers required to operate and maintain zoo, nurseries, wildlife, firefighting in forests, watering plantations, patrolling and their necessary transport movement.
- g. Social Welfare Department, **with bare minimum staff**, for operations of Homes for children/ disables/ senior citizens/ destitute/ women /widows; Observation homes; pensions.
- h. Agencies engaged in procurement of agriculture products, including MSP operations.

- i. 'Mandis' operated by the Agriculture Produce Market Committee or as notified by the State Government.

The above offices (Sl. No 1 & 2) should work with minimum number of employees.

All other offices may continue to work-from-home only.

3. Hospitals, Veterinary Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist, Pharmacies (including Jan Aushadhi Kendra) and medical equipment shops, laboratories, Pharmaceutical research labs, clinics, nursing homes, ambulance etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.

4. Commercial and private establishments shall be closed down.

Exceptions:

- a. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder, fertilizers, seeds and pesticides. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
- b. Banks, insurance offices, and ATMs including IT vendors for banking operations; Banking Correspondent and ATM operation and cash management agencies.
- c. Print and electronic media.
- d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
- e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.
- f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
- g. Power generation, transmission and distribution units and services.
- h. Capital and debt market services as notified by the Securities and Exchange Board of India.
- i. Cold storage and warehousing services.
- j. Private security services.
- k. Data and call centers **for Government activities only**.
- l. Farming operations by farmers and farm workers in the field.
- m. 'Custom Hiring Centres (CHC)' related to farm machinery.

All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.

Exceptions:

- a. Manufacturing units of essential goods, including drugs, pharmaceutical, medical devices, their raw materials & intermediates.
 - b. Production units, which require continuous process, after obtaining required permission from the State Government.
 - c. Coal and mineral production, transportation, supply of explosives and activities incidental to mining operations.
 - d. Manufacturing units of packaging material for food items, drugs, pharmaceutical and medical devices.
 - e. Manufacturing and packaging units of Fertilizers, Pesticides and Seeds
6. All transport services – air, rail, roadways – will remain suspended.
Exceptions:
- a. Transportation for essential goods only.
 - b. Fire, law and order and emergency services.
 - c. Operations of Railways, Airports and Seaports for cargo movement, relief and evacuation and their related operational organisations.
 - d. Inter-state movement of goods/ cargo for inland and exports.
 - e. Cross land border movement of essential goods including petroleum products and LPG, food products, medical supplies.
 - f. Intra and inter-state movement of harvesting and sowing related machines like combined harvester and other agriculture/horticulture implements.
7. Hospitality Services to remain suspended
Exceptions:
- a. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
 - b. Establishments used/ earmarked for quarantine facilities.
8. All educational, training, research, coaching institutions etc. shall remain closed.
9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.
10. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions / gatherings shall be barred.
11. In case of funerals, congregation of not more than twenty persons will be permitted.
12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Sec. 188 of the IPC.

13. Wherever exceptions to above containment measures have been allowed, the organisations/employers must ensure necessary precautions against COVID-19 virus, as well as social distance measures, as advised by the Health Department from time to time.
14. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such incident commander. The Incident Commander will issue passes for enabling essential movements as explained.
15. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.
16. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
17. Any person violating these containment measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC.

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 14th April, 2020

ORDER

Whereas under directions of the National Disaster Management Authority (NDMA)'s Order dated 24.03.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, issued directions vide Order of even number dated 24.03.2020 to all Ministries/ Departments of Government of India, State/ Union Territory Governments and State/ Union Territory Authorities, with the guidelines to implement lockdown measures, to contain the spread of COVID-19, in all parts of the country for a period of 21 days with effect from 25.03.2020;

Whereas, the guidelines to implement lockdown measures were further modified on 25.03.2020, 27.03.2020, 02.04.2020, 03.04.2020 and 10.04.2020 and consolidated guidelines are placed on the website of Ministry of Home Affairs (MHA);

Whereas, NDMA after assessing the situation on COVID-19 epidemic is satisfied that strict social distancing measures need to be implemented for a further period so as to effectively contain the spread of COVID-19 in the country;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-137/2018-Mit-II (FTS-10548) dated 14.04.2020 (copy enclosed) directing the Chairperson, National Executive Committee that existing lockdown measures be continued to be implemented in all parts of the Country, upto 03.05.2020.

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues directions to all the all Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the Lockdown measures stipulated in aforesaid Consolidated Guidelines of MHA for containment of COVID-19 epidemic in the country, will continue to remain in force upto 03.05.2020 to contain the spread of COVID-19 in the country.


14/04/2020
Union Home Secretary

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001

Dated 1st May, 2020

ORDER

Whereas under directions of the National Disaster Management Authority (NDMA), guidelines on lockdown measures to contain the spread of COVID-19 in all parts of the country were issued vide Order of even number dated 24.03.2020 under the Disaster Management Act 2005 for a period of 21 days with effect from 25.03.2020. Under further directions of NDMA, the lockdown period was extended upto 03.05.2020 vide Order of even number dated 14.04.2020 and consolidated revised guidelines were issued vide Order of even number dated 15.04.2020;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020-PP dated 01.05.2020 directing the Chairperson, NEC that lockdown measures be continued to be implemented in all parts of the Country, for a further period of two weeks with effect from 04.05.2020;

Whereas under directions of the aforesaid Order of NDMA dated 01.05.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the lockdown period is extended for a further period of two weeks with effect from 04.05.2020;

Whereas, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues new guidelines on lockdown measures, as annexed, which will come into effect from 04.05.2020 for a period of two weeks, for strict implementation.


Union Home Secretary

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

New Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT authorities for containment of COVID-19 in the country for the extended period of National Lockdown for a further period of two weeks with effect from 4th May, 2020.

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 1st May, 2020]

1. With the extension of the Lockdown period for a further period of two weeks with effect from 4th May 2020, new guidelines, as under, will be applicable based on the risk profiling of the districts into Red (Hotspot), Green and Orange zones.
2. **Identification of Red (Hotspots), Green and Orange Zones**
 - i. Based on their risk profile, the criteria for dividing the districts of the country into three zones, viz., **green, red and orange**, will be as follows:
 - a. **Green Zones:** Green Zones shall be defined as per the following criteria: districts with zero confirmed case till date; or; districts with no confirmed case in the last 21 days.
 - b. **Red Zones or Hotspot Districts:** Districts shall be defined as Red Zones or Hotspot districts, by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI), taking into account total number of active cases, doubling rate of confirmed cases, extent of testing and surveillance feedback.
 - c. **Orange Zones:** Districts, which are neither defined as Red nor as Green Zones, shall be Orange Zones.
 - ii. MoHFW will share the list of Red Zone (Hotspot), Orange Zone and Green Zone districts and related information with State/ UTs on a weekly basis or earlier as required. States/ UTs, on review, may consider inclusion of **additional districts** as Red Zone (Hotspots) and Orange Zone districts depending on the extent of spread of COVID-19 infection. **However, States and UTs may not lower the classification of any district, that is included in the list of Red Zone (Hotspots) and Orange Zone districts by MoHFW.**
 - iii. Districts classified either as Red or Orange Zones, may have one or more Municipal Corporation (MC) areas. In such cases, States/ UTs and District administrations may make an assessment of the distribution of cases - within the jurisdiction of the MC(s); and the area falling outside the MC(s) boundaries. In such cases, the classification of zones shall be as follows:
 - a. In case the district is classified as a Red Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as an Orange Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
 - b. In case the district is classified as an Orange Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as a Green Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
 - c. In case in the area of the district outside the limits of the MC (s) does have one or more confirmed case(s) in the last 21 days, this part of the

district shall continue to be labeled as a Red or Orange Zone, as per the classification of the district.

- d. While assessing the classification of a zone, cases should be registered in the zone where the case originates, rather than where it is treated.

3. Identification of Containment Zones

- i. Containment Zones shall be demarcated within **Red (Hotspots) and Orange Zones** by States/ UTs and District Administrations based on the guidelines of MoHFW. The boundary of the Containment Zone shall be defined by District Administrations taking into account the following factors: mapping of cases and contacts; geographical dispersion of cases and contacts; area with well demarcated perimeter; and enforceability.
- ii. The boundary of the Containment Zone will be a residential colony, *mohalla*, municipal ward, municipal zone, Police Station area, towns etc., in case of urban areas; and, a village, cluster of villages, Gram Panchayats, group of Police Stations, blocks etc., in case of rural areas.

Protocol within Containment Zones:

- iii. Intensive surveillance mechanism as outlined in the Standard Operating Protocol (SOP) issued by MoHFW is to be established within the Containment Zone. **The local authority shall ensure 100% coverage of Aarogya Setu app among the residents of Containment Zones.**
- iv. In the Containment Zone, following activities shall be undertaken by the local authorities:
- a. Contact Tracing.
 - b. Home or Institutional quarantining of individuals based on risk assessment by medical officers. This risk assessment will be based on symptoms, contact with confirmed cases, and travel history.
 - c. Testing of all cases with Severe Acute Respiratory Infection (SARI), Influenza Like Illness (ILI) and other symptoms specified by MOHFW.
 - d. House to house surveillance by special teams constituted for this purpose.
 - e. Clinical management of all cases as per protocol.
 - f. Counselling and educating people; and establishing effective communication strategies.
- v. In these **Containment Zones**, within Red (Hotspots) and Orange Zones, **where maximum precaution is required**, there shall be strict perimeter control to ensure that there is no movement of population in or out of these zones except for medical emergencies and for maintaining supply of essential goods and services. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.
- ### 4. The following activities will continue to remain prohibited across the country, irrespective of the Zone, for a period of two weeks with effect from 4th May, 2020:
- i. All domestic and international air travel of passengers, except for medical services, air ambulance and for security purposes or for purposes as permitted by MHA.
 - ii. All passenger movement by trains, except for security purposes or for purposes as permitted by MHA.

- iii. Inter-State Buses for public transport, except as permitted by MHA.
 - iv. Metro rail services.
 - v. Inter-State movement of individuals except for medical reasons or for activities as permitted by MHA.
 - vi. All schools, colleges, educational/ training/ coaching institutions etc. However, online/ distance learning shall be permitted.
 - vii. Hospitality services other than those used for housing health/ police/ Government officials/ healthcare workers, stranded persons including tourists, and those used for quarantine facilities.
 - viii. All cinema halls, shopping malls, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
 - ix. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.
 - x. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
- 5. Measures for well being and safety of persons**
- i. The movement of individuals, for all non-essential activities, shall remain strictly prohibited between 7 pm to 7 am. Local authorities shall issue orders under appropriate provisions of law, such as prohibitory orders [curfew] under Section 144 of CrPC, for this purpose, and ensure strict compliance.
 - ii. In all zones, persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for meeting essential requirements and for health purposes, as per the National Directives.
 - iii. In Containment Zones, Out-Patient Departments (OPDs) and Medical clinics shall not be permitted to operate. However, these may be permitted to operate in Red, Orange and Green Zones, with social distancing norms and other safety precautions.
- 6. Activities in Containment Zones**
- i. Strict perimeter control.
 - ii. Establishment of clear entry and exit points.
 - iii. Movement of persons only for maintaining supply of goods and services; and for medical emergencies.
 - iv. No unchecked influx of people and transport.
 - v. Recording of details of people moving in and out of perimeter.
- 7. Activities in Red Zones (Hotspots) [Outside Containment Zones]**
- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:
 - a. Cycle rickshaws and auto rickshaws.
 - b. Taxis and cab aggregators.
 - c. Intra-district and inter-district plying of buses.
 - d. Barber shops, spas and salons.
 - ii. The following activities shall be permitted with **restrictions** as specified:
 - a. Movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the vehicle driver; for two wheelers, pillion rider is not allowed.

b. Industrial establishments in urban areas: Only Special Economic Zones (SEZs), Export Oriented Units (EOUs), industrial estates and industrial townships with access control; Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates; Production units, which require continuous process, and their supply chain; Manufacturing of IT hardware; Jute industry with staggered shifts and social distancing; and, Manufacturing units of packaging material are permitted.

All industrial activities are permitted in rural areas.

c. Construction activities in urban areas: Only in situ construction (where workers are available on site and no workers are required to be brought in from outside) and construction of renewable energy projects are permitted.

All construction activities are permitted in rural areas.

d. All malls, market complexes and markets shall remain closed in urban areas, i.e., areas within the limits of municipal corporations and municipalities. However, shops selling essential goods in markets and market complexes are permitted.

All standalone (single) shops, neighborhood (colony) shops and shops in residential complexes are permitted to remain open in urban areas, without any distinction of essential and non-essential.

All shops in rural areas, except in malls, are permitted to remain open, without any distinction of essential and non-essential.

Social distancing (2 Gaz ki doori) will be maintained in all cases.

e. E-commerce activities will be permitted only in respect of essential goods.

f. Private offices can operate with upto 33% strength as per requirement, with the remaining persons working from home.

g. All Government offices shall function with officers of the level of Deputy Secretary and above to the extent of 100% strength. The remaining staff will attend upto 33% as per requirement. However, Defense and Security services, Health and Family Welfare, Police, Prisons, Home Guards, Civil Defence, Fire and Emergency Services, Disaster management and related services, NIC, Customs, FCI, NCC, NYK and Municipal services shall function without any restrictions; delivery of public services shall be ensured and necessary staff will be deployed for such purpose.

8. **Activities in Orange Zones [Outside Containment Zones]**

i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:

a. Inter-district and Intra-district plying of buses.

ii. The following activities shall be permitted with **restrictions** as are specified:

a. Taxis and cab aggregators, with 1 driver and 2 passengers only.

b. Inter-district movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the driver.

- 9. Activities in Green Zones**
- i. All activities are permitted in Green Zones, except those activities that are prohibited under Para 4.
 - ii. Buses can operate with upto 50% seating capacity.
 - iii. Bus depots can operate with upto 50% capacity.
- 10. All other activities will be permitted activities, which are not specifically prohibited/ permitted with restrictions in the various Zones, under these guidelines. However, States/ UTs, based on their assessment of the situation, and with the primary objective of keeping the spread of COVID-19 in check, may allow only select activities from out of the permitted activities, with such restrictions as felt necessary.**
- 11.** All States/ UTs shall allow inter-state movement of goods/ cargo, including empty trucks.
- 12.** No State/ UT shall stop the movement of cargo for cross land-border trade under Treaties with neighbouring countries.
- 13.** No separate/ fresh permissions are required from authorities for activities already permitted to operate under the guidelines on Lockdown measures up to May 3, 2020. The following Standard Operating Protocols (SOPs) issued by MHA will continue to operate:
- i. SOP on transit arrangement for foreign national(s) in India and release of quarantine persons, issued vide Order dated April 02, 2020.
 - ii. SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.
 - iii. SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.
 - iv. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020.
 - v. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons by train, issued vide Order dated May 01, 2020.
- 14. Strict enforcement of the lockdown guidelines**
State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
- 15. Instructions for enforcement of above lockdown measures:**
- i. All the district magistrates shall strictly enforce the above lockdown measures and the National Directives for COVID 19 Management, for public and work places, as specified in **Annexure I**.
 - ii. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such Incident Commander. The Incident Commander will issue passes for enabling essential movements as explained.
 - iii. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.

16. Penal provisions

Any person violating these lockdown measures and the National Directives for COVID-19 Management will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.



Union Home Secretary

Annexure I**National Directives for COVID-19 Management****PUBLIC PLACES**

1. Wearing of face cover is compulsory in all public places.
2. All persons in charge of public places and transport shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare.
3. No organization/ manager of public place shall allow gathering of 5 or more persons.
4. Marriages related gatherings shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.
5. Funeral/ last rites related gatherings shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.
6. Spitting in public places shall be punishable with fine, as may be prescribed by the State/ UT local authority.
7. Consumption of liquor, *paan*, *gutka*, tobacco etc. in public places is not allowed.
8. Shops selling liquor, *paan*, *gutka*, tobacco etc. will ensure minimum six feet distance (*2 gaz ki doori*) from each other, and also ensure that not more than 5 persons are present at one time at the shop.

WORK PLACES

9. Wearing of face cover is compulsory in all work places and adequate stock of such face covers shall be made available.
10. All persons in charge of work places shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare, both within the work places and in company transport.
11. Social distancing at work places shall be ensured through adequate gaps between shifts, staggering the lunch breaks of staff, etc.
12. Provision for thermal scanning, hand wash and sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. In addition, sufficient quantities of handwash and sanitizer shall be made available in the work places.
13. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., shall be ensured, including between shifts.
14. Persons above 65 years of age, persons with co-morbidities, pregnant women and children below the age of 10 years shall stay at home, except for meeting essential requirements and for health purposes.
15. Use of *Arogya Setu* app shall be made mandatory for all employees, both private and public. It shall be the responsibility of the Head of the respective Organizations to ensure 100% coverage of this app among the employees.
16. Large physical meetings to be avoided.
17. Hospitals/ clinics in the nearby areas, which are authorized to treat COVID-19 patients, should be identified and list should be available at work place all the times. Employees showing any symptom of COVID-19 should be immediately sent for check up to such facilities. Quarantine areas should be earmarked for isolating employees showing symptoms till they are safely moved to the medical facilities.

18. Arrangements for transport facilities shall be ensured with social distancing, wherever personal/ public transport is not feasible.
 19. Intensive communication and training on good hygiene practices shall be taken up.
-



Annexure II**Offences and Penalties for Violation of Lockdown Measures****A. Section 51 to 60 of the Disaster Management Act, 2005**

51. Punishment for obstruction, etc.—Whoever, without reasonable cause

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to

be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- i. “company” means any body corporate and includes a firm or other association of individuals; and
- ii. “director”, in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

AJAY BHALLA, IAS



गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O.No.40-3/2020-DM-I(A)

17th May 2020

Dear Chief Secretary,

As you are aware that the Ministry of Home Affairs (MHA) has issued an Order today to extend the lockdown period upto 31st May 2020. New guidelines on lockdown measures have been issued in supersession of earlier lockdown Orders, except the Standing Operating Procedures (SoPs) issued on the movement of persons. These guidelines have been issued after taking into consideration the views of the State Governments following the Video Conference held by the Prime Minister with the Chief Ministers on 11th May, 2020.

2. Under the new guidelines effective from 18th May 2020, States and UTs will now categorize Red, Orange and Green zones taking into consideration the revised guidelines issued by the Ministry of Health and Family Welfare (MoHFW) on 17th May 2020. Inside the red/orange zones, containment and buffer zones will be identified by the district administration/local urban bodies with technical inputs at local level and by taking into consideration the Health Ministry guidelines. Within the containment zones, strict perimeter control shall be maintained, and no movement of persons would be allowed across the zones, except for medical emergencies and for maintaining supply of essential goods and services. A copy of MoHFW letter is attached for information.

3. A limited number of activities will continue to remain prohibited throughout the country. In order to facilitate the movement of persons, various modes of transport have already been opened up as per SoPs issued by MHA. All other activities will be permitted except those which are specifically prohibited under these guidelines. However, in containment zones, only essential activities shall be allowed, as mentioned earlier.

Contd..p/2..

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4. As emphasized in my earlier D.O. letters, I would like to reiterate again that States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines issued by MHA. States/UTs, based on their assessment of the situation, may prohibit certain other activities in various zones, or impose such restrictions as deemed necessary.

5. I would urge you to ensure compliance of the new guidelines, and direct all concerned authorities for their strict implementation. Further guidelines issued by MHA and consequent Orders issued by the respective State Governments/UT Administrations should be widely disseminated to the public and to the field functionaries for the convenience of people.

With regards,

Yours sincerely

Encl. as above


(Ajay Bhalla)

To
Chief Secretaries of all States

AJAY BHALLA, IAS



गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O.No.40-3/2020-DM-I(A)

Dated: 30th May, 2020Dear *Chief Secretary,*

Kindly refer to the MHA order of even number, issued today, whereby lockdown has been extended in the containment zones upto June 30, 2020 with a phased re-opening of the prohibited activities. New guidelines have been issued for Unlock 1, keeping in view the suggestions received from the State Governments following the Video Conference held by the Cabinet Secretary on May 28, 2020.

2. As mentioned in the guidelines, there will be a phased re-opening of activities in areas outside Containment Zones, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health & Family Welfare (MoHFW).

3. I would specifically like to draw your attention to Phase II, regarding re-opening of schools, colleges etc., where States and UTs have been asked to have consultations at the institution level, with parents and other stakeholders. You are advised to send the feedback on the consultations held, so that a timely decision can be taken for opening up of the education institutions.

4. The guidelines also mandate that there shall be no restriction on inter-State and intra-State movement of persons. Therefore, no separate approvals or e-passes etc. are required in this regard. However, in case you wish to regulate such movement, you are required to give wide publicity in advance.

5. As emphasized in my earlier D.O. letters, I would like to reiterate again that States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines issued by MHA. States/ UTs, based on their assessment of the situation, may prohibit certain activities in areas outside containment zones, or impose such restrictions as deemed necessary.

6. I would urge you to ensure compliance of the new guidelines, and direct all concerned authorities for their strict implementation. Further guidelines issued by MHA and consequent Orders issued by the respective State Governments / UT Administration should be widely disseminated to the public and to the field functionaries for the convenience of people.

With regards,

Yours sincerely

(Signature)
30/05/2020
(Ajay Bhalla)

To

Chief Secretaries of all States

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 29 June , 2020

ORDER

Whereas, an Order of even number dated 30.05.2020 was issued for containment of COVID-19 in the country, for a period upto 30.06.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to re-open more activities in a calibrated manner, in areas outside the Containment Zones and to extend the lockdown in Containment Zones upto 31.07.2020;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines on **Unlock 2**, as **annexed**, will be in force upto 31.07.2020.

A handwritten signature in blue ink, followed by the date '29/06/2020' written in blue ink.

Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories

(As per list attached)

Copy to:

- i. All Members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

Guidelines for Phased Re-opening (Unlock 2)

[As per Ministry of Home Affairs Order No. 40-3/2020-DM-I (A) dated 29 June, 2020]

1. Activities permitted during Unlock 2 period outside Containment Zones

In areas outside Containment Zones, all activities will be permitted, except the following:

- (i) Schools, colleges, educational and coaching institutions will remain closed till 31 July, 2020. Online/ distance learning shall continue to be permitted and shall be encouraged.

Training institutions of the Central and State Governments will be allowed to function from 15 July, 2020, for which Standard Operating Procedure (SOP) will be issued by the Department of Personnel & Training (DoPT).

- (ii) International air travel of passengers, except as permitted by MHA.
- (iii) Metro Rail.
- (iv) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars, auditoriums, assembly halls and similar places.
- (v) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

Dates for re-starting the above activities may be decided separately and necessary SOPs shall be issued for ensuring social distancing and to contain the spread of COVID-19.

Domestic flights and passenger trains have already been allowed in a limited manner. Their operations will be further expanded in a calibrated manner.

2. Night curfew

Movement of individuals shall remain strictly prohibited between 10.00 pm to 5.00 am throughout the country, except for essential activities, including operation of industrial units in multiple shifts, movement of persons and goods on National and State Highways, loading and unloading of cargo and travel of persons to their destinations after disembarking from buses, trains and airplanes. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

3. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in **Annexure I**, shall continue to be followed throughout the country.

4. Lockdown limited to Containment Zones

- (i) Lockdown shall continue to remain in force in the Containment Zones till 31 July, 2020.


29/06/2020

- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of Ministry of Health & Family Welfare (MoHFW) with the objective of effectively breaking the chain of transmission. These Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs and information will be shared with MOHFW.
 - (iii) In the Containment Zones, only essential activities will be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be effectively implemented for the above purpose.
 - (iv) Activities in the Containment Zones shall be monitored strictly by the State/ UT authorities, and the guidelines relating to containment measures in these zones shall be strictly implemented.
 - (v) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.
5. **States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.**

However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

6. **Movement of persons with SOPs**

Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.

7. **Protection of vulnerable persons**

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

8. **Use of *Aarogya Setu***

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.


29/06/2020

(iii) District authorities may advise individuals to install the *Aarogya Setu* application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

9. Strict enforcement of the guidelines

- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- (ii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


29/06/2020

Union Home Secretary

and, Chairman, National Executive Committee

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

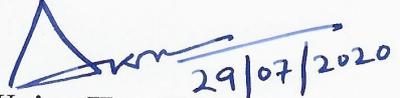
North Block, New Delhi-110001
Dated 29th July, 2020

ORDER

Whereas, an Order of even number dated 29.06.2020 was issued for containment of COVID-19 in the country, for a period upto 31.07.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to re-open more activities in areas outside the Containment Zones and to extend the lockdown in Containment Zones upto 31.08.2020;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines on **Unlock 3**, as **annexed**, will be in force upto 31.08.2020.


29/07/2020
Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All Members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

Guidelines for Phased Re-opening (Unlock 3)

**[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A)
dated 29th July, 2020]**

1. Activities permitted during Unlock 3 period outside the Containment Zones

In areas outside the Containment Zones, all activities will be permitted, except the following:

- (i) Schools, colleges, educational and coaching institutions will remain closed till 31st August, 2020. Online/ distance learning shall continue to be permitted and shall be encouraged.
- (ii) Cinema halls, swimming pools, entertainment parks, theatres, bars, auditoriums, assembly halls and similar places.
Yoga institutes and gymnasiums will be allowed to function from 5th August 2020 for which, Standard Operating Procedure (SOP) will be issued by the Ministry of Health & Family Welfare (MoHFW).
- (iii) International air travel of passengers, except as permitted by MHA.
- (iv) Metro Rail.
- (v) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

Dates for re-starting the above activities may be decided separately and necessary SOPs shall be issued for ensuring social distancing and to contain the spread of COVID-19.

2. Independence day functions

Independence day functions at National, State, District, Sub-Division, Municipal and Panchayat levels and 'At Home' functions, wherever held, will be allowed with social distancing and by following other health protocols e.g. wearing of masks. In this regard instructions issued vide MHA letter no 2/5/2020-Public dated 21.07.2020 shall be followed.

3. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in **Annexure I**, shall continue to be followed throughout the country.

4. Lockdown limited to Containment Zones

- (i) Lockdown shall continue to remain in force in the Containment Zones till 31st August, 2020.
- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW with the objective of


29/07/2020

effectively breaking the chain of transmission. These Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs and information will be shared with MOHFW.

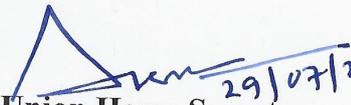
- (iii) In the Containment Zones, only essential activities will be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be effectively implemented for the above purpose.
 - (iv) Activities in the Containment Zones shall be monitored strictly by the State/ UT authorities, and the guidelines relating to containment measures in these zones shall be strictly implemented.
 - (v) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.
5. **States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.**
- However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.
6. **Movement of persons with SOPs**
- Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.
7. **Protection of vulnerable persons**
- Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.
8. **Use of Aarogya Setu**
- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.

 29/07/2020

- (ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.
 - (iii) District authorities may advise individuals to install the *Aarogya Setu* application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.
- 9. Strict enforcement of the guidelines**
- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
 - (ii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


29/07/2020
Union Home Secretary

and, Chairman, National Executive Committee

GOVERNMENT OF MAHARASHTRA**Department of Revenue and Forest, Disaster Management,****Relief and Rehabilitation, Mantralaya, Mumbai- 400 032****No: DMU/2020/CR. 92/DisM-1, Dated: 23rd March 2020****NOTIFICATION**

COVID -19 – The Epidemic Diseases Act, 1897- Lockdown – Orders

Reference:

1. The Epidemic Diseases Act, 1897
2. The Disaster Management Act, 2005
3. Government Notification, Public Health Department, No. Corona-2020/CR-58/Aarogya-5, Dated- 13th March 2020, 14th March 2020, 15th March 2020

No: DMU/2020/CR. 92/DMU-1- Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid-19 Virus, which has already been declared as a pandemic by World Health Organization, and it is therefore necessary to take certain further emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of The Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, **hereby notify lockdown in the entire State of Maharashtra with Immediate effect till 31st of March, 2020**, prescribing the following regulations and measures during the said period:

1. All state borders shall be sealed other than for movement of essential and perishable commodities.
2. All public transport services including inter-city MSRTC buses and Metro will not be permitted. Taxis with not more than two persons besides driver, auto-rickshaws with not more than one passenger besides driver are permitted only for the purposes specified in the order. However, transport of passengers for accessing emergency medical services shall be permitted. Plying of private vehicles shall be restricted only to the extent

By Hand

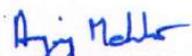
of procuring essential commodities, health services and activities permitted under this order, and with only one person besides driver.

3. Operation of all inter-state bus and passenger transport services (including private vehicles) including those by private operators shall stand suspended.
4. Every person who is required to observe home quarantine shall strictly observe the same failing which he/she will be liable for penal action and shifted to government quarantine.
5. Residents shall stay at home and come out only for permitted activities while strictly observing social distancing norms and abiding the conditions stated at para 2 above.
6. Any congregation of more than 5 persons in public places is prohibited.
7. All shops including commercial establishments, offices and factories, workshops, godowns etc. shall close their operations. However, production and manufacturing units which require continuous process & pharmaceuticals, API etc will be permitted. Further, manufacturing units engaged in production of essential commodities like dal and rice mills, food and related units, dairy units, feed and fodder units etc. may function will also be permitted to operate.
8. Government offices, shops and establishments permitted to operate during this period with barest minimum staff and shall take steps to ensure social distancing such as painting of foot marks at distances of 3 feet from each other near check out counters. They shall also ensure proper sanitation in their premises and ensure availability of hand sanitizers/hand washing facilities.
9. The following shops/establishments providing essential goods and services shall be excluded from the above restrictions:
 - a) Banks/ATMs, insurance, FinTech services and related activities.
 - b) Print and electronic media
 - c) IT and ITeS, including telecom, postal, internet and data Services
 - d) Supply chain and transport of essential commodities
 - e) Export and Import of agricultural goods and products, and all commodities.

- f) E-Commerce (delivery) of essential goods including food, pharmaceutical and medical equipment
 - g) Sale of food items, groceries, milk, bread, fruits, vegetables, eggs, meat, fish and their transportation and warehousing activities
 - h) Bakery and veterinary establishments for the pets
 - i) Take-away/ home delivery at restaurants
 - j) Hospitals, pharmacies and optical stores, pharmaceuticals manufacturing & their dealers and their transportation
 - k) Petrol pumps, LPG gas, oil agencies, their godowns and their related transport operations
 - l) All security and facility management services including those provided by private agencies to institutions providing essential services
 - m) Private establishments that support the provisioning of essential services or the efforts for containment of COVID-19
 - n) The supply chain relating to above.
 - o) All enforcing authorities to note that fundamentally strict restrictions relate to movement of people but not to goods and commodities as a matter of principle.
10. The Departments/Offices of the State Government and its Public Sector Undertaking (PSU) providing services shall be functional only to the extent of providing essential services.
11. All religious places of any denomination shall be closed by issuing suitable prohibitory orders.
12. During the lockdown period, steps will be taken to ensure that there is no disruption in the supply of essential commodities to the people.
13. All elective surgeries shall be re-scheduled in all private and Government hospitals to enhance the availability of health care facilities to COVID-19 patients.
14. All Divisional Commissioners, Municipal Commissioners and Collectors are directed to identify vacant places near hospitals for housing health staff in case of necessity.

15. The Collectors of following districts which are at presently Corona disease free shall issue orders prohibiting any vehicular movements into their districts, Viz. Wardha, Bhandara, Gondia, Chandrapur, Gadchiroli, Satara, Sangli, Kolhapur, Solapur, Buldhana, Amravati, Akola, Washim, Nashik, Dhule, Nandurbar, Jalgaon, Beed, Jalna, Osmanabad, Parbhani, Hingoli, Latur, Nanded and Sindhudurg. This shall not apply to medical emergencies.
16. All the District Collectors, District Superintendents of Police, Commissioners of Police, Municipal Commissioners of Corporations and other competent authorities in respect of the concerned institutions, organizations and establishments are hereby authorized and directed to take all necessary measures in a humane and judicious manner for enforcement and implementation of the aforesaid regulations and measures.
17. Any person, institution, organization violating any provision of these regulations shall be dealt under the provisions of The Epidemics Diseases Act 1897, The Disaster Management Act 2005, other relevant Acts and regulations there under.
18. No suit or legal proceedings shall lie against any person for anything done or intended to be done in good faith under these regulations.
19. All earlier orders issued by the various authorities will be aligned with this order by the enforcement agencies.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF
MAHARASHTRA


(AJAY MEHTA)

CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

Copy to:

- 1) Principal Secretary, to Hon'ble Governor of Maharashtra, Rajbhavan, Mumbai
- 2) Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra
- 3) Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra
- 4) Private Secretaries of All Hon'ble Minister / Minister of State, Mantralaya
- 5) All Additional Chief Secretaries / Principal Secretaries / Secretaries of Government of Maharashtra, Mantralaya

- 6) Director General of Police
- 7) Principal Secretary, Public Health Department, Mantralaya
- 8) Secretary, Medical Education, Mantralaya
- 9) All Divisional Commissioners in the State
- 10) All Commissioners of Police in the State
- 11) All Commissioners of Municipal Corporations in the State
- 12) All District Collectors
- 13) All District Superintendents of Police in the State

CC:

The Manager, Government Printing Press with a request to publish the Government Notification in the extraordinary issue of Maharashtra State Gazette

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest,
Disaster Management, Relief and Rehabilitation,
Mantralaya, Mumbai-400 032
No. DMU/2020/CR. 92/DisM-I, Dated 13th April 2020

NOTIFICATION

COVID-19 - The Epidemic Diseases Act, 1897- Extension to revised Lockdown
Orders Dated 25th March 2020

Reference:

1. The Epidemic Diseases Act, 1897
2. The Disaster Management Act, 2005
3. Government Notification, Revenue and Forest Department,
Disaster Management, Relief and Rehabilitation , Dated-25th
March 2020

No DMU/2020/CR. 92/DisM – 1. Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid-19 Virus, and therefore to take certain emergency measures to prevent and contain the spread of the virus, vide above notification dated 25th March 2020, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, notified lockdown in the entire State of Maharashtra with immediate effect till midnight of 14th April 2020;

2. And whereas it is expedient to take measures further to contain the spread of virus;

3. Now, therefore, in exercise of the powers conferred under section 2 of the Epidemic Diseases Act, 1897 and of all other powers enabling it in that behalf, the State Government hereby directs that the lock-down orders issued vide Notification dated 25th March 2020 shall now be extended upto and inclusive of 30th April 2020;

A. J. Melb
13.4.20

4. It is further directed that all earlier orders shall be aligned with order and shall remain in force upto and inclusive of 30th April 2020.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA

Aj. Mehta 13.4.20
(AJAY MEHTA)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

Copy to:

1. Principal Secretary to Hon'ble Governor of Maharashtra, Mumbai.
2. Hon'ble Chairman, Maharashtra Legislative Council, Mumbai
3. Hon'ble Speaker, Maharashtra Legislative Assembly, Mumbai
4. Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra, Mumbai
5. Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra, Mumbai
6. Private Secretary to Leader of Opposition, Legislative Council / Assembly, Mumbai
7. Private Secretaries of All Hon'ble Minister/Minister of State, Mantralaya, Mumbai
8. All Additional Chief Secretaries/Principal Secretaries/Secretaries of Government of Maharashtra, Mantralaya, Mumbai
9. Director General of Police, Mumbai
10. Principal Secretary, Public Health Department, G.T.Hospital, Mumbai
11. Secretary, Medical Education, Mantralaya, Mumbai
12. All Divisional Commissioners in the State
13. All Commissioners of Police in the State
14. All Commissioners of Municipal Corporations in the State
15. All District Collectors
16. All Chief Executive Officer of Zilla Parishads,
17. All District Superintendents of Police in the State,
18. All Chief Officers of Municipal Councils and Nagar Panchayat

CC:

The Manager, Government Printing Press with a request to publish the Government Notification in the extraordinary issue of Maharashtra State Gazette

GOVERNMENT OF MAHARASHTRA
 Department of Revenue and Forest, Disaster Management,
 Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
 No: DMU/2020/CR. 92/DisM-1, Dated: 15th April, 2020

NOTIFICATION

COVID -19 –The Epidemic Diseases Act, 1897- Amendment to Lockdown – Orders
 Dated 13th April, 2020

Reference:

1. The Epidemic Diseases Act, 1897
2. The Disaster Management Act, 2005
3. Government Notification, Public Health Department, No. Corona-2020/CR-58/Aarogya-5, Dated- 13th March 2020, 14th March 2020, 15th March 2020
4. Government Notification, Revenue and Forest, Disaster Management, Relief and Rehabilitation Department, Dated- 25th March 2020 and 13th April 2020
5. Government of India, Ministry of Home Affairs, Order No. 40-3/2020-DM-1(A), Dated 14th April 2020

No. DMU/2020/CR. 92/DisM-1: Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid-19 Virus, and therefore to take certain emergency measures to prevent and contain the spread of the virus, vide above notification dated 13th April 2020, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, notified lockdown in the entire State of Maharashtra with immediate effect till midnight of 30th April, 2020.

And whereas, the Government of India, Ministry of Home Affairs vide its order dated 14th April, 2020 extended lockdown period till midnight of 3rd May, 2020.

And whereas, it is expedient to revise and align the lockdown orders issued by the Government of Maharashtra vide its notification dated 13th April, 2020 to keep it in consonance with the guidelines of the Government of India.

Now, therefore, in exercise of the powers conferred under section 2 of the Epidemic Diseases Act, 1897 and of all other powers enabling it in that behalf, the State Government hereby directs that the lock-down orders issued vide Notification dated 13th April, 2020 shall now be extended up to and inclusive of 3rd May, 2020;

It is further directed that all earlier orders shall be aligned with order and shall remain in force up to and inclusive of 3rd May 2020.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA.


 (AJAY MEHTA)
 CHIEF SECRETARY
 GOVERNMENT OF MAHARASHTRA

Copy to:

1. Principal Secretary to Hon'ble Governor of Maharashtra, Mumbai.
2. Hon'ble Chairman, Maharashtra Legislative Council

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 30th April 2020

ORDER

Amendment to the Consolidated Revised Guidelines on the measures to be taken for containment of COVID-19 in the State

Reference:

- 1) Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-1, dated 25th March 2020, 15th April 2020, dated 17th April, 2020, 21st April 2020, 23rd April 2020, 24th April 2020 and 28th April 2020
- 2) Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) Dated 15th April, 2020, 19th April, 2020, 21st April, 2020, 24th April, 2020 and 29th April 2020

In continuation to the above Orders of the State Government and the Guidelines issued by the Ministry of Home Affairs (MHA), Government of India and in exercise of the powers, conferred under the Disaster Management Act, 2005 the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues orders to include the following in these consolidated revised guidelines Order dated 17th April, 2020 for the strict implementation by the concerned authorities in the State of Maharashtra:

To include Sub-clause (iv) under clause 17 on movement of persons –

- (iv) Due to the lock down, migrant workers, pilgrims, tourists, students and other persons are stranded at different places. They would be allowed to move as per the conditions in the attached Standard Operating Procedure (SOP) as ANNEXURE "A".

BY ORDER AND IN THE NAME OF GOVERNOR OF MAHARASHTRA


 (AJOY MEHTA)
 CHIEF SECRETARY
 GOVERNMENT OF MAHARASHTRA

Copy to:

1. Principal Secretary to Hon'ble Governor of Maharashtra, Mumbai,
2. Hon'ble Chairman, Maharashtra Legislative Council,

3. Hon'ble Speaker, Maharashtra Legislative Assembly,
4. Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra,
5. Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra,
6. Private Secretary to Leader of Opposition, Legislative Council / Assembly,
7. Private Secretaries of All Hon'ble Minister/Minister of State, Mantralaya,
8. Chief Secretaries of the concerned States.
9. All Additional Chief Secretaries/Principal Secretaries/Secretaries of Government of Maharashtra,
10. Director General of Police, Maharashtra State, Mumbai,
11. Principal Resident Commissioner / Resident Commissioner of concerned States.
12. Principal Secretary, Public Health Department, Mantralaya,
13. Secretary, Medical Education, Mantralaya,
14. All Divisional Commissioners in the State,
15. All Commissioners of Police in the State,
16. All Commissioners of Municipal Corporations in the State,
17. All District Collectors,
18. All Chief Executive Officers, Zilla Parishad,
19. All District Superintendents of Police in the State.

ANNEXURE "A"**Standard Operating Procedure for movement of Stranded Persons**

1. Dr. Nitin Kareer, Additional Chief Secretary (Revenue) along with Smt. Idzes Kundan, Principal Secretary, Woman and Child Development Department, and Shri. Abhay Yawalkar, Director of State Disaster Management will coordinate this movement. The telephone numbers of the Control Room are 022-22027990, 022-22023039 and the email address is controlroom@maharashtra.gov.in
2. All District Collectors will be the designated Nodal Authority for receiving and sending such stranded persons between the States/UTs and also within the State of Maharashtra.
3. The Nodal Authority shall register the stranded persons within their district and submit their detailed list to the District Collector of the district to which those persons desire to travel, with a copy to the respective State Nodal Officer
4. For inter-state movement, the sending and receiving States/UTs shall consult each other and mutually agree to the movement by road as also the schedule.
5. No movement shall be permitted into the State of Maharashtra unless the group of persons has obtained the letter from the appropriate District Collector or the Director, State Disaster Management. (The format of the letter is attached as Annexure B).
6. Similarly, no group of persons shall be allowed to leave unless they have an appropriate letter from the receiving State/District Authority.
7. The persons who desire to move shall be screened and only those who do not show influenza like symptoms or symptoms of COVID-19 shall be allowed to proceed. In case of persons showing symptoms, the future course of treatment will be followed as per the standard health protocol. The letter of the sending States/UTs / District shall clearly mention that the persons have been screened and are found to be asymptomatic. The letter of the sending States/UTs / District should also mention that the persons would abide by the protocol decided by the receiving state.
8. All the persons who wish to travel by making their own arrangements can proceed on the basis of the letters of the sending and receiving States/UTs / Districts.

9. The vehicles being used or deployed for the transport of the persons will bear a transit pass issued by the sending State/UT /District Authority. The pass will be for a fixed route and with specific validity along with the names of persons travelling. Such a transit pass shall be honoured by the authorities of the States/UTs /Districts along the transit route.
10. The destination wise details of the persons allowed to travel will be shared by the respective State/ UT/District for the necessary follow up.
11. The vehicles/buses used for transport shall be necessary sanitised before and after use and social distancing norms shall be scrupulously followed in the seating arrangement.
12. Any group of persons coming into Maharashtra will have to strictly follow the 14 day Quarantine period which will be ensured by the Collectors/Municipal Commissioners.
13. On arrival at their destination, such person(s) would be assessed by the local health authorities, and kept in home quarantine, unless the assessment requires keeping the persons in institutional quarantine. They would be kept under watch with frequent health check-up. For this purpose, such persons may be encouraged to use Aarogya Setu app through which their health status can be monitored and tracked. The guidelines of the Ministry of Health and Family Welfare MOHFW on home quarantine, dated 11.03.2020 maybe referred to in this regard which are available at <https://www.mohfw.gov.in/pdf/Guidelinesforhomequarantine.pdf>.

Ajith

Annexure "B"**TO WHOMSOEVER IT MY CONCERN**

..... migrant workers/ pilgrims/ tourists/ students/other persons from the district of of Maharashtra State are stranded in district of State/UT. The District Magistrate of district is requested to allow these persons to leave for district of Maharashtra.

These migrant workers/ pilgrims/ tourists/ students/other persons would be returning to Maharashtra by bus/road via /...../..... States/UTs. The State Governments of and States/UTs and their District Authorities are requested to cooperate with the return journey of the migrant workers/ pilgrims/ tourists/ students/other persons. As per instructions, they would be screened on arrival and home-quarantined for 14 days.

(Name)

**Director, State Disaster
Management/ District
Magistrate**

District

State

Mobile

E-mail address


-TRUE COPY-

ANNEXURE R-2 (COLLY)

**No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs**

North Block, New Delhi-110001

Dated 23rd March, 2021

ORDER

Whereas, an Order of even number dated 27.01.2021 was issued for containment of COVID-19 in the country, for a period upto 28.02.2021, which was further extended for a period upto 31.03.2021 vide an Order of even number dated 26.02.2021;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order with guidelines for containment of COVID-19 in the country;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines for effective control of COVID-19, as **annexed**, will be in force upto 30.04.2021.

A handwritten signature in blue ink, followed by the date '23/03/2021' written in blue ink.

Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All Members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

Guidelines for effective control of COVID-19

**[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A)
dated 23rd March, 2021]**

The coordinated effort of Central and State/UT agencies has resulted in a sustained decline in the number of active COVID-19 cases in the country, continuously for about 5 months. A fresh surge in COVID-19 cases, in some parts of the country, however, is a cause of concern. At this juncture, the substantial gains achieved against the spread of COVID-19 need to be consolidated, and the chain of transmission of the pandemic effectively broken, with a view to expeditiously restore complete normalcy.

With the last guidelines issued by Ministry of Home Affairs (MHA) on 27.1.2021, all economic and other activities have been opened up in a phased manner, with the stipulation that the prescribed Standard Operating Procedures (SOPs) be scrupulously followed. In order to ensure that the resumption of activities is successful, it is imperative to strictly enforce the **Test- Track-Treat** protocol in all parts of the country; ensure that COVID appropriate behaviour is scrupulously observed by everyone; and, the ongoing vaccination drive – the largest in the world – is scaled up rapidly, to cover all the target groups.

The following guidelines are issued to be effective from *1st April, 2021*.

Effective enforcement of the Test-Track-Treat protocol

Test

1. With sustained effort, the capacity of total daily tests that can be conducted across the country has gone up substantially. There is need to ensure that the tests being conducted are uniformly distributed across all districts, with adequate testing to be done in districts reporting higher number of cases. The proportion of RT-PCR tests in the total mix should be scaled up, on best effort basis, to 70% or more. States and UTs, where the proportion of RT-PCR tests is less, should rapidly increase testing through this protocol, to reach the prescribed level.

Track

2. The new positive cases detected as a result of intensive testing need to be isolated/ quarantined at the earliest; and, their contacts have to be traced at the earliest, and similarly isolated/ quarantined. Containment Zones, accordingly, have to be demarcated, and prescribed containment measures implemented within such Zones.
3. Effective demarcation of Containment Zones, in vulnerable and high incidence areas, is key to breaking the chain of transmission and controlling the spread of the virus. Containment Zones shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare

 23/03/2021

(MoHFW) in this regard. The list of Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs. This list will also be shared with MoHFW on a regular basis.

4. Within the demarcated Containment Zones, containment measures, as prescribed by MoHFW, shall be scrupulously followed, as under:
 - i. Only essential activities shall be allowed in the Containment Zones.
 - ii. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services.
 - iii. There shall be intensive house-to-house surveillance by surveillance teams formed for the purpose.
 - iv. Testing shall be carried out as per prescribed protocol.
 - v. Listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80% of contacts to be traced in 72 hours).
 - vi. Surveillance for ILI/ SARI cases shall be carried out in health facilities or outreach mobile units or through fever clinics in buffer zones.
 - vii. **It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed Containment measures are strictly followed. State/ UT Governments shall ensure accountability of the officers concerned in this regard.**

Treat

5. Quick isolation of COVID-19 patients shall be ensured in treatment facilities/ home (subject to fulfilling the home isolation guidelines).
6. Clinical interventions, as prescribed, shall be administered. Capacity building of health workers and professionals shall be an ongoing exercise, to be conducted at all levels, with a view to ensure that the prescribed clinical management protocol is understood clearly and administered accordingly.
7. The concerned agencies – of the Central and State/ UT Governments – shall ensure adequate availability of COVID dedicated health and logistics (including ambulatory) infrastructure, based on their assessment of the case trajectory.
8. Effective infection prevention and control practices shall be followed in treatment facilities and by health care workers and professionals.


23/03/2021

COVID appropriate behavior

9. State/ UT Governments shall take all necessary measures to promote COVID-19 appropriate behaviour. Strict enforcement of wearing of face masks, hand hygiene and social distancing must be ensured.
10. Wearing of face masks is an essential preventive measure. In order to enforce this core requirement, States and UTs may consider administrative actions, including imposition of appropriate fines, on persons not wearing face masks in public and work spaces.
11. Observance of social distancing in crowded places, especially in markets, weekly bazaars and public transport, is also critical for containing the spread of the infection. SOP issued by Ministry of Health and Family Welfare (MoHFW) to regulate crowds in market places, shall be strictly enforced by States and UTs.
12. SOPs for regulating travel in aircrafts, trains and metro rails are already in place, which shall be strictly enforced. States and UTs shall issue necessary guidelines for regulating travel in other modes of public transport, e.g., buses, boats etc., and ensure that these are strictly complied with.
13. The National Directives for COVID-19 Management, as specified in **Annexure I**, shall be strictly followed throughout the country.

Strict adherence to the prescribed SOPs

14. All activities have been permitted outside Containment Zones and SOPs have been prescribed for various activities. These include: movement by passenger trains; air travel; metro trains; schools; higher educational institutions; hotels and restaurants; shopping malls, multiplexes and entertainment parks; yoga centres and gymnasiums; exhibitions, assemblies and congregations, etc.
15. The SOPs, as updated from time to time, shall be strictly enforced by the authorities concerned, who shall be responsible for their strict observance.

Vaccination

16. Government of India has launched the world's largest vaccination drive against COVID-19. The National Expert Group on Vaccine Administration for COVID-19 (NEGVAC) provides guidance on prioritization of population groups, procurement & inventory management, and vaccine selection delivery and tracking. The recommendations of NEGVAC are considered and finalized by the Central Government.
17. While the vaccination drive is proceeding smoothly, the pace is uneven across different States and UTs; and, the slow pace of vaccination in some States/ UTs is a matter of concern. Vaccination against COVID-19, in the present scenario, is critical to break the chain of transmission. Therefore, all State/ UT Governments should rapidly step up the pace of vaccination,

 23/03/2021

to cover all priority groups, as recommended by NEGVAC and approved by the Central Government, urgently and in an expeditious manner.

Local restrictions

18. States and UTs, based on their assessment of the situation, may impose local restrictions at district/ sub-district and city/ ward level, with a view to contain the spread of COVID-19.
19. There shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

Protection of vulnerable persons

20. Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to take necessary precautions.

Use of *Aarogya Setu*

21. Use of *Aarogya Setu* may continue on best effort basis on compatible mobile phones. This will facilitate timely provision of medical attention to those individuals who are at risk.

Strict enforcement of the guidelines

22. All the District Magistrates shall strictly enforce the above measures. For the enforcement of social distancing, State/ UT Governments may, as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973.
23. Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


23/03/2021
Union Home Secretary

and, Chairman, National Executive Committee

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 29th April, 2021

ORDER

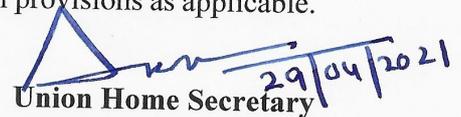
Whereas, an Order of even number dated 23.03.2021 was issued for effective control of COVID-19 in the country, for a period upto 30.04.2021;

And whereas, considering the unprecedented surge in COVID-19 cases across the country, Ministry of Health & Family Welfare (MoHFW) vide DO No. Z.28015/85/2021-DM Cell dated 25th April 2021, has issued an advisory to all States and Union Territories (UTs), for implementing intensive, local and focused containment framework, in specific districts/ cities/ areas, identified based on a prescribed criterion;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order, for ensuring compliance on the focused containment measures, as mentioned in the aforesaid MoHFW letter dated 25.04.2021, for containment of COVID-19 in the country;

Now, therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned, hereby directs the State/ Union Territory Governments and State/ Union Territory Authorities to consider the containment measures for COVID-19, as conveyed vide aforesaid MoHFW advisory dated 25.04.2021, as per **Annexure-I**, for immediate implementation in their State/ UT, based on the assessment of the situation, until 31.05.2021. States/ UTs, will take the necessary containment measures, under the relevant provisions of the Disaster Management Act 2005. It is further directed that:

- (i) The National Directives for COVID-19 Management, as specified in **Annexure-II**, shall continue to be strictly followed throughout the country.
- (ii) All the District Magistrates shall strictly enforce the containment measures taken by States/ UTs and the National Directives.
- (iii) Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable.


Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All Members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

ANNEXURE-I

Containment framework, as mentioned in Ministry of Health & Family Welfare (MoHFW), DO no. Z.28015/85/2021-DM Cell dated 25th April 2021

Annexure – A

Implementation Framework for community containment/large containment areas

Understanding the virus transmission dynamics:

The virus transmits through the human host. It is imperative to understand that in order to contain the transmission of the virus, the strategies involve not just containing the virus but also the human host.

Broadly, the **strategies** are:

1. **Individual actions** such as wearing of masks, maintaining a distance of 6 feet from others, sanitizing one's hands frequently and not attending any mass gathering; and
2. **Public Health measures** to contain the virus by:
 - **quarantining** and testing individuals suspected to be positive including contacts of SARS-CoV-2 positive persons, SARI cases, persons with flu like symptoms etc. and ensuring that they are not mobile and thus able to spread the infection
 - **isolating** all those who are positive, tracing their contacts, quarantining and testing them.
 - where there are clusters of cases, simply quarantining individuals or families will not help. In that case, **containment zones** with clear boundaries and stringent controls will be required to ensure that the infection does not spread outside. This is in line with the containment strategy followed worldwide and also already enumerated in SOPs of the Ministry of Health. This would mean a large geographical area like a city or district or well defined parts thereof, where cases are high and spiraling up, gets contained physically, However, regulated movement of public transport would be permitted.
3. **Evidence Based Decision:** The decision on where and when to go for large Containment Zone (CZ) has to be evidence based and done at the State/UT level after proper analysis of the situation, such as; the population affected, the geographical spread, the hospital infrastructure, manpower, the ease of enforcing boundaries etc.
4. However, in order to facilitate objective, transparent, and epidemiologically sound decision making, the following broad-based framework is provided to aid States UTs in selection of districts/areas:

S. No.	Parameter	Thresholds
1	Test positivity	Test positivity of 10% or more in the last one week
OR		
2	Bed occupancy	Bed occupancy of more than 60% on either oxygen supported or ICU beds

.....contd/-

: 2 :

5. The areas requiring **Intensive action and local containment** connotes specific and well defined geographical units such as cities/town/part of the towns/district headquarters/semi-urban localities/municipal wards/*panchayat areas* etc.
6. The areas so identified for intensive action and local containment will primarily focus on **the following strategic areas of intervention:**

A. Containment

- i. Focus will be on **containment as a major approach to flatten the current curve of the epidemic.**
- ii. **Night curfew:** Movement of individuals shall be strictly prohibited during night hours, except for essential activities. Local administration shall decide the duration of the night curfew hours and issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.
- iii. The spread of the infection has to be controlled through **restricting the intermingling amongst people**, the only known host for the COVID-19 virus.
- iv. Social/ political / sports / entertainment / academic / cultural / religious / festival-related and other **gathering and congregations shall be prohibited.**
- v. **Marriages (attended by up to 50 persons) and funerals/ last rites (attended by up to 20 persons) may be allowed.**
- vi. All shopping complexes, cinema halls, restaurants & bars, sports complexes, gym, spas, swimming pool and religious places should remain closed.
- vii. **Essential services and activities** such as **healthcare services, police, fire, banks, electricity, water and sanitation, regulated movement of public transport** including all **incidental services and activities** needed for a smooth functioning of these activities **shall continue.** Such services shall continue in both **public and private sector.**
- viii. **Public transport** (railways, metros, buses, cabs) **to operate at a maximum capacity of 50%.**
- ix. There shall be **no restrictions on inter-state and intra-state movement including transportation of essential goods.**
- x. All **offices**, both government and private, to function with a **maximum staff strength of 50%.**
- xi. **All industrial and scientific establishments**, both government and private may be **allowed** subject to the **workforce following physical distancing norms.** They shall also be tested through RAT (in case of individuals identified with flu like symptoms) from time to time.
- xii. The SOPs already issued by MoHFW, including training manuals for surveillance teams and supervisors are available on the website & must be followed.
- xiii. **However, these are indicative activities, and States/ UTs should make a careful analysis of the local situation, areas to be covered, and probability of transmission and then take a decision.**

*contd/-

: 3 :

- xiv. The restrictions as above shall continue for a **period of 14 days**.
- xv. **Before declaring a containment area, make a public announcement, outlining the rationale for the same and the kind of restrictions that will be in place (a leaflet in local language may be distributed highlighting the gravity of the situation and restrictions to be followed)**
- xvi. **Community volunteers, civil society organizations, ex- servicemen, and members of the local NYK/NSS centers etc.** should be involved for sustainable management of containment activities, translating the aforementioned leaflets and for encouraging people in the community for sustained behavior change as well as vaccination.

B. Testing and Surveillance

Districts will continue with the strategy of **'Test-Track-Treat-Vaccinate'** and **implementation of Covid Appropriate Behavior across the district** as the ongoing strategy for the management of COVID-19.

- i. Ensure **adequate testing and door to door case search** in the area through adequate number of teams formed for such purpose.
- ii. Plan for **testing of all clinically resembling cases** of Influenza like illness (ILI) & SARI through **RAT**. All symptomatic individuals turning out to be negative for SARS-CoV-2 infection with RAT need to be **retested through RT PCR**.
- iii. Ensuring **compliance of COVID Appropriate Behaviour** aggressively both through creation of awareness through involvement of the community based organizations and through stringent regulatory framework.

C. Clinical Management

- i. Analysis to be undertaken with respect to **requirement of health infrastructure** so as to **manage the present and projected cases (next one month)** and necessary action initiated to ensure sufficient oxygen-supported beds, ICU beds, ventilators, ambulances including creation of makeshift hospitals, as needed. Sufficient quarantine facilities shall also be re-activated.
- ii. Leverage **government, private health facilities** including hospital facilities available with **central ministries, railway coaches, temporary field hospitals etc.**
- iii. Ensure that people satisfying protocol for home isolation only are allowed under **home isolation**. Create a **mechanism for their regular monitoring** through Call Centres along with **regular visit of surveillance teams** to such houses.
- iv. Provision of a **customized kit** for all patients under home isolation, **including detailed dos and don'ts** to be followed by them.
- v. Specific **monitoring** shall be done for **high risk cases** and their timely shifting to the health facility. Similarly, **elderly and co-morbid contacts** of positive cases shall be **shifted to quarantine centres** and monitored.

.....contd/-

: 4 :

- vi. Appoint **senior district officials as In-charge** for all Covid dedicated hospitals and create a **mechanism for seamless shifting** of patients (**including home isolation cases**) as per their symptom to the relevant facilities.
- vii. Ensure availability of **sufficient ambulances** for such purpose.
- viii. Coordinate **availability of oxygen, other related logistics, drugs etc.** in collaboration with state officials and ensure their rational use.
- ix. **Oxygen therapy** for the admitted cases shall follow the **guidelines issued by Ministry of Health** on the **rational use** of oxygen
- x. Use of **investigative drugs** (Remdesivir / Tocilizumab etc.) shall also **strictly follow the clinical management protocol/advisories issued by Ministry of Health.**
- xi. **Facility wise cases and deaths** shall be analyzed on **daily basis** by the **Incident Commander/District Collector/Municipal Commissioner.** **Death-audit** shall be undertaken for **all deaths** in the hospitals and in the community to provide supportive supervision to field staff/hospitals.

D. Vaccination

100% vaccination for the **eligible age-groups** shall be undertaken duly **creating additional vaccination centres and optimal capacity utilization of existing Centres.**

E. Community Engagement

- i. Ensure **adequate advance information to community**, also highlighting the need for stringent containment actions so as to win their involvement and support.
- ii. Provide enough time for people movement for essential requirements etc. before announcing the large scale containment
- iii. Take necessary actions to **avoid misinformation & panic** in the community.
- iv. **Involve local level NGOs/CBOs/CSOs, Opinion Makers and subject experts** to create a positive environment and for sustained dialogue with the community.
- v. **Create wide publicity on early warning signals** and self-reporting so as to identify cases early and to prevent avoidable deaths among home isolation patients.
- vi. Give **wide publicity on the mechanism** whereby people can get themselves tested, details of available health facilities, requisitioning an ambulance etc (community based organizations should be encouraged to create WhatsApp groups for quick dissemination of information so that the individuals in need of prevention and/or care services do not suffer delay).
- vii. Ensure that **details of hospital beds and their vacancy status is made available on-line and also released to media on a daily basis.**
- viii. Details on **availability of oxygen, drugs, vaccine and vaccination centres;** including the guidelines related with use of Remdesivir/Tocilizumab etc. be also widely publicized so as to create confidence in the community.

.....contd/-

: 5 :

- ix. Community should be oriented about the feasibility of managing mild COVID-19 cases at home with appropriate monitoring of vital parameters such as temperature and oxygen saturation with the help of pulse oxymeter.
- x. **Need for COVID Appropriate Behaviour including regulatory framework for enforcement should be widely publicized.**
- xi. **Build confidence** in community duly highlighting the nature of disease, the fact **that early identification** helps in early recovery and more than 98% people recover to **remove fear as well as stigma** related with Covid-19. Involvement of civil society organizations to hold such orientations go a long way in this regard.

Annexure II**NATIONAL DIRECTIVES FOR COVID-19 MANAGEMENT**

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet (*2 gaz ki doori*) in public places.
Shops will ensure physical distancing among customers.
3. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.

Additional directives for Work Places

4. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
5. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
6. **Screening & hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry points and of hand wash or sanitizer at exit points and common areas.
7. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.
8. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers and other staff.

अजय भल्ला, भा.प्र.से.
AJAY BHALLA, IAS



गृह सचिव
Home Secretary
भारत सरकार
Government of India
नॉर्थ ब्लॉक/North Block
नई दिल्ली/New Delhi

No. 40-3/2020-DM-I(A)

27th May, 2021

Dear Chief Secretary,

Kindly refer to Ministry of Home Affairs (MHA) Order of even number issued today, vide which MHA Order dated 29.04.2021, issued to ensure compliance to the containment measures for COVID-19, as conveyed by Ministry of Health & Family Welfare (MoHFW) D.O. letter dated 25.04.2021, has been extended upto 30th June, 2021.

2. The strict implementation of containment and other measures has led to a declining trend in the number of new and active cases, across States & UTs, barring some areas in the Southern and North-Eastern regions.

3. I would like to highlight that in spite of the declining trend, the number of active cases presently is still very high. It is, therefore, important that containment measures may continue to be implemented strictly. Any relaxation by States/UTs, may be considered at an appropriate time, in a graded manner, after assessing the local situation, requirements and resources.

4. I would, therefore, urge you to continue compliance to the containment measures, as has been advised by MoHFW in their letter dated 25.04.2021, so as to fully overcome the pandemic. In this regard, necessary directions may be issued to district authorities in your State/UT, for taking all necessary measures. I would also advise that Orders/guidelines, issued by the respective State Governments/UT Administrations/district authorities, for implementing containment measures, should be widely disseminated to the public and to the field functionaries, for their effective implementation.

With regards,

Yours sincerely,


(Ajay Bhalla)

Chief Secretaries of all States



GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 4th April, 2021

ORDER

Reference:

1. The Epidemic Diseases Act, 1897.
2. The Disaster Management Act, 2005
3. Revenue and Forest. Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 24th February, 2021, 15th March, 2021 and 27th March, 2021
4. Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1(A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020, 27th January, 2021 and 23rd February, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee has issued an Order dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020 and 29th January, 2021 and 24th February, 2021, 15th March, 2021, 17th March, 2021 and 27th March, 2021) for containment of COVID 19 in the State for the period upto 30th April, 2021 and issued revised guidelines by including certain activities from time to time vide above mentioned orders.

Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of COVID-19 virus, and therefore to take certain emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The



Disaster Management Act, 2005, it is expedient to enforce the following measures throughout the State till 30th April, 2021.

Now, therefore, in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under The Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues the following directions –

1. Imposition of Section 144 and Night Curfew

- a) Section 144 to be imposed in the State.
- b) From 7 AM to 8 PM on Monday to Friday, no more than 5 people to move together or gather in any public place.
- c) Rest of the period (i.e. From 8 PM to 7 AM on weekdays and from 8 PM Friday to 7 AM Monday) no one to move in public place without valid reasons or by permission contained herein below.
- d) Medical and other essential services are exempted and their movements or operations are to be unrestricted.
- e) **Essential Services to include the following -**
 - a. Hospitals, diagnostic centers, Clinics, Medical insurance offices, Pharmacies, Pharmaceutical companies, other medical and health services.
 - b. Groceries, Vegetables Shops, dairies, bakeries, confectionaries, food shops.
 - c. Public Transport - Trains, Taxis, Autos and public buses.
 - d. Services related to functioning of offices of Diplomats of various countries
 - e. Pre Monsoon Activities by local authorities
 - f. All Public Services by local authorities.
 - g. Transport of Goods
 - h. Agriculture related services



- i. E-Commerce
- j. Accredited Media
- k. Services designated as essential services by local disaster management authority

2. Outdoor Activity

- a) All beaches/ gardens/ public grounds to remain closed from 8 PM to 7 AM on weekdays and from 8 PM Friday to 7 AM Monday.
- b) Between 7 AM to 8 PM on Monday to Friday, visitors to follow strictly Covid Appropriate Behaviour.
- c) Local authorities to ensure that such places are closely supervised and in case of crowding occurring in such locations to a point where the local authorities feel that it behaviour of visitors is not disciplined and may lead to transmission/ spread of the COVID-19 virus, then they may close down the same.

3. Shops, Markets and Malls

All shops, markets and malls to remain closed throughout the day except for essential services.

- a. Essential services shops to operate while ensuring social distancing between customers in the shop premises. Extra customers to be kept waiting with adequate social distancing with markings wherever possible.
- b. Essential shops owners and person working at all shops to get vaccinated at the earliest, as per criteria of GOI. All shops are advised to follow safety measures like interaction with customers through a transparent glass or other material shields, electronic payment etc.
- c. All shop owners that are closed for now are advised to get all persons working with them to get vaccinated as per criteria of GOI as well as prepare with measures like like interaction with customers through a transparent glass or other material shields, electronic payment etc. so that government can expedite reopening of the same without fear of spread.



4. Public Transport:

Public transport will be fully operational with following restrictions:

Auto Rickshaw	Driver + 2 passengers only
Taxi (4 wheelers)	Driver + 50% vehicle capacity as per RTO
Bus	Full seating occupancy as per RTO passing. However, no standing passengers will be allowed.

- a) All persons using public transport to compulsorily wear mask in a proper manner barring which fine of Rs 500 will be imposed on the offenders.
- b) In 4 wheeler taxi, if any one person is not wearing mask, the offender and the driver of the taxi will be fined an amount of Rs 500 each.
- c) All vehicles to be sanitized after every trip.
- d) All public transport - drivers and other staff coming into contact with the public to get vaccinated at the earliest, as per criteria of GOI and till vaccinated completely to carry negative corona result certificate valid upto 15 days. This rule will come into effect from 10th April, 2021. For taxis and autos, however, if driver isolates himself or herself through a plastic sheet or otherwise he or she may be exempted from this requirement.
- e) In case if any of the above are found to be without negative RTPCR Certificate/ without being vaccinated as above, a fine of Rs 1000/- will be levied.
- f) In the case of out-station trains, railway authorities to ensure that there are no standing passengers in the general compartment and all passengers use masks.
- g) Fine of Rs 500 to be levied in all trains for non use of masks.



5. Offices:

- a) All Private offices to remain closed except for the following:
 - a. Cooperative, PSU and Private Banks
 - b. BSE/ NSE
 - c. Electric Supply related Companies
 - d. Telecom Service Providers
 - e. Insurance/ Medclaim Companies
 - f. Pharmaceutical company offices needed for management of production/ distribution
- b) Local disaster management authorities may add exceptions if needed
- b) Government offices to function with 50% attendance except those required for the response to Covid 19 pandemic wherein they will work with 100% strength as per the decision of the HOD of the department/ office.
- c) All government offices as well as government companies related to electricity, water and banking and other financial services shall remain functional with full capacity.
- d) In case of Government offices as well as government companies, all meetings with anyone apart from office staff which is present in the same campus must only be conducted online.
- e) No visitors to be allowed in Government offices as well as government companies. Offices to start e-visitor system at the earliest.
- f) For government offices, in case of an exceptional circumstance, the HOD may be allowed to issue pass for visitors subject to them having a negative RTPCR report of within 48 hours on entry into the office.
- g) For both private and government offices, to get vaccinated at the earliest, as per criteria of GOI, so that government may reopen expeditiously offices without fear of spread or acceleration of Covid 19.

6. Private Transport

Private Vehicles including private buses can ply normally from 7 AM to 8 PM on Monday to Friday and for the purposes of emergency or essential services for rest of the period (8PM to 7 AM on weekdays and 8PM on Friday to 7AM on Monday).

Private buses, in addition will be subjected to following:

- a. To ply with only seating capacity. There should be no standing passengers ever.
- b. Staff must get vaccinated at per GOI criteria and till vaccinated, all the staff must have a valid negative RT-PCR test result certificate valid till 15 days. This rule shall operate from 10th April 2021.



7. Recreation and Entertainment

- a) Cinema halls to remain closed.
- b) Drama theatres and auditoriums to remain closed.
- c) Amusement Parks/ Arcades/ Video Game Parlours to remain closed.
- d) Water Parks to remain closed
- e) Clubs, Swimming Pools, Gyms and Sports Complexes to remain closed.
- f) All persons connected with these establishments should get vaccinated at the earliest, as per GOI guidelines so that reopening of these may be achieved at the earliest without fear of spread or acceleration of Covid 19.
- g) Shooting for Films/ Serials/ Advertisement to be allowed subject to
 - a. Generally shooting of scenes with large number of artists to be avoided.
 - b. All staff engaged as well as artists to carry negative RT-PCR test certificate valid for 15 days. This order will operate from 10th April, 2021.
 - c. In case a Quarantine Bubble maybe created for the artists and staff engaged, they may be allowed by concerned disaster management authority with any number provided before entry into the bubble negative RTPCR test has been conducted on each one.

8. Restaurants, Bars, Hotels

- a) All Restaurants and bars to remain closed, except for those inside the campus and integral parts of hotels.
- b) Take away orders, parcels and home delivery services to be allowed between 7 AM to 8 PM from Monday to Friday. On weekends only home delivery services shall be allowed between 7 AM to 8 PM and there shall be no visiting any restaurant or bar for ordering purposes or pickup.
- c) Restaurants and bars inside hotels are to be open only for in-house guests. In no circumstance should outside guests be allowed. For outsiders, they will follow the same restrictions as any other restaurant and bar as mentioned above.
- d) All personnel belonging to home delivery services to be vaccinated at the earliest as per GOI guidelines. However, in case the person is not vaccinated, he will have to carry a



negative RTPCR report which will be valid till 15 days. This rule will be applicable from 10th April, 2021.

- e) Without negative RTPCR Certificate/ without being vaccinated as above, post 10th April 2021 a fine of Rs 1000/- will be levied on the offender and fine of Rs 10,000 will be levied on the establishment. Repeated offenders may be withdrawn licenses or permissions for operations till notification for COVID 19 epidemic remains in force.
- f) All staff that may work in these restaurants and bars are advised to get vaccinated at the earliest, as per GOI guidelines, so that reopening of these may be expedited.

9. Religious Places of Worship

- a) Religious Places of Worship to remain closed.
- b) All the personnel engaged in the service of the place of workshop shall continue to perform their duties though no outside visitor shall be allowed.
- c) All staff that may work in these places are advised to get vaccinated at the earliest, as per GOI guidelines, so that reopening of these may be expedited.

10. Barber Shops/ Spa/ Salon/ Beauty Parlors

- a) Barber shops/ Spa's / Salons and Beauty Parlors to remain closed.
- b) All staff that may work in these establishments are advised to get vaccinated at the earliest, as per GOI guidelines, so that reopening of these may be expedited.

11. Newspapers:

- a) Newspapers can be printed and circulated.
- b) Home Delivery also to be allowed between 7AM to 8 PM on all days.
- c) All persons engaged in the activity to get vaccinated at the earliest, as per criteria of GOI. All home delivery persons to carry negative RTPCR test result certificate, which will be valid for 15 days. This rule will come into effect from 10th April, 2021.

12. Schools and colleges:

- a) Schools and Colleges to remain closed.
- b) Rule is hereby relaxed for std 10th and 12th students to the extent of exams. All the staff that may be used for conduct of exams must be either vaccinated or should carry a negative RT-PCR certificate, valid for 48 hours.



- c) For exams that are being conducted by any board, university or authority outside the state, denial of which may lead to hardships for students residing in Maharashtra may be allowed by concerned department under intimation to concern disaster management authority.
- d) All private coaching classes of any kind to remain closed.
- e) All staff that may work in these establishments are advised to get vaccinated at the earliest, as per GOI guidelines, so that reopening of these may be expedited.

13. Religious, Social, Political, Cultural Functions

- a) No religious, social, cultural or political functions of any kind to be allowed.
- b) In case of districts where elections are scheduled to be held, the permission may be granted by the District Collector for any political gatherings subject to the following conditions-
 - a. Permission may be granted for any political gathering for the purpose of campaigning within the guidelines of the Election Commission of India subject to no more than 50 people or 50% occupancy whichever is less being allowed in any enclosed space and not more than 200 people or 50% of the capacity be allowed in open spaces subject to complete adherence to all laid down COVID 19 protocols
 - b. There should be personnel deputed by the Collector for overseeing any such event to ensure scrupulous adherence to all protocols.
 - c. In case of violation of the said protocols, the owner of the premises should be held accountable and may be penalised under the Disaster Management Act, 2005. In case of serious breaches, the space may be sealed until the end of the pandemic.
 - d. In case of more than 2 such violations in gatherings of any candidate, no further permissions for holding any political gatherings be granted by the Collector to the said Collector.
 - e. For any other event like rallies, corner meetings etc, all COVID 19 protocols must be adhered to.



- f. All guidelines must be applied equally without fear or favour to all participants in the election process and there should be no room for any grievance arising from selective or partisan application of the said guidelines.
- c) Marriages will be allowed with maximum of 50 people present.
 - a. All the staff at any marriage hall or at any location serving visitors have to be vaccinated and till completely vaccinated they have to carry a valid negative RT-PCR certificate.
 - b. In case if any of the above are found to be without negative RTPCR Certificate/ without being vaccinated as above, a fine of Rs 1000/- will be levied on the offender and fine of Rs 10,000 will be levied on the establishment.
 - c. Repeated offence in respect of a premise would lead to sealing of the same and withdrawal of permission to conduct any gathering therein till operation of notification of Covid 19 epidemic.
- d) Funerals to be allowed a maximum of 20 people. All the staff should get vaccinated at the earliest and should carry a valid negative RT-PCR certificate.

14. Roadside Eatable Vendors:

- a) There will be no serving of food for eating at the location - parcels or home deliveries are allowed from 7 AM to 8 PM on every day.
- b) Waiting customers to wait away from counter with adequate social distancing.
- c) Violation would lead to shutting down of the vendor till end of pandemic.
- d) every one engaged in the activity to get vaccinated at the earliest, as per criteria of GOI. Till vaccination, these have to carry a negative RT-PCR test result valid for 15 days. This order shall take effect from 10th April, 2021. If local authority feels that there is discipline in behaviour of the vendors, it may extend the effect of this order beyond 10th April 2021.
- e) Local authority to have a close watch over such places through deployment of adequate personnel/ CCTV. Any customers or the vendors engaging in irresponsible behaviour violating COVID 19 protocols to be fined.



- f) However if the local authority feels that such behaviour is repetitive and is not possible to contain with the imposition of fines, then they may order closure of the location either temporarily or till the end of the pandemic.

15. Manufacturing Sector

- a) To be operational with following conditions –
- b) Factories and manufacturing units to scan body temperature of labourers pre- entry.
- c) All staff - managerial as well as shop floor and others - without exception - every one engaged in the activity to get vaccinated at the earliest, as per criteria of GOI
- d) If a labourers/ worker found positive, other laborers who have come into active contact with him to be quarantined with pay.
- e) Factories/ Units with more than 500 workers to set up their own quarantine facilities.
- f) In case of any worker found to be positive, unit to be closed until completely sanitised.
- g) Lunch and tea breaks to be staggered for avoiding crowding. No common eating places
- h) Common toilet facilities to be sanitised frequently.
- i) All workers to get vaccinated as per GOI criteria and till vaccinated to carry a valid negative RTPCR test result certificate, which will be valid for 15 days. This rule will come into effect from 10th April, 2021.
- j) If a worker is found positive he or she would be allowed medical leave and cannot be discontinued during this absence for this reason. He or she will be entitled for full wages that he or she might have earned had he or she not contacted corona.

16. Oxygen Producers -

- A) Any industrial process that is a net consumer of oxygen as a raw material is to be disallowed by default from 10th April 2021 onwards. Anyone desirous of carrying out such a process should approach the licensing authority and specifically ask for permission to continue by explaining the reasons. All licensing authorities should ensure that concerned establishments either stop the process by 10th April 2021 or obtain explicit permission to continue.



B) All industrial producers of oxygen shall reserve 80% of their production (actual as well as capacity) for medical or pharmaceutical purposes. They should declare their customers and end use of the oxygen supplied from 10th April 2021 onwards.

17. E- Commerce

- a) Every one engaged in the activity to get vaccinated at the earliest, as per criteria of GOI and till vaccinated should carry a negative RT-PCR certificate that will remain valid for 15 days. The said rule will come into effect from 10th April, 2021.
- b) Repeated offence may lead to withdrawal of license to operate till the end of notification of COVID 19 epidemic.

18. Cooperative Housing Societies

- a) Any Cooperative Housing Society having more than 5 active Corona positive cases will be treated as a micro containment zone.
- b) Such societies shall put up a board at the outside gate informing visitors and deny them entry.
- c) All restrictions of micro-containment zones like control over ingress and egress shall be monitored by the society.
- d) In case of default the society maybe fined 10000/- in the first instance. Later instances may attract higher fines as decided by local authorities. This fine may be used to employ supervising personnel to ensure compliance of SOP by the society.
- e) All CHS's are advised to ensure that all persons coming into the building on a regular basis get their RTPCR test done till they are vaccinated as per Government norms.

19. Construction Activity

- a) To be allowed only for sites where labourer's are living on site. Movement to and from outside must be avoided, except for the purposed of material movements.
- b) Every one engaged in the activity to get vaccinated at the earliest, as per criteria of GOI and till get vaccinated must carry a negative RTPCR test result certificate, which will be valid for 15 days. This rule will come into effect from 10th April, 2021.



- c) Defaults will lead to a fine of 10000/- for the developer of the construction site and repeated defaults may lead to closure of the site till existence of notification of COVID 19 epidemic.
- d) If a worker is found positive he or she would be allowed medical leave and cannot be discontinued during this absence for this reason. He or she will be entitled for full wages that he or she might have earned had he or she not contacted corona

20. Penalties

- a) All penalties as per Government orders dated 27th March, 2021 will be in force aligned with the penalties as mentioned in the current order.
- b) All the fines so collected shall move to the concerned disaster management authority for utilization of the same towards better containment and treatment of Covid 19 disaster.

The said order will come into force from 8 PM on Monday, 5th April 2021 from 8 PM and will remain in force till 11.59 PM on 30th April, 2021

BY ORDER OF AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA



(SITATAM KUNTE)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 5th April, 2021

ORDER

Reference:

1. The Epidemic Diseases Act, 1897.
2. The Disaster Management Act, 2005
3. Revenue and Forest. Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 24th February, 2021, 15th March, 2021, 27th March, 2021 and 4th April, 2021
4. Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1 (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020, 27th January, 2021 and 23rd February, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee has issued an Order dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020 and 29th January, 2021 and 24th February, 2021, 15th March, 2021, 17th March, 2021, 27th March, 2021 and 4th April, 2021) for containment of COVID 19 in the State for the period upto 30th April, 2021 and issued revised guidelines by including certain activities from time to time vide above mentioned orders.

Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of COVID-19 virus, and therefore to take certain emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions



of The Disaster Management Act, 2005, it is expedient to enforce the following measures throughout the State till 30th April, 2021.

Now, therefore, in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under The Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues the following directions as clarifications/ additions to the Order dated 4th April, 2021

1. The following may be considered as Essential Services in addition to the ones mentioned in order dated 4th April, 2021
 - a. Petrol Pumps and Petroleum related products
 - b. All Cargo Services
 - c. Data Centers/ Cloud Service Providers/ IT services supporting critical infrastructure and services.
 - d. Government and Private Security Services
 - e. Fruit Vendors
2. The following Private organizations will be allowed to remain open on all weekdays only from between 7 AM to 8 PM subject to all personnel attending office getting vaccinated at the earliest, as per criteria of GOI and till vaccinated completely to carry negative RTPCR corona result certificate valid upto 15 days. This rule will come into effect from 10th April, 2021. In absence of the requisite certificate, the offender will be fined an amount of Rs. 1000 will be levied.
 - a. SEBI and offices of SEBI recognized market infrastructure institutions such as stock exchanges, depositories and clearing corporations and intermediaries registered with SEBI.
 - b. RBI regulated entities and intermediaries including standalone primary dealers, CCIL, NPCI, payment system operators and financial market participants operating in RBI regulated markets.
 - c. All Non-Banking Financial Corporations
 - d. All Micro Finance Institutions
 - e. Offices of Advocates
 - f. Custom House Agents/ Licensed Multi Modal Transport Operators associated with movement of vaccines/ lifesaving drugs/ pharmaceutical products.
3. Persons arriving/ departing by Train/ Bus/ Flight during 8PM to 7 AM or on weekends may travel to the Airport/ Bus Station/ Train Station or back home from the same on the basis of a valid ticket.



4. Industrial Workers travelling by Private buses/ private vehicle may be allowed to travel on the basis of an identity card from 8 PM to 7 AM and during weekends to attend his/ her shift.
5. Places of Worship are currently closed to the public entirely. Only personnel engaged in the service of the place of workshop shall continue to perform their duties. In case of any wedding/ last rites to be held in the place of worship, it may be allowed only for the said purpose subject to the adherence to all conditions as laid down with regard to weddings/ last rites as per Government Order dated 4th April, 2021.
6. Any student requiring to physically attend an exam may be allowed to travel to the examination center/ back home after 8 PM or on weekends subject to carrying an valid hall ticket.
7. With regard to weddings that are scheduled to be held on weekends, the local disaster management authority to decide upon the same based on the local situation subject to adherence to all rules laid down for conduct of weddings as per Government Order dated 4th April, 2021.
8. With regard to allowing domestic help/ drivers/ cooks to work past 8 PM and/ or on weekends, the local disaster management authority to decide upon the same based on the local situation.

The said order will come into force from 8 PM on Monday, 5th April 2021 from 8 PM and will remain in force till 11.59 PM on 30th April, 2021

BY ORDER OF AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA



(SITARAM KUNTE)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 2nd April, 2021

ORDER
Break The Chain

Reference:

1. The Epidemic Diseases Act, 1897.
2. The Disaster Management Act, 2005
3. Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 24th February, 2021, 15th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021, 20th April, 2021, 21st April, 2021 (along with any additions and clarifications thereof)
4. Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1 (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020, 27th January, 2021 and 23rd February, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee had issued an Order dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020 and 29th January, 2021 and 24th February, 2021, 15th March, 2021, 17th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021 and 21st April) for containment of COVID 19 in the State for the period upto 7 AM on 1st May, 2021 and

issued revised guidelines by including certain activities from time to time vide above mentioned orders.

Whereas the State Government is satisfied that the State of Maharashtra is continued to be threatened with the spread of COVID-19 virus, and therefore it is imperative to continue emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, finds it is necessary to continue the enforcement of the current restrictions throughout the State beyond 7 AM on 1st May, 2021 till 7 AM on 15th May, 2021 to break the chain of transmission effectively.

Now, therefore, in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under The Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby extends all the restrictions that have been imposed vide 'Break the Chain' orders dated 13th April and 21st April, 2021 along with all additions and clarifications issued thereof in the State till 7 AM on 15th May, 2021.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA


29/4/21

(SITARAM KUNTE)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 12th May, 2021

ORDER
Break The Chain

Reference:

1. The Epidemic Diseases Act, 1897.
2. The Disaster Management Act, 2005
3. Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 24th February, 2021, 15th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021, 20th April, 2021, 21st April, 2021 and 29th April, 2021 (along with any additions and clarifications thereof)
4. Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1 (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020, 27th January, 2021 and 23rd February, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee had issued an Order dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020 and 29th January, 2021 and 24th February, 2021, 15th March, 2021, 17th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021 and 21st April and 29th April, 2021) for containment of COVID 19 in the State for the period upto 7 AM on



15th May, 2021 and issued revised guidelines by including certain activities from time to time vide above mentioned orders.

Whereas the State Government is satisfied that the State of Maharashtra is continued to be threatened with the spread of COVID-19 virus, and therefore it is imperative to continue emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, finds it is necessary to continue the enforcement of the current restrictions, along with certain additional restrictions, throughout the State beyond 7 AM on 15th May, 2021 till 7 AM on 1st June, 2021 to break the chain of transmission effectively.

Now, therefore, in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under The Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby extends all the restrictions that have been imposed vide 'Break the Chain' orders dated 13th April, 21st April and 29th April, 2021 along with all additions and clarifications issued thereof as well as imposes following additional restrictions in the State till 7 AM on 1st June, 2021.

1. Any person entering the State of Maharashtra by any mode of transport will have to carry a negative RTPCR test report which will have to be issued from upto a maximum of 48 hours before the time of his entry into Maharashtra.
2. All the restrictions that have been made applicable to persons arriving from places of 'Sensitive Origins' as per the orders dated 18th April and 1st May, 2021 will be applicable to anyone arriving from any part of the country into the State.
3. In the case of cargo carriers, not more than two people (Driver + Cleaner/helper) may be allowed to travel in the same. If these cargo carriers are originating from outside the state, these may be allowed to enter into the State with an negative RTPCR test which will have to be issued from upto a maximum of 48 hours before the time of entry into Maharashtra and which will be valid for 7 days.
4. Local DMA should keep special vigil over rural markets and APMCs and ensure Covid Appropriate Behaviour and if it finds any such place as difficult to manage and discipline to ensure non-spread of Covid epidemic, local DMA may decide on a case by case basis to shut these or may impose further restrictions.



5. Milk collection, transport and processing may be allowed without restrictions though its retail sale shall be allowed subject to restrictions imposed on shops dealing with essential items or through home delivery.

6. Personnel engaged in Airport and Port services and needed for movement of cargo related to medicines or equipments needed for Covid management will be allowed to travel in local, mono and metro services.

7. Local DMA may decide to impose further restrictions generally or to specific sectors or specific areas with intimation to SDMA and shall give at least 48 hours of public notice before making such further restrictions applicable.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA



(SITARAM KUNTE)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 30th May, 2021

ORDER
Break The Chain

Reference:

1. The Epidemic Diseases Act, 1897.
2. The Disaster Management Act, 2005
3. Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 24th February, 2021, 15th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021, 20th April, 2021, 21st April, 2021 29th April, 2021 and 12th May, 2021 (along with any additions and clarifications thereof)
4. Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1 (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020, 27th January, 2021 and 23rd February, 2021 and 28th May, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee had issued an Orders dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020 and 29th January, 2021 and 24th February, 2021, 15th March, 2021, 17th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021 and 21st April, 29th April, 2021 and 12th May, 2021) for containment of COVID 19 in the State for the period upto 7 AM on 1st June, 2021 and issued



revised guidelines by including certain activities from time to time vide above mentioned orders.

Whereas the State Government is satisfied that the State of Maharashtra is continued to be threatened with the spread of COVID-19 virus, and therefore it is imperative to continue emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, finds it is necessary to impose various restrictions in different parts of the State beyond 7 AM on 1st June, 2021 till 7 AM on 15th June, 2021 to break the chain of transmission effectively. However, it is seen that as per the changing scenario in the State with regard to the COVID 19 conditions in various regions of the State, it is necessary to impose restrictions in line with the conditions in every region. Accordingly, the following restrictions are being imposed –

- A. Municipal Corporation areas of Municipal Corporation of Greater Mumbai, Thane Municipal Corporation, Pune Municipal Corporation, Pimpri-Chinchwad Municipal Corporation, New Mumbai Municipal Corporation, Kalyan Dombivali Municipal Corporation, Vasai-Virar Municipal Corporation, Nagpur Municipal Corporation, Aurangabad Municipal Corporation and Nashik Municipal Corporation (all municipal corporation areas with population of more than a million as per 2011 census) shall be considered as separate administrative units, within the respective territorial jurisdiction of local Disaster Management Authorities of districts for the purposes of restrictions that are placed for the purposes of breaking the chain and stopping spread of Corona Virus. Rest of the area within the jurisdiction of respective local Disaster Management Authority will form a single separate administrative unit for the said purpose.
- B. Reference date for current order is 29th May, 2021. Positivity data used shall be for the week ending on this reference date and occupancy of Oxygen beds shall be taken as on this reference date.
- C. In administrative units defined as in 'A' above, where the positivity rate is equal to or less than 10% and the occupancy of total oxygen beds available therein is less than 40%, following relaxations to the orders dated 12th May, 2021 (and any clarifications/additions thereof) shall be applicable -



- a. All essential shops that are currently allowed to operate between 7 AM and 11 AM may be allowed to operate between 7 AM and 2 PM.
 - b. In the case of all non- essential shops (stand-alone shops & not inside shopping centers/ malls), decision regarding the allowing of opening of such shops along with the time limit for the functioning of the same may be taken by respective Disaster Management authorities. These, if allowed to open, however shall not be opened beyond that allowed for essential shops and shall not be allowed to open on weekends.
 - c. Delivery of Non-Essential items along with essential items through E-Commerce may be allowed in such districts.
 - d. Post 3 PM there shall be restrictions on movement except for medical and other emergencies, or for home deliveries allowed under the order dated 12th May, 2021.
 - e. All Government offices, except those involved directly for corona work in the said districts can function with 25% attendance. Respective DMA may allow more than this percentage of attendance if concerned HOD requests so. In MCGM area, for GOI and GOM establishments, these permissions shall be granted by Chief Secretary of State of Maharashtra.
 - f. Agriculture sector related shops may remain open till 2 PM on weekdays. Respective DMA however may extend this timings on weekdays or may allow for some period on weekends, taking into the considerations of the requirements of sowing season and in view of impending monsoon.
- D. In the case of administrative units defined as in 'A' above, where the positivity rate is more than 20% or where occupancy of the oxygen beds available therein is more than 75% restrictions imposed vide 'Break the Chain' Orders dated 12th May, 2021 shall be augmented with the following:
- a. The district borders of such districts be sealed and no influx or outflow of persons into or from the district may be allowed. Only in the case of death in the family or on medical grounds or for performing duty relating to any



emergency and/or essential services related to COVID 19 management, a person may be allowed to enter or leave the district with no other exceptions.

- E. In all the other administrative units as defined in 'A' above, that do not fall under the conditions mentioned in points 'C' & 'D', all the current restrictions imposed vide Break the Chain Orders dated 12th May, 2021 and clarifications / additions thereof will continue as they stand on reference date.
- F. It is re-emphasised that -
- a. There are no restrictions for cargo movements and deliveries to shops/ establishments beyond the opening time of these are allowed for the purposes of replenishments of stock. There shall however be no serving of any customers beyond permitted times over the counter. Anyone breaking these orders shall be closed down till the period notification of Corona Pandemic is in operation in addition to fines mentioned in order dated 12th May, 2021.
 - b. Home deliveries are allowed during the period permitted by DMA and must be encouraged by considering permitting for longer periods.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA



(SITARAM KUNTE)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 4th June , 2021

ORDER
Levels of Restrictions for Breaking the Chain

Reference:

1. The Epidemic Diseases Act, 1897.
2. The Disaster Management Act, 2005
3. Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 24th February, 2021, 15th March, 2021, 27th March, 2021, 4th April, 2021, 5th April, 2021, 13th April, 2021, 20th April, 2021, 21st April, 2021, 29th April, 2021 and 12th May, 2021 and 30th May, 2021 (along with any additions and clarifications thereof)
4. Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1 (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020, 27th January, 2021 and 23rd February, 2021 and 28th May, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee has vide various orders imposed restrictions in the State to break the chain of transmission of the COVID 19 virus from time to time;

And whereas the State Government is satisfied that the State of Maharashtra continues to be threatened with the spread of COVID-19 virus;



And whereas the state Government, in order to effectively respond to the Covid 19 pandemic has substantially upgraded medical facilities available in the state for the testing as well as treatment of Covid 19 disease and has substantially increased the number of hospital beds including oxygen supported beds;

And whereas in order to ensure that State as a whole has adequate reserves of oxygen to cater to new Corona Cases, Oxygen as a resource is to be judiciously used at the state level to ensure that no part of the state faces shortage of the same during times of need and thus if oxygen requirement for the whole state for tackling Covid 19 patients is beyond a critical percentage of its own total production capacity, none of the parts of state may be allowed to relax restrictions and risk increase in numbers of infections;

And whereas various parts of the state are at various stages of infections and must correspondingly have different severity of restrictions to 'break the chain';

And whereas some of the districts need to be divided into different administrative units for the limited purpose of imposition of Covid restrictions, given administrative structures as well as, to a large extent, self-contained nature of basic economic activities;

And whereas it is imperative that decisions about severity of restrictions must be taken rationally on the basis of various parameters that might be considered as indicative of current and future severity of the infection as well as probable cases that may arise in foreseeable future for medical treatment as well as parameters that are indicative of availability and adequacy of medical resources for treating these future cases and that may raise alarm at the right time that the health system may be coming under duress and may get overwhelmed in coming days;

And whereas it is also important that there is an appreciation in the public at large about the reasons behind restrictions on economic activities so that their voluntary compliance may be expected and also that citizens are aware that restrictions are needed due to existing scale of pandemic so that their self-restrained behavior in compliance for Covid Appropriate Behavior may also be expected and also that citizens may realize that if with collective restrained and disciplined behavior they help to bring down the spread and thus allow more social and economic transactions to be freed from constraints;

Now therefore the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, finds it is necessary to impose various levels of restrictions in



different parts of the State based on the conditions in each respective district/ administrative unit to not only break the chain of transmission effectively but also to commence disciplined restart of various economic and social activities without forgoing the gains achieved in controlling the spread of Covid 19 infection through measures of restrictions.

In view of the above, following regulations are framed for effective measures of restrictions for containment of Covid 19 pandemic, in various administrative units of the State of Maharashtra.

I. Administrative Units:

A. Municipal Corporation of Greater Mumbai, Pune Municipal Corporation, Thane Municipal Corporation, Nashik Municipal Corporation, Pimpri Chinchwad Municipal Corporation, Aurganbad Municipal Corporation, Vasai-Virar Municipal Corporation, Navi Mumbai Municipal Corporation, Nagpur Municipal Corporation, Sholapur Municipal Corporation and Kalyan-Dombivali Municipal Corporation will be treated as separate administrative units.

B. Remaining area of each of 34 districts (other than Mumbai City and Mumbai Suburban District), after carving out areas under sub-section A, shall form a separate single administrative unit.

C. DDMA may propose any contiguous area with common characteristics and self-contained economic and social interactions, where the population is at least about one million, to be declared as a separate administrative unit for the limited purposes of this regulation, to CEO of State Disaster Management Authority for final approval and declaration.

II. Levels of Restrictions:

There shall be five levels of restrictions for different classes/ categories of activities. These levels of restrictions shall be applied based on two parameters: Case Positivity Rate and Percentage of Oxygen Beds Occupancy. Every Disaster Management Authority shall enforce these levels of restrictions over administrative units falling under its jurisdiction. The following levels of restrictions are hereby declared along with criteria as well as general guiding principles that may be adopted for containment measures –



Levels	Level 1	Level 2	Level 3	Level 4	Level 5
Criteria	(Positivity < 5%) AND (Oxygen Beds Occupancy is less than 25%)	(Positivity < 5%) AND (Oxygen Beds Occupancy is between 25% and 40%)	(Positivity is between 5%. And 10%) OR (Oxygen Beds Occupancy is more than 40%)	(Positivity is between 10% and 20%) OR (Oxygen Beds Occupancy is more than 60%)	(Positivity is more than 20%) or (Oxygen Beds Occupancy is more than 75%)
General Guiding Principles	Regular / CAB/ Control over super spreaders like travel by local trains/ marriages etc.	Minimize attendance in closed spaces and Public Places/ Minimize group movements	Minimize movement post 5 PM on weekdays and on weekends.	No Post 5 PM Movement on weekdays and no movement on weekends, without urgent/ emergency reasons	No Movement without urgent/ emergency reasons.

III. Restrictions that are imposed on various economic/ social activities for various levels as envisaged above are to be thus.

S. No.	Levels/ Activities	Level 1	Level 2	Level 3	Level 4	Level 5
1	Timings for shops/ establishments dealing with Essential Items	Regular	Regular	Till 4 PM on All Days	Till 4 PM On All Days	Till 4 PM on Weekdays/ Weekends closed except for Medical
2	Timings for shops/ establishments dealing with Non-Essential items	Regular	Regular	Till 4 PM On Weekdays	Closed	Closed
3	Malls/ Theatres (Multiplex as well as Single Screen) / Natyagriha etc.	Regular	50% Capacity	Closed	Closed	Closed



S. No.	Levels/ Activities	Level 1	Level 2	Level 3	Level 4	Level 5
4	Restaurants	Regular	50% Capacity for Dining In	50% Capacity for Dining In - Till 4 PM only on Weekdays. After words Only Parcel/ Take Away and Home Delivery.	Only Parcel/ Take Away and Home Delivery	Only Home Delivery - No visiting
5	Local Trains	Regular/ Depending upon the trends of these parameters, however Local DMA may decide to put restrictions as per Level	Restricted - for Medical, essential and exemption/ women / DMA may put extra restriction	Restricted - for Medical, few essentials and women/ DMA may put extra restriction	Restricted - for Medical and few essentials	Restricted - Only for Medical Personnel
6	Public Places/ open grounds/ walk/ Cycling	Regular	Regular	5AM- 9 AM on every day	5 AM-9AM on week day, Closed on Weekends	Closed
7	Opening of Private Offices	All	All	All - Till 4 PM on working days, except Exemption Category	Exemption Category	Exemption Category
8	Office Attendance - Including government offices (private - if allowed)	100%	100%	50%	25%	15%



S. No.	Levels/ Activities	Level 1	Level 2	Level 3	Level 4	Level 5
9	Sports	Regular	5AM- 9 AM/ 5 PM-9 PM for indoor games. Outdoor games are on whole day.	5AM- 9 AM/ 6 PM-9 PM. Outdoor only	5AM-9AM Outdoor only on weekdays, Closed on weekends.	Closed
10	Shooting	Regular	Regular	Bubble, No movement outside post 5 PM	Bubble and no crowd scenes/ No movement outside post 5 PM on weekdays and no movement outside throughout on weekends	Closed
11	Gatherings (Social/ Cultural/ Entertainment)	Regular	50% Capacity	50% Capacity and Till 4 PM on Weekdays	Closed	Closed
12	Marriages	Regular	50% Capacity of hall with maximum of 100 people	50 People	25 People	Only Family
13	Funerals	Regular	Regular	20 People	20 People	20 People
14	Meetings/ Elections - GB of local bodies/ cooperative bodies	Regular	50% Capacity	50% Capacity	50% Capacity	Only Online

[Handwritten Signature]

S. No.	Levels/ Activities	Level 1	Level 2	Level 3	Level 4	Level 5
15	Construction	Regular	Regular	Only Onsite labors or labors must leave by 4 PM	Only Onsite labors	Only Onsite labors/ Only essential construction
16	Agriculture	Regular	Regular	Till 4 PM On all days	Till 4 PM on weekdays	Till 4 PM on weekdays
17	E-commerce - Items as well as Services	Regular	Regular	Regular	Only Essentials	Only Essentials
18	Jamav Bandi/ Sanchar Bandi	None	Jamav Bandi	Jamav Bandi till 5 PM/ Sanchar Bandi after 5 PM	Sanchar Bandi	Sanchar Bandi
19	Gym/ Salon/Beauty Centers/SPA/Wellness Centers	Regular	50% capacity, only appointment	Till 4 PM, 50% capacity, only appointment, No AC	Till 4 PM, 50% capacity, only with prior appointment, No AC, Only Vaccinated customers	Closed
20	Public transport buses	Regular	100% - without Standing	100% - without standing	50% without standing	50% without standing
21	Cargo Movement (Max three persons (drivers/ helpers/ cleaners or others) may travel for whole rules for passengers shall apply.	Regular	Regular	Regular	Regular	With E-Pass

Gurukul

S. No.	Levels/ Activities	Level 1	Level 2	Level 3	Level 4	Level 5
22	Inter-District Travel by for passengers either by private cars/ taxis/ Buses/ long distance trains.	Regular - Except if moving to or passing through with any stoppage in level 5, wherein passenger E-pass is a must	Regular - Except if moving to or passing through with any stoppage in level 5, wherein passenger E-pass is a must	Regular - Except if moving to or passing through with any stoppage in level 5, wherein passenger E-pass is a must	Regular - Except if moving to or passing through with any stoppage in level 5, wherein passenger E-pass is a must	To/ From movement along with Passing through, if there is any stoppage inside, allowed only with E-Pass. This will be given only in case of medical emergency or for performing essential duty.
23	Manufacturing: Export oriented units including MSMEs that need to fulfil export obligation	Regular	Regular	Regular	With 50% Staff, Movement with Transport Bubble	With 50% Staff, work only with Isolation bubble



S. No.	Levels/ Activities	Level 1	Level 2	Level 3	Level 4	Level 5
24	<p>Manufacturing: 1. Essential Goods Manufacturing Units (Items classified as essential goods and Units producing raw material/packaging for any essential goods & entire supply chain) 2. All continious process industries (Units that require processes that are of such nature that these cannot be stopped immediately and cannot restart without considerable time requirement) 3. Manufacturing of items that are significant to national security and defense 4. Data Centers/ Cloud Service Providers/ IT Services Supporting Critical Infrastructure and Services</p>	Regular	Regular	Regular	With 50% Staff, Movement with Transport Bubble	With 50% Staff, Movement with Transport Bubble
25	<p>Manufacturing: All Other manufacturing units across sectors, which are not covered under essential, continious process or Export oriented units</p>	Regular	Regular	With 50% Staff-Movement with Transport Bubble	With 50% Staff-work only with Isolation bubble	With 50% Staff-work only with Isolation bubble

Notes:

1. For level 3, 4 and 5 wherever it is mentioned that an establishment shall be open till 4 PM it is expected that persons working thereat or taking a service



from that shall reach their homes by 5 PM and there shall be movements for reasons of either working in these or taking services from these establishments post 5 PM.

2. Few Essential services that are allowed to travel in local trains at higher levels shall be Medical, Government offices and Airport and Port services. SDMA may include some other services in this list if so deemed fit.
3. Whenever an E-Pass is required by a passenger, all the passengers in a vehicle shall require individual passes. Passenger vehicles shall require no separate pass.
4. Government offices and Emergency Services required for Covid 19 management to always work with 100% Attendance. Other government offices may have higher attendance than indicated in above table, in Mumbai with permission of Chief Secretary and in rest of the State, with the permission of respective Disaster Management Authorities.
5. Essential Services includes the following
 1. Hospitals, diagnostic centers, Clinics, vaccinations, Medical insurance offices, Pharmacies, Pharmaceutical companies, other medical and health services including supporting manufacturing and distribution units along with their dealers, transport and supply chain. Manufacturing and distribution of vaccines, sanitizers, masks, medical equipment, their ancillaries, raw material units and support services.
 2. Veterinary Services/ Animal Care shelters and pet food shops
 3. All operations related to forestry as declared by the Forest Department
 4. Aviation and related services (airlines, airports, maintenance, cargo, ground services, catering, fueling, security etc)
 5. Groceries, Vegetables Shops, fruit vendors, dairies, bakeries, confectionaries, all type of food shops.
 6. Cold Storage and Warehousing services



7. Public Transport: Airplanes, Trains, Taxis, Autos and public buses.
8. Services related to functioning of offices of Diplomats of various countries
9. Pre Monsoon Activities by local authorities
10. All Public Services by local authorities.
11. Reserve Bank of India and services designated by RBI as essential
12. All offices of SEBI recognized market infrastructure institutions such as Stock Exchanges, depositories, clearing corporations etc and other intermediaries registered with SEBI
13. Services required for restoration/ maintenance of telecom services
14. Transport of Goods
15. Water Supply Services
16. Agriculture related activities and all allied activities required to ensure seamless continuity of the agricultural sector including availability of farming input, seeds, fertilizers, equipment's and repairs thereof.
17. Export – Import of all commodities
18. E-Commerce (only for the supply of essential goods and services)
19. Accredited Media
20. Petrol Pumps and Petroleum related products; including offshore / onshore production
21. All cargo services
22. Data Centers/ Cloud Services/ IT services supporting critical infrastructure and services
23. Government and Private Security Services



24. Electric and gas supply services
 25. ATM's
 26. Postal Services
 27. Ports and related activities
 28. Custom House Agents/ Licensed Multi Modal Transport Operators associated with movement of vaccines/ lifesaving drugs/ pharmaceutical products.
 29. Units producing raw material/ packaging material for any essential services
 30. Units that are engaged in production of materials for impending rainy season for individuals as well as for organisations .
 31. Any Services designated as essential services by local disaster management authority.
6. "Exemptions" to cover the following –
- a. Offices of Central, State and Local governments, including of their statutory authorities and organisations
 - b. Cooperative, PSU and Private Banks
 - c. Offices of companies providing essential services
 - d. Insurance/ Mediciam Companies
 - e. Pharmaceutical company offices needed for management of production/ distribution
 - f. RBI regulated entities and intermediaries including standalone primary dealers, CCIL, NPCI, payment system operators and financial market participants operating in RBI regulated markets.
 - g. All Non Banking Financial Corporations
 - h. All micro finance institutions



- i. Offices of advocates if operations of Courts, Tribunals or Commissions of Enquiries are on.
7. "Isolation bubble" is defined as onsite accommodation for work force or Accommodation in Near By dedicated colonies wherefrom movement is through dedicated transport service, with max 10% managerial staff coming from outside. "Transport Bubble" means movement of outside employees in dedicated transport service and not through public transport.
 8. "Regular" means normal ways of transaction with Cvoid Appropriate Behavior restrictions and subject to any SOP that may be promulgated by State Disaster Management Authority for various activities.
 9. As far as inter-state travel is concerned this shall be regulated by separate orders from time to time.
 10. As far as reservation of oxygen production for medical purposes is concerned, this shall be regulated by separate orders from time to time.
- IV. State Level Oxygen Trigger: Government has taken note of the fact that medical oxygen is the most critical resource for the treatment of Covid 19. Government has further noted that the production capacity of State of Maharashtra is currently 1200 MT per Day and that there are serious difficulties in sourcing oxygen from out of state sources as well as transporting oxygen to various remote parts of the state. Government is there satisfied that there exists a need to take measures to contain the spread of the virus much before the number of patients requiring oxygen based treatment overwhelms the state's oxygen production capacity. Thus there must be a well quantified oxygen trigger that will be the basis for level 3 and above restrictions across the state.

Given the state's current oxygen production capacity at 1200 MT per Day, as indicated above, and the fact that typically, on an average 1000 Covid 19 patients require 20 MT per Day, the maximum number of patients that can be supported from the state production capacity is 60000. In view of the aforesaid, the following oxygen trigger shall operate:



A. If

I. total oxygen beds occupied are more than 45000 in whole of the state with rising trend of oxygen beds occupancy or,

II. total oxygen beds occupied are more than 50000 irrespective of the trend of oxygen beds occupancy,

then no part of the state, irrespective of other local parameters like Positivity and Oxygen Bed Occupancy, shall be below level 4. This is to ensure that Maharashtra state daily consumption of oxygen for medical treatment remains within the daily production capacity of the state which is about 1200 MT and may cater to about 60000 beds for Covid 19 patients.

B. If

I. total oxygen beds occupied are between 35,000 and 45000 irrespective of the trend of oxygen beds occupancy or

II. total oxygen beds occupancy between 45000 and 50000 with reducing trend,

no part of the state shall be below level 3.

V. The operationalization of the above-mentioned levels of restrictions will be as follows –

- a. Every Thursday, Public Health Department of Government of Maharashtra will declare number of oxygen beds occupied at the state level, as well as positivity rate and oxygen beds occupation percentage in each district. SDMA shall declare whether overarching condition stated in section IV exists.
- b. The District Disaster Management Authority will, based on the above mentioned parameters, after disaggregating these parameters for various administrative units in its jurisdiction, shall decide, subject to state level oxygen trigger as per section IV, which level of restrictions should be imposed in these administrative units, as per the guidelines contained herein.



- c. The restrictions level, if there is any change, will come into effect from the following Monday.
- VI. The DDMA shall have the powers to make minor modifications in respect of restrictions relating to activities mentioned in the table under section III to meet with local exigencies. However, such modifications shall be kept to the minimum and shall be brought into force only with the concurrence of State Disaster Management Authority.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA


04/6/21
(Sitaram Kunte)
Chief Secretary


-TRUE COPY-

ANNEXURE R-3

Item No. 01

Court No. 1

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

(By Video Conferencing)

Original Application No. 606/2018

(In respect of State of Madhya Pradesh)In re: **Compliance of Municipal Solid Waste Management Rules,
2016 and other environmental issues****(Arising out of directions of the Hon'ble Supreme Court
in W.P. No. 888/1996 and W.P. No. 375/2012)**

Date of hearing: 10.11.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**Present: Shri Iqbal Singh Bains, Chief Secretary, Madhya Pradesh
Shri Aniruddha Mukherjee, Ex. Principal Secretary, Environment
Shri Gulshan Bamra, Principal Secretary, Environment
Shri Bharat Yadav, Commissioner, Directorate of Urban Administration
and Development
Shri Gaurav Benal, Additional Commissioner, Directorate of Urban
Administration and Development
Shri Hans Kumar Jain, Chief Engineer, Directorate of Urban
Administration and Development
Shri S P Jha, Director, Environment
Shri Neelesh Dubey, O.S.D., Urban Development and Housing**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 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 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 Court¹are:

"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 (2004) 13 SCC 538

- “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 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.”*

4. In this regard, reference may also be made to orders of Hon’ble Supreme Court in *Municipal Council, Ratlam vs. Vardhichand*² and *B.L. Wadhwa v. Union of India and Ors.*³ 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*⁴ 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**

² (1980) 4 SCC 162

³ (1996) 2 SCC 594

⁴ (2017) 5 SCC 326

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. 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:

“7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. **We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks.** The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

X.....X.....X.....

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.**
12. We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously. We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.”**

7. Expression “Common Effluent Treatment Plants” in para 7 may in fact refer to the STPs, as the context shows.

8. On this subject, in spite 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 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

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 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 Madhya Pradesh appeared on 15.04.2019 and following directions were issued:

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

- i. Apart from cities and towns declared as model cities and towns, at least three Villages in every District of the State may be identified within two weeks and made fully compliant in respect of environmental norms within six months. Remaining State may be made fully compliant within one year.*
- ii. A quarterly report be furnished by the Chief Secretary, every three months. First such report shall be furnished by July 20, 2019.*
- iii. The Chief Secretary may personally monitor the progress, atleast once in a month, with all the District Magistrates.*
- iv. The District Magistrates or other Officers may be imparted requisite training.*
- v. The District Magistrates may monitor the status of compliance of environmental norms, atleast once in two weeks.*
- vi. Performance audit of functioning of all regulatory bodies may be got conducted and remedial measures be taken, within six months.*
- vii. Revise approach and policy for assessment and recovery of compensation for damage to environment and other action against polluters.*
- viii. 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 22.10.2019.”*

13. The Chief Secretary, Madhya Pradesh appeared again on 25.02.2020 and the Tribunal inter-alia issued following directions:

“39. 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 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 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.*
 - 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."*

14. 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.

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

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

16. 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

17. 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 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 28⁵ 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.**
- 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

⁵ 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.

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.**
- 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."

18. 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
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
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
9.	setting up common or stand alone sanitary landfills by or for all Local Bodies having 0.5 million or more population for the disposal of only such residual wastes from the processing facilities as well as untreatable inert wastes as permitted under the Rules.	3 years
10.	setting up common or regional sanitary landfills by 3 years all Local Bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules.	3 years
11.	bio-remediation or capping of old and abandoned dump sites.	5 years

Order dated 02.07.2020

19. 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

20. 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

21. 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

xxxxxx.....xxx

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)	Information provided by 29 States/UTs (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"> • Total Quantity of MSW generated: 150858.951 TPD • Maximum waste generation is in five (7) States/UTs (>10000 TPD)- <ul style="list-style-type: none"> ➤ Maharashtra ➤ Uttar Pradesh ➤ West Bengal ➤ Tamil Nadu ➤ Karnataka ➤ Delhi ➤ Telangana
2(b)	Xxx	xxx	xxx
2(c)	Xxx	xxx	xxx
2(d)	Quantity of MSW processed (TPD)	Information provided by 29 States/UTs (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"> • Total quantity of MSW processed: 94435.318 TPD • 100% MSW is processing reported in two (2) States: <ul style="list-style-type: none"> ➤ Chhattisgarh ➤ Himachal Pradesh
2(e)	Xxx	xxx	xxx
2(f)	Gap in Solid Waste Management UTs (TPD) [2(a)- 2(d)- 2(e)]	Information provided by 29 States/UTs (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"> • Gap in Solid Waste Management: 44651.1792 TPD
xxx	Xxx	xxx	xxx
6	Legacy Waste management		
6(a)	Number of dumpsites (No.)	Information provided by 28 States/UTs (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) Information not provided by 1 State/UTs: (Chandigarh)	<ul style="list-style-type: none"> • Total Number of dumpsites: 2129 • Max in MP: 378

6(b)	Quantity of Waste dumped at dumpsites (Tons)	<p>Information provided by 27 States/UTs (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)</p> <p>Information not provided by 2 State/UTs: (Chandigarh, Madhya Pradesh)</p>	<ul style="list-style-type: none"> • Quantity of Waste dumped at dumpsites (Tons): 185558287.3 Tons • Max in Maharashtra – 41683186 Tonnes
6(c)	Number of dumpsites cleared (No.)	<p>Information provided by 25 States/UTs (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)</p> <p>Information not provided by 4 State/UTs: (Chandigarh, Meghalaya, Odisha, Puducherry)</p>	<ul style="list-style-type: none"> • Number of dumpsites cleared (No.): 498 Chhattisgarh- 160 Maharashtra- 134 Uttarakhand – 60 M.P.-50 Tamil Nadu - 27 H.P-17 Gujarat- 16
6(d)	Number of dumpsites in which biomining has commenced (No.)	<p>Information provided by 26 States/UTs (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)</p> <p>Information not provided by 3 State/UTs: (Chandigarh, Odisha, Puducherry)</p>	<ul style="list-style-type: none"> • Number of dumpsites in which biomining has commenced (No.): 496 Tamil Nadu – 117 Maharashtra-76 M.P-73 West Bengal – 64 Telangana - 52 T.N-117 Rajasthan – 23 Haryana – 16 Karnataka – 15 Uttarakhand – 12 HP - 10
6(e)	Time frame for clearing all dumpsites	<p>Information provided by 24 States/UTs (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)</p> <p>Information not provided by 5 State/UT: (Bihar, Chandigarh, Meghalaya, Nagaland, Telangana)</p>	<ul style="list-style-type: none"> • Timeline exceeding December, 2022 in following States/UTs: Delhi, Goa, J&K, Karnataka, Puducherry and Tamil Nadu

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

Solid Waste Management

4.0 SUMMARY & CONCLUSIONS

a. Total No. of ULBs in 29 States/UTs is 4186.

- b. 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.**
- c. Information on MRF has been provided for 28 States/UTs covering 77% of ULBs in these States/UTs.
- d. Information on Recycling facilities have been provided for 22 States/UTs covering 39% of ULBs in these States/UTs
- e. Information on Composting facilities has been provided for all 29 States/UTs covering 70% of ULBs in these States/UTs
- f. Information on WtE has been provided for 25 out of 29 States/UTs covering 1.9% of ULBs in these States/UTs.
- g. Information on RDF has been provided for 24 out of 29 States/UTs covering 12.4% of ULBs in these States/UTs.
- 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 standardised 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. xxxxxx.....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
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

22. 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 '**3rd 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 & 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
17	Manipur	115	27 (1 STP)	9 (33%)	88
18	Meghalaya	75	1.85 (8 STPs)	1.82 (98%)	73
19	Mizoram	68	10 (1 STP)	0	58
20	Nagaland	44.3	25.4 (1 STP)	0	18.9
21	Odisha	367	91 (5 STPs)	70 (76%)	276
22	Puducherry	88	56 (5 STPs)	35 (62%)	32
23	Punjab	2111	1628.5 (116 STP)	80%	482.5
24	Rajasthan	1551	999 (80 STPs)	694.5 (69%)	552
25	Sikkim	47.68	19.5 (7 STPs)	60%	28
26	Tamil Nadu	3673.3	1616 (66 STPs)	919 (56%)	1320
27	Telangana	2613	888 (31 STPs)	735.8 (82%)	1724.45
28	Tripura	82.5	8 (1 STP)	3 (37%)	74.5
29	Uttarakhand	329.3	379 (63 STPs)	232.9 (61%)	-
30	Uttar Pradesh	5500	3370 (106 STPs)	2630.6 (78%)	2130

31	West Bengal	2758	776.32 (47 STPs) + 910 MLD addl treatment through EKW	289.89 (37%)	1071.68
Total		48,003.69	30,000.96 (1261 STPs)	55.9%	17,026.58

23. 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 17.26 MLD. The data was however found to be not conclusive requiring further verification. The Tribunal in its order dated 30.11.2021 observed:-

“1to14....xxx.....xxx.....xxx

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 Dombivali, 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.

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,⁶ 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.

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."

⁶ (2017) 5 SCC 326

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

24. 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. 673/2018⁷, 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 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.”**

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

25. 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, Madhya Pradesh to ascertain compliance status and way forward

Compliance status in Madhya Pradesh presented

26. The presentation filed by the Chief Secretary, Madhya Pradesh on 09.11.2022 shows following data:

SUMMARY OF STATUS

A: Solid Waste Management				
Quantity of waste generation in the State (in TPD)	Waste Processed (in TPD)	Gap in generation and Processing (in TPD)	Quantity of waste being disposed in landfills (in TPD)	Quantity of Legacy waste in the State (Tones)
6562	6479	83	83	<ul style="list-style-type: none"> • 33 lakh MT to be remediated (86 ULBs) • 50 lakh MT remediated by 50 ULBs

B): Sewage Management					
Quantity of sewage generation in the State (in MLD)	Utilization of Treatment capacity (in MLD)	Current Gap in treatment (in MLD)	Utilization of treated sewage in		
			Agriculture/ Horticulture purpose	Industrial purpose	Any other purpose
2183.7 (for urban population)	<ul style="list-style-type: none"> • Treatment Capacity: 1311.99 • Utilization: 696.03 	1487.73	214.01 MLD		

Our analysis, findings and Directions

27. It is seen from the data presented by the Chief Secretary that there still exist gaps in management of solid and liquid waste. With reference to waste management status reflected in earlier CPCB report in 2020 (see para 21 and 22 above) analysed by the Tribunal vide order dated 30.11.2021, there is not much improvement. The Chief Secretary, Madhya Pradesh submits that there is improved governance on the subject and further initiatives are planned which will soon result in bridging the existing gaps in solid and liquid waste management. He submits that adequate funds are going to be allocated for the purpose, in the light of rate of compensation awarded in such cases. On pattern of compensation awarded in respect of other States where gaps have been found in liquid and solid waste generation and management, compensation of Rs. 3000 crores may be liable to be levied on the State but for reasons mentioned later, it does not appear to be necessary to do so.

28. If necessary, the State may lay down mechanism for raising funds such as by way of user charges by households/contribution of corporate, business sectors, commercial establishments and the tourists who contribute to waste. Further steps have to be taken in a mission mode to comply with 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. In particular, adequate

compositing/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. 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. The data shows that out of 6562 TPD of solid waste generated by 413 ULBs, 6479 TPD of waste is being processed by 400 ULBs incorporating material recovery facilities (MRFs), composting facilities and others. Data has also been presented for 16 Corporations and 52 Districts. The ultimate gap of 83 TPD in waste processing has been presented. Legacy waste sites are 86 in 86 ULBs, having 33 lakh MT of legacy waste. Such sites must be maintained free from fires and safety of workers engaged should be ensured. 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. 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 recent 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

“xxx.....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 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
- 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 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, PM₁₀ & PM_{2.5} concentrations exceeded the prescribed values at all monitored stations upto 5 km distance & beyond from the Dumpsite sites. SO₂ & NH₃ concentrations are within the prescribed values at all monitored stations. Benzene has exceeded the stipulated limited at one station and NO_x 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 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 PM2.5 & PM10, NOx & Benzene concentration levels within 5 km overlaps the range observed for 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 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)

Environment	Estimated Damage Cost in Lakhs, INR
Air	Nil
Water	2900

Soil	31*
Climatic (for last 5 years)	7,000
Aesthetic	4,946
Total	14,846

**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 CO₂ 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 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. User of land, to be reclaimed, needs to 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:-

"xxxxxx.....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 places⁸ 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*

⁸ such as Indore and Ahmedabad

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 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. The further execution plan thus, would include setting up of requisite waste processing plants (centralized and decentralized) for remaining 83 TPD and remediation of 33 lakh MT left out legacy waste. Bio-remediation/bio-mining process need to be executed as per CPCB

guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down specifications. Other material recovered during such processes is to be put to use through authorized dealers/handlers /users. Instead of creating more dumping sites for waste generated on day-to-day basis, waste processing plants of adequate capacity should be set up so that no further legacy waste is generated. It may be worthwhile to take into consideration guidelines on the subject issued by the Ministry of Urban Development, GoI titled “Waste to Wealth” on 2.10.2017 under Swachh Bharat Mission.⁹

34. From the presentation of Chief Secretary, it is seen that Indore City has been presented as one of the “Good Models”. It is generating 1192 TPD of solid waste and has installed functional waste processing facilities for 1474 TPD. These facilities are set up in the form of centralized/decentralized plants for wet, dry, sanitary and domestic hazardous and e-waste. In addition, centralized C&D plant for 100 TPD and landfill for residual waste with capacity of 6 lakh tones has been set up against 36 TPD. The Indore Corporation has remediated 15 lakh MT of legacy waste and, in the process has reclaimed 100 acres of land worth Rs. 300 crores. This land has been transformed into city forest by planting 1.50 lakh trees. Such initiative may need study and replication elsewhere in and out of the State.

Sewage Management

35. The data presented by the Chief Secretary shows gap of about 1500 MLD in generation and treatment of sewage. If sewage generated in rural areas is to be taken into account, the gap in generation and treatment is patent. Only treatment undertaken in rural areas is said to be by way of

⁹ <http://cpheeo.gov.in/upload/5abc86de40012WastetoWealth2Oct.pdf>

septic tanks and soak pits which may not be adequate considering issues of their maintenance, emptying and connectivity to fecal sludge/sewage treatment systems. Appropriate further treatment of such waste has to be undertaken ensuring that no fecal contaminants are discharged into water streams/ponds/rivers.

36. Gap in generation and treatment and utilisation of sewage has to be bridged. 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. Union of India*, supra has long expired, speedy further action has to be ensured.

37. 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 11th and 12th 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.

38. 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, Group Housing Societies etc. 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.

39. In this context, the draft Notification of MoEF&CC dated 25.02.2022¹⁰ etc. and the relevant part of the draft Notification in context of sewage and solid waste management is reproduced below:

“xxxxxx.....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.

¹⁰<http://www.indiaenvironmentportal.org.in/files/file/Building%20Construction%20Environment%20Regulations%202022.pdf>

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 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 Affairs, 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

40. 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.

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 exist¹¹. The State may contemplate with prospective plan to utilize treated sewage extensively rather than discharging into natural water courses which are very precious.

42. 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

¹¹ <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://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://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf
<https://cpcb.nic.in/success-stories/upload/1501156301.pdf>
http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf

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 Model¹², 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 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*

¹² <https://www.civildaily.com/news/seechewal-model-of-wastewater-management/>

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.”

The above models may help in planning that medium and small towns and the Rural areas need not focus on high cost technology in the first instance. 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”¹³ in September 2022.

43. **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

44. We have found that even where STPs of adequate capacity have been set up, the capacity is not fully utilized and standards of water quality not

¹³ <https://sbmurban.org/storage/app/media/rr-final-signed.pdf>

always met. This aspect needs to be looked into on continuous basis by a centralised mechanism which may be set up preferably within a month.

45. 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 MoUD.

Need to consider change in approach for administrative processes

46. 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 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.

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

48. Thus, it may be necessary to brain storm 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 like Defense, BHEL, or others.

49. 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.

Adhering to the timelines

50. 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

51. 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 sewage and solid waste management in 52 districts is required by the Chief Secretary through a suitable nodal officer, preferably of the rank of Additional Chief Secretary.

Further observations to explore implementation mechanism

52. In the light of observations in para 27 to 51 above, 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. It should be responsible for selecting service providers and simplifying procedures for fixing terms of engagement. Best practices are to be evolved and followed.

53. 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 providers may be done taking into account of his past performance and number of projects and capacity to handle successfully.

54. “Integrated Solid Waste Management for local Governments a practical guide”¹⁴ 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 Govt of Madhya Pradesh 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 MoUD for centrally assisted/sponsored schemes

55. 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,

¹⁴ <https://www.adb.org/sites/default/files/institutional-document/324101/tool-kit-solid-waste-management.pdf>

Urban Local Bodies and Towns from the of the States, FICCI, CII and subject experts. The CMC is to meet once in a year.

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

56. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Development (MoUD) and National Mission for Clean Ganga (NMCG) who have programmes like Swachh Bharat Mission (SBM – Urban 2.0)¹⁵, AMRUT 2.0¹⁶, Swachh Bharat Mission (Grameen)¹⁷ 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. MoUD and NMCG may also note the gaps reported by the States and UTs in solid and liquid waste management. MoUD 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.

¹⁵ <https://sbmurban.org/storage/app/media/pdf/swachh-bharat-2.pdf>

¹⁶ <https://mohua.gov.in/upload/uploadfiles/files/AMRUT-Operational-Guidelines.pdf>

¹⁷ https://jalshakti-ddws.gov.in/sites/default/files/sbm-ph-II-Guidelines_updated_0.pdf

Conclusion

57. **We hope in the light of interaction with the Chief Secretary, the State of Madhya Pradesh will take further measures in the matter by innovative approach and stringent monitoring, ensuring that gaps in solid and liquid waste generation and treatment 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. Compliance be ensured by Chief Secretary.

58. 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.

59. 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 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.***

Reasons for not levying compensation on State of MP

60. The Chief Secretary Madhya Pradesh fairly accepts that there is gap of about 1500 MLD in sewage generation and treatment. In normal circumstances, the State would be liable to pay compensation of Rs. 3000 crore at the scale of compensation fixed in other States. However, it is pointed out that in Madhya Pradesh, already more than Rs. 9000 crores stands allocated on the subject. There are ongoing sewerage projects for 465 MLD for which amount of Rs 2366 crore stands ring-fenced. Further, amount of Rs 7388 crore stands ring-fenced for sewage treatment facilities which is approved by State cabinet under the AMRUT 2.0 and SBM 2.0 schemes. Out of the said amount, Rs 4657 crore is the State share while Rs 2731 crore is Government of India's share, in a phased manner. It is submitted that even if GoI fails to comply with its commitment of Rs. 2731 crore, the State of Madhya Pradesh would abide by its commitment of Rs

4657 crore for the treatment of wastewater in a scientific manner. Thus, the State has made provision for Rs. 9688 crores in a ring-fenced manner for wastewater treatment. In these circumstances, there does not appear to be a case for levy of compensation but the State will be bound by this stand and allocation of funds and must make meaningful progress in the matter in next six months.

Assistance by State of MP to other States for executing work on Indore pattern

61. In view of apparently successful waste management model at Indore, we have suggested to the Chief Secretary, MP to offer assistance in training and capacity building to other States and the Chief Secretary has fairly agreed to offer such held by addressing a communication to Chief Secretaries of all States/UTs on the subject. He has further stated that in the State of Madhya Pradesh, MP Urban Development Company has been registered under the Companies Act in the year 2014 which caters to the process of giving contracts for handing waste which pattern may be considered by other States/UTs, if found viable.

Directions for further follow up

62. Further, six monthly progress reports with verifiable progress may be filed by the Chief Secretary with a copy to the Registrar General of this Tribunal by e-mail at 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 NMCG, MoUD 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, Madhya Pradesh, Secretary, Ministry of Housing and Urban

Development, MoEF&CC, GoI, National Mission for Clean Ganga and CPCB
by e-mail.

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

Prof. A. Senthil Vel, EM

November 10, 2022
Original Application No. 606/2018


-TRUE COPY-

Service: Original Application No. 60 of 2019 (WZ) between Ganesh Dadarao Anasane V. Amravati Municipal Corporation & Ors. pending before the Hon'ble National Green Tribunal, Western Zone, Pune.

1 message

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com> Mon, Dec 5, 2022 at 1:54 PM
To: ganeshanasane@yahoo.com, adv.manasi.joshi@outlook.com, collector.amravati@maharashtra.gov.in
Cc: Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>

Sir/Ma'am,

We are the Advocates appearing on behalf of the Respondent No. 1 in the above mentioned matter. We are filing an Additional Affidavit on behalf of the Respondent No.1 dated 05.11.2022.

Please find attached herewith a copy of an Additional Affidavit on behalf of the Respondent No.1 dated 05.11.2022. Kindly, consider this email as a service of the same in your esteemed office.

Regards,
Sangramsingh R. Bhonsle
Advocate
Supreme Court of India
A-10, LGF, Lajpat Nagar III,
New Delhi - 110024.
Mob- 9545809120

 [Final_Dec 22_AMC NGT Affidavit \(1\)_LT.pdf](#)