

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 145 OF 2024**

IN THE MATTER OF:-

Friends ... Applicant

VERSUS

Union of India & Ors ... Respondents

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Through



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Place:- Delhi

Dated:-10.07.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 145 OF 2024**

IN THE MATTER OF:-

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**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE
REPLY FILED BY HIMACHAL PRADESH POLLUTION
CONTROL BOARD (HPPCB)**

MOST RESPECTFULLY SHOWETH:-

1. That the instant OA is pending before this Hon'ble Tribunal.
2. That this Hon'ble Tribunal was pleased to issue notices to the Respondents in the instant OA.
3. That the Respondent No. 4. Himachal Pradesh Pollution Control Board (HPPCB), in response to the instant OA sent a Status-cum-Action Taken Report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi instead of filing a proper reply before this Hon'ble Tribunal. However, the counsel for the Applicant in the instant OA prayed for filing the objections to the above report of the Respondent No.4 and the Hon'ble Tribunal was pleased allow the same vide Order dated 03.04.2024.
4. That it is very humbly submitted that the Status-cum-Action Taken Report of Respondent No. 4 provides notional instructions and directions but lacks concrete action, effective implementation, and a permanent resolution to a grave problem affecting a highly eco-sensitive region. The

aforementioned report lacks merit and the contents of the same are wrong and misleading and are denied in its entirety.

5. That it is evident from the Status-cum-Action Taken Report of Respondent No. 4 that not only Koksar but the North Portal area of the Atal Tunnel, situated about 13 km ahead of it, from Manali, had been found to be littered with waste and garbage. Further, the Material Recovery Facility (MRF) provided near Koksar was also found to be non-functional during the inspection by the H.P. State Pollution Control Board, on 16.02.2024. The above state of affairs present a very dark and concerning plight about the waste management in ecologically sensitive zones and some very cold regions of Himachal Pradesh.
6. That the Status-cum-Action Taken Report of Respondent No. 4 only talks about issuing of the Show Cause Notices by the H.P. State Pollution Control Board to the concerned local bodies but lacks any information about the Environmental Compensation imposed on these local bodies for failing to implement and enforce the provisions of the Solid Waste Management Rules, 2016.
7. That Para 2 of the abovementioned report is as follows- *“In this matter, it is submitted that the State Board has issued various directions to the Gram Panchayat, Koksar to comply with the provisions of the Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016. The matter has also been taken up with District Administration for implementation of Solid Waste Management Rules 2016 & Swachh Bharat Mission Guidelines in the concerned area. Directions have also been issued to the Sub-Divisional Magistrate-cum-Member Secretary, Special Area Development Authority (SADA), Keylong for infrastructure development, for collection, storage, segregation,*

transportation, processing and disposal of solid waste being generated, as per Solid Waste Management Rules 2016”.

8. That it is submitted that the above Para states only about directions given to various authorities and departments. There is no mention of achieving concrete and permanent implementation of the above directions and lasting resolution to the concerns raised in the instant OA in the rest of the Paras of the entire report. It has also been mentioned in the above Para that *“The matter has also been taken up with District Administration for implementation of Solid Waste Management Rules 2016 & Swachh Bharat Mission Guidelines in the concerned area.”*

9. That it is further submitted that Swachh Bharat Mission Guidelines have been blatantly ignored not only in Koksar but in the entire Lahul and Spiti district of Himachal Pradesh. The Swachh Bharat Mission website <https://sbm.gov.in/sbmgdashboard/DistrictDashboard.aspx> reveals a shocking truth that as on July 08, 2024, out of 268 villages in Lahul and Spiti, not a single village has been declared ODF Plus Model Village or verified as ODF Plus Model Village, and that obviously includes Koksar also as it is a village of the said district. That a screenshot from the afore-mentioned website containing the said information is attached herewith and marked as **ANNEXURE-O-1**.

10. That it is also submitted that as per the website https://swachhbharatmission.ddws.gov.in/about_sbm the key objectives of Swachh Bharat Mission – Grameen (SBM-G), Phase II are: to sustain the ODF (Open Defecation Free) status of villages; to improve the level of cleanliness in rural areas through solid and liquid waste management activities, making villages ODF Plus. This includes ODF Sustainability, Solid Waste Management, Liquid Waste Management, and Visual Cleanliness. There are three categories of ODF Plus:

Aspiring, Rising, and Model. The said website describes an ODF Plus Aspiring Village as “the village which is sustaining its ODF status and has arrangements for Solid Waste Management or Liquid Waste Management.” An ODF Plus Rising Village is “the village, which is sustaining its ODF status, and has arrangements for both Solid Waste Management and Liquid Waste Management.” An ODF Plus Model Village has been described as “the village which is sustaining its ODF status; has arrangements for both Solid Waste Management and Liquid Waste Management; observes visual cleanliness i.e. minimal litter, minimal stagnant wastewater and no plastic waste dump in public places and displays ODF Plus IEC messages.” A screenshot from the aforesaid website containing the said information is attached herewith and marked as **ANNEXURE-O-2.**

11. That It is also noteworthy that as per SBM- G Phase II figures, As on July 08, 2024, out of 268 villages in Lahul and Spiti district only 63 are ODF Plus Rising Villages and only 165 are ODF Plus Aspiring Villages. Hence it is quite possible that Koksar may also not fall in Aspiring and Rising categories of the ODF Plus Villages. In view of the above descriptions it can be easily concluded that if Koksar doesn't come even in Aspiring and Rising categories of ODF Plus Villages then it is not even sustaining its ODF status and it doesn't have arrangements for Solid Waste Management or Liquid Waste Management. That a screenshot from the abovementioned website containing the said information is attached herewith and marked as **ANNEXURE-O-3.**

12. That the above facts and figures regarding the ODF Plus Status of villages in Lahul and Spiti district directly contradict the claims made by Respondent No. 4 in the aforementioned report. Even if Koksar falls into the Aspiring and Rising categories of ODF Villages, it cannot be denied that it has not been declared or verified as an ODF Plus

Model village, as per the aforesaid facts and figures. Given this, Koksar does not observe visual cleanliness, which includes minimal litter, minimal stagnant wastewater, and no plastic waste dumped in public places. Additionally, it does not display ODF Plus Information, Education & Communication (IEC) messages at different locations. The Respondent No. 4 must clarify Koksar's ODF Plus status. The fact that the Koksar doesn't fall in the category of ODF Plus Model village alone justifies the contentions in the instant OA.

13. That it is further submitted that the perusal of the Show Cause Notices from ANNEXURE-I Collectively of the Report provided by the Respondent No.4 itself reveals that the blatant violations of the vital environmental rules have been persistently taking place in Koksar and the entire area around it. The first Para of the Show Cause Notice dated 05.08.2022, Page No. 4/84, issued by AEE, HPSPCB Kullu reads as follows: *Whereas, re-inspection of North Portal area of Atal Tunnel was conducted by undersigned on dated 03.08.2022 w.r.t. the letter already issued vide no. PCB/RO Kullu (MSW)/1641/2019-1390-9 I dated 22.07.2022 for implementation of Solid Waste Management Rules, 2016 w.r.t. the littering observed in North Portal area of Atal Tunnel and it has been observed that no action has been taken by you, as the solid waste was found littered below the selfie point of North portal of Atal Tunnel and along the roadside towards the Sissu (Photographs enclosed).* The first Para of the Show Cause Notice on the Page 5/85, dated 17.07.2023 is as follows: *Whereas, inspection of the Koksar Gram Panchayat area was conducted by undersigned on dated 26.06.2023. During the course of inspection it has been observed that the solid Waste littered/dumped at Koksar and no mechanism for collection, processing of waste provided by the Gram Panchayat (Photographs enclosed). Whereas, as per the provisions of Solid Waste Management Rules, 2016*

waste shall be collection, segregated and shall be disposed at designated area. That another Show Cause Notice on Page 6/86 was issued on 17.02.2024 by the Regional Officer, HPSPCB Kullu and this is also about littering of solid waste i.e. plastic bottles, paper plates, glass bottles etc. along the road opposite to the North Portal of Atal tunnel and also reports nonfunctionality of MRF (Material Recovery Facility) provided near Koksar. Similarly, a letter, dated 17,07,2023, on Page 8/88, addressed to the Sub-Divisional Magistrate - cum - Member Secretary, Special Area Development Authority, Keylong, district Lahul and Spiti reports that during an inspection of the north portal area of Atal Tunnel conducted on 26.06.2023 solid waste/garbage was found littered/dumped along the road side. In the same way a letter, dated 22.07.2022, on Page 9/89 of the Report in question is also concerned with the littering of Solid Waste below the selfie point of North portal of Atal Tunnel and along the road near the SADA Barrier. The letter terms it as *“the gross violation of the Solid Waste Management Rules, 2016.”*

14. That it is evident from the perusal of the ANNEXURE-I Collectively of the Report of the Respondent No. 4 that between July 2022 to February 2024, during the span of about one year and eight months only three Show Cause Notices and two letters have been issued by the officials of the Respondent no. 4 concerning the grave and persistent violation of the Solid Waste Management Rules 2016 in an eco-sensitive area in question. The Respondent No.4 has issued only three Show Cause Notices and two letters concerning the Solid Waste Management Rules, 2016 during a period of about one year and eight months which shows the indifference of the Respondent in dealing with this vital issue concerning the ecology and environment of a high altitude region. This also highlights that the issue of breaching indispensable environmental rules is recurrent, in the said region and a permanent solution to this problem has not yet

been achieved. The said Show Cause Notices and letters prove that the contentions of the Applicant about the continuous infringement of various environmental laws and rules in the instant OA are true and justified, and hence immediate remedial measures of permanent nature are required to address the issues in question once and for all.

15. That the ANNEXURE-II of the above Report is about the details of compounding fee collected in Lahaul Area i.e. North Portal of Atal Tunnel, Sissu and Koksar area. The said document indicates that between 21.07.2022 and 19.03.2024, only 16 individuals and 4 commercial establishments were fined for the violation of the environmental rules. During this period, a total sum of Rs. 16,500/- was collected from these violators. During the year 2023 only 7 violators were fined. This highlights that the number of violators on whom the penalty was imposed is relatively very low, considering the magnitude of the problem. This again demonstrates the lackadaisical attitude of Respondent No. 4 towards the permanent resolution of a serious issue concerning the ecology and environment of an eco-sensitive region.

16. That as per the knowledge of the Applicant organization, the Carrying Capacity of Koksar and adjoining areas such as Manali, Solang Valley and Rohtang has not been determined, till date, in compliance of the Order, dated: 05.10.2018, passed by this Hon'ble Tribunal in O.A. No. 218/2017, *Society for Preservation of Kasauli and its Environs (SPOKE) Vs. M/s Kasauli Glaxie Resorts*, whereby this Hon'ble Tribunal had directed as under:

“ ...

40. The MoEF&CC may frame set of guidelines with respect to carrying capacity assessment as applicable to similarly placed Hill Stations and Eco Sensitive Zones (ESZ) notified by MoEF&CC in the country to check hazards of unregulated development threatening the fragile ecology and safety within one month. The MoEF&CC shall submit the copy of guidelines to the Tribunal by e-mail at filing.ngt@gmail.com

positively by 30th November, 2018 alongwith the list of such hill stations and ESZ for which Carrying Capacity Assessment is necessary. Thereafter, such similarly placed hill stations and ESZ in the country shall undertake Carrying Capacity Assessment Study as per the template and guidelines as finalized by the MoEF&CC within three months and submit compliance through MoEF&CC to this Tribunal.

...”

(Emphasis added)

17. That it is again submitted that the contents of the above Status - cum - Action Taken Report are irrelevant and misleading. It is evident from the said Report that Respondent No.4 has completely failed to discharge their duties towards effective implementation of the indispensable environmental rules and has thereby failed to take proper measures to protect an eco-sensitive region from the imminent threats. In view of the above facts and circumstances the applicant humbly seeks that this Hon’ble Tribunal may kindly pass appropriate directions in the interest of the ecology, environment and humanity.

PRAYER

It is most respectfully prayed that this Hon’ble Tribunal may kindly grant the reliefs sought in the Original Application and direct the Respondents concerned to file the Carrying Capacity Reports, if conducted for Koksar, Manali, Solang Valley and Rohtang, in the interest of ecology, environment, biodiversity, and protection of the humanity.

Filed by:



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Dated:- 10.07.2024

	154	250	621	4	177	240	417	0
Total	17643	2894	15708	204	3525	2246	7204	448

[-] View ODF-Plus Model Verified Villages

District Name (LGD Code)	Total No of Blocks	Total Model Blocks	Total No of Villages	Total No of ODF Plus Model Declared Villages	Total No of ODF Plus Model Verified Villages	Percentage of ODF-Plus Model Verified Villages
1	2	3	4	5	6	7=(6/5)*100
MANDI (22)	14	0	3003	242	238	
SIRMAUR (24)	7	0	959	120	80	
HAMIRPUR (17)	6	0	1677	582	135	
SOLAN (25)	5	0	2276	706	68	
KANGRA (18)	16	0	3590	293	21	
BILASPUR (15)	4	0	953	487	7	
CHAMBA (16)	7	0	1111	586	0	
SHIMLA (23)	13	0	2531	243	0	
KINNAUR (19)	3	0	210	25	0	
KULLU (20)	6	0	311	64	0	
LAHAUL AND SPITI (21)	2	0	268	0	0	
UNA (26)	5	0	754	177	0	
Total	88	0	17643	3525	540	

About Swachh Bharat Mission

Swachh Bharat Mission -Grameen (SBM): Phase I (2014-2019)

Swachh Bharat Mission -Grameen (SBM): Phase II (2019-2025)

Recent Highlights:-

- > Swachhata Green Leaf Rating
- > Swachhata Hi Sewa (SHS) campaign
- > Light House Initiative
- > SPM-NIWAS

Swachh Bharat Mission -Grameen (SBM): Phase II (2019-2025)

Having achieved the ODF status, SBM-G Phase II was launched with the objective of achieving Sampurn Swachhata, i.e., sustaining the ODF status and managing solid and liquid waste by 2024-25 and transforming all the villages from ODF to ODF Plus Model.

The key objective of SBM-G Phase II to:

- > Sustain the ODF status of villages
- > Improve the level of cleanliness in rural areas through solid and liquid waste management activities, making villages ODF Plus. This includes
 - > ODF Sustainability
 - > Solid Waste Management
 - > Liquid Waste Management
 - > Visual Cleanliness

The total estimated outlay of SBM(G) Phase-II is Rs.1.40 lakh crores which is to be dovetailed through convergence between different verticals of financing and various schemes of Government of India and State Governments.

The **ODF Plus** progress is being captured on SBM(G) MIS in following categories:

- > **Aspiring:** The village which is sustaining its ODF status and has arrangements for Solid Waste Management **or** Liquid Waste Management.
- > **Rising:** The village, which is sustaining its ODF status, and has arrangements for both Solid Waste Management and Liquid Waste Management.
- > **Model:** The village which is sustaining its ODF status; has arrangements for both Solid Waste Management and Liquid Waste Management; observes visual cleanliness i.e. minimal litter, minimal stagnant wastewater and no plastic waste dump in public places and displays ODF Plus IEC messages

“ Cleanliness campaign is a journey, which will go on continuously. After getting rid of open defecation, the responsibility has increased now. After ODF, the country is now working on the goal of ODF plus. Now we have to improve the management of waste, be it in a city or a village. We have to speed up the work of making wealth out of waste. ”

**Hon’ble Prime Minister
8th August 2020**

- Hindi
- Home
- GODARdhan Portal
- Village Progress Report
- Capacity Building Dashboard

IHHL	2,19,544	Total Number of Biogas Plants (Private and SBM-G)		Total Number of CBG Plants	
Community Sanitary Complexes	+1 5,002	Registered	Functional	Registered	Functional
		18	7	1	0

ODF-Plus	ODF-Plus Model	ODF-Plus	ODF-Plus Model	ODF-Plus	ODF-Plus Model
12	0	88	0	2,678	437

[-] District Wise ODF Plus Status

District (LGD Code)	Total Villages	Total ODF Plus Villages		ODF Plus Model Villages		ODF Plus Rising Villages		ODF Plus Aspiring Villages	
		As on 1st April 2022	As on 08 Jul 2024	As on 1st April 2022	As on 08 Jul 2024	As on 1st April 2022	As on 08 Jul 2024	As on 1st April 2022	As on 08 Jul 2024
Total	17643	2894	15708	204	3525	2246	7204	448	4979
BILASPUR (15)	953	74	+0 857	9	+0 487	65	+0 228	0	+0 142
CHAMBA (16)	1111	74	+11 1011	0	+11 586	17	+0 162	57	+0 263
HAMIRPUR (17)	1677	502	+0 1601	159	+0 582	319	+0 773	26	+0 246
KANGRA (18)	3590	173	+0 3382	3	+0 293	121	+0 1378	49	+0 1711
KINNAUR (19)	210	11	+0 187	8	+0 25	3	+0 15	0	+0 147
KULLU (20)	311	101	+2 268	0	+2 64	98	+0 162	3	+0 42
Lahaul And Spiti (21)	268	40	+0 228	0	+0 0	26	+0 63	14	+0 165
MANDI (22)	3003	405	+0 2485	11	+0 242	385	+0 1972	11	+0 271
SHIMLA (23)	2531	341	+0 2002	5	+0 243	192	+0 768	144	+0 991
SIRMAUR (24)	959	209	+0 939	1	+0 120	121	+0 104	88	+0 715
SOLAN (25)	2276	714	+9 2127	4	+9 706	659	+0 1162	50	+0 259
UNA (26)	754	250	+0 621	4	+0 177	240	+0 417	6	+0 27
Total	17643	2894	15708	204	3525	2246	7204	448	4979