

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

ORIGINAL APPLICATION NO. 1063/2024/PB

IN THE MATTER OF:

News Item titled "Pollution Control Board reels in ghost nets" appearing in the Times of India dated 04.08.2024.

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FILED BY



[SOUMYAJIT PANI]

Advocate for Respondent No. 10
25/2 First Floor, Pant Nagar, Jangpura,

New Delhi-110014

Enrl.: D-1676/1B/1999

Mobile:+91 9312224025

Email: spadv103@gmail.com

Place: New Delhi

Dated:15.04.2025

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

ORIGINAL APPLICATION NO. 1063/2024

IN THE MATTER OF:

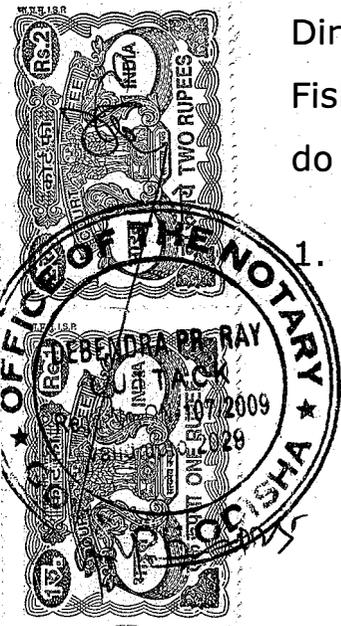
News Item titled "Pollution Control Board reels in ghost nests" appearing in the Times of India dated 04.08.2024

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT
NO.10, DEPARTMENT OF FISHERIES, STATE OF
ODISHA**

I, Muralidhar Jena aged about 58 years S/o Late Rama Chandra Jena, presently working as Addl. Director of Fisheries (Administration), Directorate of Fisheries, Government of Odisha, Mangalabag, Cuttack, do hereby solemnly affirm and state as under:

1. I am working as Addl. Director of Fisheries with the Government of Odisha and duly authorized by the Director of Fisheries and has been fully acquainted with the facts and circumstances of the case as such competent to swear the present reply Affidavit.
2. That, vide order dated 14.08.2024, this Hon'ble Tribunal while taking *suo-motu* cognizance of the news item published in the Times of India dated 04.08.2024 titled "Pollution Control Board reels in ghost nests" held as under:

Muralidhar Jena
Addl. Director (Admn)
Directorate of Fisheries
Odisha, Cuttack.



g.p. ray
DEBENDRA PRASAD RAY
NOTARY, CUTTACK, ODISHA
REGN.No.ON-107/2009

"3. The article explains that the HDPE (high-density polyethylene) or nylon fishnets wear out every six months to a year. If torn, the torn bit goes underwater, strangling fish such as anchovies and prawns. This affects fish reproduction and the business of fishermen. Furthermore, marine mammals such as turtles and whales that come up to breathe can get caught in ghost nets. These nets also lead to algal growth if they strangle coral reefs. It also alleges that the bundled-up, torn nets also cause sanitation and health issues, particularly during the monsoon.

4. The above news item indicates violation of the provisions of The Environment (Protection) Act, 1986 and CRZ Notification, 2019, 2.1.1 CRZ 1A."

That this Hon'ble Tribunal impleaded the answering Respondent as Respondent No. 10, inter alia directed to file their response/reply.

3. That, in compliance of order dated 14.08.2024 passed by this Hon'ble Tribunal, whereby the answering Respondent herein, i.e., the Department of Fisheries, Odisha were directed to file its reply to the present case, is filing its reply herein.
4. That, I say and submit that the highest average catch that can be taken from a fish stock over a long period of time without depleting the stock i.e., Maximum sustainable yield for the State is 2.92 lakh MT (Fishery Survey of India,


DEBENDRA PRASAD RAY
NOTARY, CUTTACK, ODISHA
REGN.No.ON-107/2009


Addl. Director (Admn)
Directorate of Fisheries
Odisha, Cuttack.

Vishakapatnam Report) whereas the State has harnessed 2.26 lakh MT during the year 2023-24. The State has adopted a sustainable fishing approach since last decade. Out of 19,300 fishing boats operating in the State, only 1727 fishing boats are mechanized and no new registration of Mechanized boats have been done since 2011.

5. That, most of the fishers in the State uses Gill Net in fishing which is a Passive gear and in this fishing practices the chances of discarding fishing nets into sea is further reduced. And the torn Nets are mended or discarded on land by multiple mending units present across the coast.
6. That for effective conservation of fish and fisheries resources of the sea, the State of Odisha implements uniform fishing ban every year in the territorial water (upto 12 nautical miles from the shore) along the entire coast of 480 km from 15thApril to 14thJune every year for enabling breeding of fishes during their breeding season. True copy of the notification dated 19.03.2017 prohibiting fishing for effective management of fishery resources is annexed herewith and marked as **Annexure-A**.

Further, for conservation of Olive Ridley Turtle, fishing ban is imposed from 1stNovember to 31stMay (7 months) every year. Besides, Fishing is banned in Bhitarkanika wild life sanctuary across the year. True copy of the notification dated

12.11.2014 prohibiting fishing from 1st November to 31st May every year is annexed herewith and marked as **Annexure-B.**

- 7. That, regular awareness meetings are being conducted by field officials with the active involvement of "Sagarmitras" to create awareness on sustainable fishing, recycling of fishing nets, use of life saving equipment etc. No such specific schemes are being implemented by Government of Odisha through this Directorate of Fisheries for recycling of the fishing nets.
- 8. However, as per Central Pollution Control board (in short, "CPCB") guidelines, one time financial assistance will be provided from CPCB extended Producer Responsibility fund created under Environment protection Act (1986) as per point G(a) and (b) for plastic waste(@40% or maximum up to Rs.38lakh)and nylon waste(@40% or maximum up to Rs.48 lakh) recycling plant and machineries.
- 9. That, as per the information available from Central Pollution Control Board, (CPCB), 17.51 tonnes of Abandoned, Lost or discarded fishing gears (ALDFGs), i.e., the ghost nets are generated w.r.t. 480 kms of coastline of Odisha which is quite less in comparison with other coastal states. CPCB have published a detailed guideline for financial support for establishing recycling plants machinery for abandoned, lost,

M. Mullick Ray
 Addl. Director (Admin)
 Directorate of Fisheries
 Odisha, Cuttack.

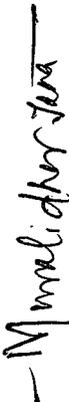
DR
DEBENDRA PRASAD RAY
 NOTARY, CUTTACK, ODISHA

discarded gears. Accordingly, steps are being taken to encourage entrepreneurs/ Stake holders in this regard. As of now only one recycling unit, in proximity to Puri Golden beach with 3600 TPA capacity is functional and steps are being taken to encourage entrepreneurs for construction of recycling plants.

True copy of the guidelines issued by the Central Pollution Control Board for re-cycling of the ghost nets is annexed herewith and marked as **Annexure-C.**

10. That, among the 12 nos. of blue flag certified beaches located across the country, Golden beach in Puri districts is one of them. The Blue flag beach, Puri facilitates for recycling of wastages that include ALDFGs (ghost net).
11. That, in accordance with the GoI meeting conducted on 28.08.2024 at 12 AM by CPCB with coastal states through VC, steps would be taken by this Directorate of Fisheries to include "Promotion of recycling of ALDFGs (Ghost nets)".
12. That, the State is in the process of amendment of Orissa Marine Fishing Regulation Act-1982, penalty would be provisioned against violators discarding ALDFGs (Ghost nets) into sea with mechanism for developing traceability through coding of fishing net.


DEBENDRA PRASAD RAY
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REGN.No.ON-107/2009


Addl. Director (Admin)
Directorate of Fisheries
Odisha, Cuttack

13. That, Orissa Marine Fishing Regulation (OMFR) Act, 1981 and rules can regulate the maximum life span of fishing net after which there should be mandatory provision of discarding the fishing net through recycling units for recycling purpose.
14. That, the concerned Indian Council of Agricultural Research (ICAR) research institutes need to find out the alternative nature friendly fishing net for States to use safely to manage marine plastic waste.
15. That, the Primary Fishermen Cooperative societies are to be encouraged to establish recycling units with assistance from CPCB.
16. That, the answering Respondent, Department of Fisheries, State of Odisha craves the leave of this Hon'ble Tribunal to add, amend and/or modify any of the averments made hereinabove and to file a further affidavit or affidavits or documents if the situation so warrants or if this Hon'ble Tribunal so desires.
17. That, the contents of this reply affidavit have been read over and explained to me and I have understood the contents thereof and I say that the facts stated hereinabove are true and correct to the best of my knowledge and belief as derived from the official records.

Muralidhar Jena
Addl. Director (Admin)
Directorate of Fisheries
Odisha, Cuttack.


DEBENDRA PRASAD RAY
NOTARY, CUTTACK, ODISHA
REGN.No.ON-107/2009

18. That, no part of this affidavit is false and nothing material has been concealed therefrom.

Murali dher Jena
 DEPONENT *09.04.25*
 Addl. Director (Admn)
 Directorate of Fisheries
 Odisha, Cuttack.

VERIFICATION:

Verified at Cuttack on this the 9th day of April, 2025. I, the above named deponent do hereby verify that the contents of the above reply affidavit are true and correct, no part of it is false and nothing material has been concealed there from.

Murali dher Jena
 DEPONENT *09.04.25*
 Addl. Director (Admn)
 Directorate of Fisheries
 Odisha, Cuttack.

Through

[Signature]
[SOUMYAJIT PANI]

Advocate for Respondent No.10
 25/2, First Floor,
 Pant Nagar, Jangpura,
 New Delhi-110014

Email: spadv103@gmail.com

Mob.: 9312224025

New Delhi

Dated: *09.04.2025*

Certified that the above named Deponent
 being Identified by *Self*, who
 Advocate solemnly affirms and states before
 me that the contents of this affidavit are all
 true to the best of their/his/her knowledge

09.04.2025
DEBENDRA PRASAD RAY
 NOTARY, CUTTACK

GOVERNMENT OF ODISHA
FISHERIES & ARD DEPARTMENT

NOTIFICATION

No. 4038 /FARD, BBSR, Dt. 29.3.17
7Fy-16-2017

In exercise of the powers conferred by Clause (a) of Sub-Section-(1) of Section 4 of the Odisha Marine Fishing Regulation Act, 1982 (Odisha Act 10 of 1982) and having regard to the matters specified in Sub-Section-(2) thereof, the State Govt. do hereby prohibit fishing within the territorial waters along the entire coastline of Odisha State by all the fishing vessels except traditional fishing crafts (up to 8.5 mtrs.) with or without engine every year from 15th April to 14th June (Both days inclusive, 61 days) for conservation and effective management of fishery resources and also for sea safety reasons.

By Order of Governor

29.3.2017
Joint Secretary to Govt.

Memo No. 4039 /FARD., Dt. 29.3.17

Copy forwarded to the Director, printing, Stationery and Publication, Odisha, Madhupatna, Cuttack for information and necessary action with a request to publish the above Notification in the Odisha Gazette forthwith and supply 50 (fifty) copies thereof to Fisheries & ARD Department.

29.3.2017
Joint Secretary to Govt.

Memo No. 4040 /FARD., Dt. 29.3.17

Copy forwarded to Yoginder Kumar, Under Secretary to Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, Krishi Bhawan, New Delhi-110001 for information and necessary action with reference to Order No. 30035/15/97-Fy(T-1)-Vol-IV, dt. 10.03.2017 of GoI, Ministry of Agriculture and Farmers Welfare, Department of AHD & F.

29.3.2017
Joint Secretary to Govt.

True & copy

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*B.
C. Behera
Addl. Secy
F&ARD
Jajodi*



GOVERNMENT OF ODISHA
FISHERIES & A.R.D. DEPARTMENT

NOTIFICATION

No. 12312 /FARD, Bhubaneswar, Dt. 12.11.14
7.Fy-sch-0103/2014

In exercise of the powers conferred by Clauses (a) & (b) of Sub-Section (1) of Section-4 of the Odisha Marine Fishing Regulation Act, 1982 (Odisha Act 10 of 1982) and having regard to the matters specified in subsection (2) thereof, the State Government do hereby prohibit fishing by motorized vessels, trawlers and those using mechanized fishing techniques in 20 (twenty) kilometres from the following specified coast of the sea comprising the sea turtle congregation area and their buffer zones in the vicinity of the following three river mouths of the Odisha coast for the period from 1st November to 31st May (both days inclusive) every year.

1. Dhamara River Mouth (Scott's Island to Udabati North)
(Latitude = 87°00' to 87°15' & Longitude = 20°45' to 20°55')
2. Devi River Mouth (Keluni Muhan to New - Devi Nasi Island North)
(Latitude = 86°15' to 86°35' & Longitude = 19°40' to 20°05')
3. Rushikulya River Mouth (South of Prayagi to North of Aryapalli)
(Latitude = 85°00' to 86°12' & Longitude = 19°18' to 19°28')

This Department Notification No.12007 dt.31.10.2014 issued in this regard is hereby superseded.

By Order of Governor

[Signature]
11.11.14

Commissioner-cum-Secretary to Government

Memo No. 12313 /FARD., Dt. 12.11.14

Copy forwarded to Director, Printing, Stationery & Publication, Odisha, Madhupatna, Cuttack for information & necessary action with a request to publish the above Notification in the next issue of Odisha Gazette and supply of 50(fifty) copies of the Gazette to this Department.

[Signature]
11/11/14
Joint Secretary to Government

Memo No. 12314 /FARD., Dt. 12.11.14

Copy forwarded to Private Secretary to Hon'ble Minister, FARD / Private Secretary to Chief Secretary, Odisha / Private Secretary to Commissioner-cum-Secretary, Fisheries & ARD Department for kind information of Hon'ble Minister, FARD / Chief Secretary, Odisha / Commissioner-cum-Secretary, F & ARD Department.

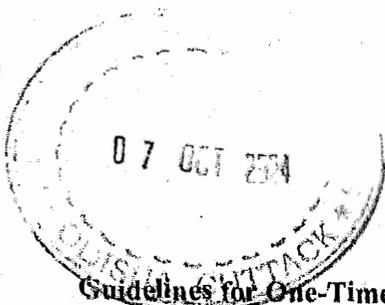
[Signature]
11/11/14
Joint Secretary to Government

Memo No. 12315 /FARD., Dt. 12.11.14

Copy forwarded to all Departments / All Heads of Departments for information and necessary action.

[Signature]
11/11/14

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Guidelines for One-Time Financial Support for Establishing Recycling Plants & Machinery for Abandoned, Lost & Discarded Fishing Gears (ALDFG) and High littering Plastic Wastes in Coastal Areas

A. BACKGROUND

Marine litter is defined as any persistent, manufactured or processed solid material discarded, disposed or abandoned in the marine and coastal environment¹. Plastic is the most dominant component in marine litter², comprising of fishing nets, plastic packaging and other items that are either deliberately discarded or accidentally lost into the sea or onto beaches. Additionally, plastic materials can be carried indirectly to the sea through rivers, sewage, stormwater or winds³. The increasing quantity of plastic waste, combined with the slow degradation of plastic litter, has become a significant environmental concern along the country's extensive coastline.

The fishing sector is known to be a substantial contributor to marine litter in the oceans⁴. With a large number of fleet, India is the third largest fish producing country worldwide⁵. Plastic is used in the fishing industry for a variety of purposes such as fishing nets, rope, monofilament lines, buoy, floater, traps⁶, etc. The primary way by which commercial fishing generates plastic litter is through Abandonment, Loss, or Discard of Fishing Gear (ALDFG), which is a significant threat to marine biodiversity. ALDFGs are generally made of non-biodegradable synthetic materials, such as High Density Polyethylene (HDPE), Polyethylene Terephthalate (PET), Polyamide/ nylon (PA), polypropylene, etc. that persist in the marine environment for years or decades⁷. In India, fishing nets are made from these synthetic fibers in different forms, such as braided or twisted⁸.

The quantity of fishing net waste varies in States/ UTs depending on factors such as the size of the fishing industry, the length of the shoreline, and local waste management practices. Further, they are generally

¹ [https://www.imo.org/en/MediaCentre/HotTopics/Pages/marinelitter-](https://www.imo.org/en/MediaCentre/HotTopics/Pages/marinelitter-default.aspx?text=Marine%20litter%20consists%20of%20items,%20deliberately%20lost%20by)

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² Sivadas, S.K., Mishra, P., Kaviarasan, T., Sambandam, M., Dhineku, K., Murthy, M.R., Nayak, S., Sivas, B. and Hoehn, D., 2022. Litter and plastic monitoring in the Indian marine environment: A review of current research, policies, waste management, and a roadmap for multidisciplinary action. *Marine Pollution Bulletin*, 176, p.113424.

³ <https://www.unep.org/topics/ocean-seas-and-coasts/regional-seas-programme/marine-pollution#:~:text=Marine%20litter%20consists%20of%20items,a%20sea%20in%20bad%20weather>

⁴ <https://plasticoceans.org/wp-content/uploads/2017/11/UNEP-research.pdf>

⁵ <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1910415#:~:text=India%20is%20the%20third%20largest,12.1%20Million%20Tonnes%20from%20Aquaculture>

⁶ Daniel, D.B., Thomas, S.N. Abandoned, Lost and Discarded Fishing Gear from the Fishing Sector of Kerala, India. *Ocean Sci. J.* 57, 398-410 (2022).

⁷ <https://doi.org/10.1007/s12601-022-00074-y>

⁸ Curiasakaran, K., Mghili, H., Bottani, T., Mancuso, M. and Macheendranathan, M., 2024. Ghost fishing gear threatening aquatic biodiversity in India. *Biological Conservation*, 291, p.110514.

⁹ <https://krushi.icar.gov.in/jspui/bitstream/123456789/78825/1/Assam%20Training%20Manual-6-408-164-169.pdf>



replaced every 1-3 months influenced by factors such as rocks, damage due to boats, machine boat impact and interference from crabs and other species.

According to the information submitted in the Annual Report, 2022-23 by thirteen State Pollution Control Boards / Pollution Control Committees (SPCBs/PCCs) located in coastal areas, a total of 2.37 million tonnes of plastic waste was generated in the States/ Union Territories (UTs). According to the data from the Centralized Extended Producer Responsibility (EPR) portal for plastic packaging, a total of 1.63 million tonnes of plastic waste had been recycled till August 2024 in eleven States/ UTs of coastal area⁹. There are total 899 number of plastic waste recycling units in these states/UTs, with the highest number in Gujarat (426), followed by Maharashtra (218) and Karnataka (94).

Based on the information received from respective SPCBs/PCCs, the estimates suggest that quantity of fishing net waste is 75 kg per annum in Puducherry, about 1.5 tonnes per annum in Goa, 17.51 tonnes per annum in Odisha, 800 to 1,000 tonnes per annum in Gujarat, and 7,342 tonnes per annum in Karnataka. The variation of quantity of collection of fishing net may be due to variation in marine demographics, coastal length, fishing intensity, fishing practice, etc. Presently, various actions are underway to manage ALDFGs generated in the country, which includes establishing designated collection centers (e.g., Kasimedu in Chennai, Veraval and Porbandar in Gujarat, Udupi in Karnataka), setting up recycling facilities (e.g., Madurai in Tamil Nadu, Porbandar in Gujarat, Puducherry), and others. However, in light of the estimated increase in ALDFGs and marine plastic litter in the coming years, there is need for additional waste management actions apart from ongoing measures.

The Blue Flag Beach Criteria¹⁰ specifies that the beach must comply with the Blue Flag requirements which includes no floating plastics, providing facilities for separation of recyclable waste materials at the beach and local authority/beach operator must indicate facilities for the recycling of waste. If no such facilities exist, the applicant must apply for a dispensation from this criterion. Further, Blue Flag encourages all local authorities/beach operators to promote recycling and waste separation at the beach, even if the community does not have a local recycling facility. In India, there are following twelve Blue Flag certified beaches located across six States and three Union Territories.

1. Shivrajpur, Devbhumi Dwarka District, Gujarat

⁹ The data for recycling of plastic packaging for the state of Odisha and the Andaman & Nicobar Islands is not available

¹⁰ <https://beachawards.ie/wp-content/uploads/2021/05/Blue-Flag-Beach-Criteria-2021.pdf>



2. Ghoghla (Diu) Dadara Nagar Haveli and Daman & Diu
3. Padubidri, Udupi District, Karnataka
4. Kasarkod, Karwar District, Karnataka
5. Kappad, Kozhikode District, Kerala
6. Kovalam, Kanchipuram District, Tamil Nadu
7. Eden, Puducherry District, Puducherry
8. Rushikonda, Vishakhapatnam District, Andhra Pradesh
9. Golden, Puri District, Odisha
10. Radhanagar (Havelock), Andaman & Nicobar Islands
11. Minicoy Thundi Beach, Lakshadweep
12. Kadmat Beach, Lakshadweep

(Source: PIB press release July 21 2022, October 26, 2022)

In order to facilitate and enhance control of pollution in coastal areas, these guidelines have been developed to provide one-time financial support to project proponents towards capital costs of setting up recycling plant & machinery for Abandoned, Lost & Discarded Fishing Gears and other plastic waste with high littering potential in coastal areas. The units can be single plastic, multi-plastics or multi-plastics with nylon recycling facilities. The objective is to protect and conserve the marine ecosystem from plastic litter. The focus is on enhancing and establishing plastic waste recycling facilities in the twelve Blue Flag certified beaches having gaps/limited or non-existing infrastructure to improve waste management in these pristine regions.

B. OBJECTIVES

1. Enabling reduced plastic waste and ALDFGs littering in the twelve Blue Flag certified beaches in the country, by facilitating establishment of plastic recycling facilities and thus, encouraging channelization of plastic waste from collection to recycling.
2. Reducing usage of virgin plastics, encouraging and promoting a circular economy

C. DETAILS OF PLASTIC RECYCLING FACILITIES^{11,12}

The plastic can be recycled through two process routes, mechanical and chemical recycling.

¹¹ <https://openknowledge.foa.org/server/api/core/bitstreams/f126ddd0-b421-430d-89e8-488667a9aa49/content>

¹² Shuker, R., Khan, D., Hossain, R. et al. Plastic waste recycling: existing Indian scenario and future opportunities. Int. J. Environ. Sci. Technol. 20, 5895–5912 (2023). <https://doi.org/10.1007/s13762-022-04079-x>



Mechanical Recycling – Mechanical recycling is generally a main method of plastic waste recycling, which involves processing of plastic waste into secondary raw materials without significantly altering the chemical composition of the material. The process involves the following steps:

1. Collection and Segregation: Plastic materials have varying densities, so they are separated using a flotation process.
2. Cleaning and Drying: Plastic waste must be thoroughly cleaned and dried.
3. Sizing (Grinding): The cleaned plastic waste is then ground into flakes. These flakes are fed into an extruder, where they are heated until molten and forced through a die to form continuous polymer strands.
4. Pelletizing: The strands are cooled with water and cut into pellets, resulting in reprocessed granules.
5. Fabrication into end product: The reprocessed granules are used as raw materials to produce final products.

Chemical Recycling¹³ – Chemical recycling is a process in which a plastic or polymer is broken down into its basic components, i.e. monomer. This process is called de-polymerization. The monomers may be used as raw materials for manufacturing a new polymer. There are various chemical recycling processes, such as pyrolysis and gasification, which converts plastic into gases, and hydrolysis and purification which breaks polymers into monomers and raw materials. The de-polymerization process reverses polymerization by breaking down plastics into their monomers or shorter fragments (oligomers). The resulting monomers are of comparable quality to those used in the original polymer production, making the recycled plastics nearly equivalent to virgin materials. However, de-polymerization is primarily effective for 'condensation' polymers such as PET and polyamides.

It is important to note that Nylon-6 is a commonly used polyamide for making fishing gear and nets. The process diagram of Nylon fishing net recycling facility is presented below (Figure 1). The challenge in recycling of the nylon fishing nets is the removal of contamination such as moisture, algae and sand in the nodes of the net. As nylon is sensitive to temperature variation during extrusion, temperature of 200 – 250°C is maintained. Thus, the fishnet recycling unit differs from plastic waste processing unit and machineries such as shredder, crusher, wash line and extruders are modified according to the requirement of nylon recycling. Also, drying process is a requirement for nylon recycling.

¹³ <https://www.bpl.gov.uk/plasticpedia/chemical-recycling-101.aspx>

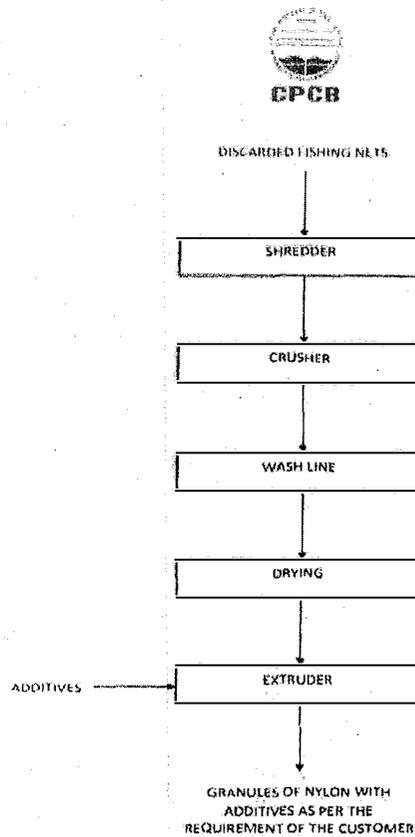


Figure 1 – Process diagram of nylon fishing net recycling facility¹⁴

The plastic waste recycling facilities produce wastewater from washing lines. It is encouraged to install a closed loop effluent system to ensure reuse of the wastewater. Based on quantity and quality of effluent generated a typical Effluent Treatment Plant (ETP) may comprise screening & settling mechanism, anaerobic / aerobic treatment system and tertiary treatment units, as needed.

D. ELIGIBILITY CRITERIA

1. New plastic waste recycling units for recycling of fishing gears/ nets and other plastic waste with high littering potential to be established by entities, entrepreneurs, or companies
2. The unit should have a valid Consent to Establish from concerned SPCB/PCC for establishing a plastic waste recycling unit.
3. The Unit located beyond Coastal Regulation Zone (CRZ) and permissible under local bylaws and extend regulations will be eligible for one-time financial assistance under CPCB Extended Producer

¹⁴ M/s. Sun Polymers, Shivaganga, Tamilnadu



Responsibility (EPR) funds including Environmental Compensation as well as through Environmental Protection Fund¹⁵ created under the Environmental (Protection) Act, 1986.

4. The unit should have its own valid land possession letter or lease agreement of minimum 10 years¹⁶.
5. Preference will be given to new plastic recycling units proposed to be located optimally closer to beach, harbor, fishing hotspots, high tourist footfall area and any other strategically important area where no restriction is imposed by any of the Government institution/body for setting up the unit.
6. Priority will be given to registered fishermen's societies interested in setting up finishing gear/ net recycling units.

E. Inclusions & Exclusion

One-time financial assistance is only towards the plant and machinery cost which includes cost of washing line, grinder/ shedder/ crusher, drying, agglomerator, extruder and pollution control device (including Effluent Treatment Plant) as per regulatory requirements. Cost of land for setting up of aforementioned facilities including other civil and electrical works shall be borne by the proponent. However, no assistance will be provided for meeting O & M costs, or any other recurring expenses. Any financial liability that may rise due to time and cost over runs shall be borne by the proponent.

F. PROCESS OF APPLICATION, EVALUATION & APPROVAL MECHANISM

a. Step 1 – Process of application & Screening by SPCB/ PCC

The proponent shall submit completely filled application in the prescribed format (Annexure I) to the Member Secretary of the concerned SPCB/PCC of the coastal State / UT where the plastic waste recycling unit is proposed to be established. The application form shall be accompanied with Financial Statement of the proponent for past three financial years¹⁷ and land possession letter/ lease agreement.

A committee shall be constituted within the SPCB/PCC, chaired by the Member Secretary of the SPCB/PCC and comprising members from the State Coastal Zone Management Authority (SCZMA), Fisheries Department and relevant Urban Local Bodies. This committee will review the application and eligibility conditions, address issues related to prioritizing proposals in cases of competing demands, and resolve conflicts concerning the prioritization of applicants. Besides suggested

¹⁵ Section 16(3) (b) of the Environment (Protection) Act, 1986 amended through The Jan Vishwas (Amendment of Provisions) Act, 2023, states, "The Fund shall be applied for— the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act". The E(P) Act aims to provide for the protection and improvement of the environment and related matters

¹⁶ Considering 03 years duration of the scheme and 07 years of continual operation of the plant.

¹⁷ Exemptions as per applicable regulation for eligible Startups and MSEs



committee members from the institutions/ Organizations, if registered fisherman society/association exists in the State/UT, representative from the same may be included as one of the members in the Committee.

The Project Proponent shall make a presentation to the Committee and additional details may be sought, if required. In the case of a favorable recommendation, Member Secretary, SPCB/PCC shall forward the application to CPCB along with the recommendation letter mentioning proposed recycling capacity, process type and estimated item-wise cost of machinery within 30 days of receipt of the application. SPCB/PCC shall ensure that proponent is fulfilling all essential regulatory conditions for setting up the plastic waste recycling unit, prior to forwarding the recommendation to CPCB. In case of unfavorable recommendation, the SPCB/PCC shall inform the same to the project proponent.

b. Step 2 – Evaluation of application by Central Committee & Accord of Approval

The applications and the recommendations of the respective SPCB/PCC shall be evaluated within 30 days of receipt from SPCB/ PCC by a Central Committee to be chaired by Member Secretary, CPCB and comprising representative (s) from National Coastal Zone Management Authority (NCZMA), National Centre for Sustainable Coastal Management (NCSC), Department of Fisheries and concerned official from CPCB. After evaluation, in case of favorable recommendations from the Central Committee, the proposal may be placed to the Competent Authority, CPCB, for approval for release of funds.

G. FINANCING STRUCTURE

The one-time financial assistance will be provided from CPCB Extended Producer Responsibility (EPR) funds including Environmental Compensation as well as through Environmental Protection Fund¹⁸ created under the Environmental (Protection) Act, 1986.

a. Quantum of financial support for capital expenditure for plants and machinery

Financial support will be provided as a one-time grant of either, Rs. 19 lakhs per TPD of production capacity or 40% of the capital cost of the plastic waste recycling plant and machinery, whichever is lower, subject to a maximum of Rs. 38 lakhs per proposal.

¹⁸ Section 16(3) (b) of the Environment (Protection) Act, 1986 amended through The Jan Vishwas (Amendment of Provisions) Act, 2023, states, "The Fund shall be applied for the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act". The E(P) Act aims to provide for the protection and improvement of the environment and related matters



This is based on average estimated cost available from existing recyclers for installing plastic waste recycling machinery such as plastic scrap grinders, shredders, cutters, crushers, wash lines, dryers, agglomerators, extruders, and pollution control devices (including Effluent Treatment Plant).

For setting up nylon fishing gear/ net recycling plant, onetime financial support will be provided of either, Rs. 24 Lacs per TPD of production capacity, or 40% of the capital cost of nylon fishing gears/net recycling plant & machinery, whichever is lower, subject to a maximum of Rs. 48 lakhs per proposal.

A total of 25 units are planned to be established near Blue Flag certified beaches under the scheme, including 13 nylon fishing gear/net recycling units and 12 plastic waste recycling units.

b. Cost sharing ratio – The cost shall be borne in the ratio of 40:60, by CPCB and project proponent, respectively. Proponent may avail financial grant from other schemes, however, 40% cost of total plant and machinery is required to be borne by the applicant, so as to ensure responsible ownership and operation of the unit.

c. Mechanism of disbursement and the number of instalments

After the accord of approval by Competent Authority, CPCB, the funds shall be transferred into the EPR account of the concerned SPCB/ PCC within 30 days. The first instalment shall be released only after ascertaining that the unit possesses a valid Consent to Establish and verification of the unit through a physical inspection by the concerned SPCB/PCC. The funds shall be released directly by SPCB/PCC into the proponent's account as per the following installment schedule¹⁹,

- I. 40 % of the payment shall be released by SPCB/ PCC to the project proponent within 30 days of receipt of funds from CPCB
- II. 30% of the payment shall be released on submission of interim physical and financial progress reports
- III. 20% of the payment shall be released on commissioning of the unit
- IV. 10% of the payment shall be released only after operationalization of the unit

H. PURPOSE-BOUND FUND CONDITION

¹⁹ As approved during 203rd Board Meeting of CPCB dated May 08, 2024, and suitably modified for present scheme



To ensure that the funds are used effectively and appropriately for their intended purpose, the proponent must submit Bank Guarantees (BG) in favor of the concerned SPCB/PCC, totaling the amount of financial support in four parts. The conditions for both the submission and release of bank guarantees at different stages of the installment schedule are outlined as below,

Submission of Bank Guarantees	Release of Bank Guarantees
BG 1 for 40% of the support amount to be furnished along with request for release of first installment	BG 1 and 2 will be released upon the issuance of a valid Consent to Operate by the concerned SPCB/PCC
BG 2 for 30% of the support amount to be furnished along with request for release of second installment	
BG 3 for 20% of the support amount to be furnished along with request for release of third installment	BG 3 will be released on generation of first invoice for the sale of product
BG 4 for 10% of the support amount to be furnished along with request for release of fourth installment	BG 4 will be released thereafter three months of production

I. OVERSIGHT MECHANISM

a. Scope of SPCBs/ PCCs

- Once sanctioned, SPCB/PCC shall monitor the progress of the project and ensure its timely completion.
- SPCB/ PCC shall submit stage wise completion/ commissioning report to CPCB. Based on satisfaction of completion of work, disbursement as per the instalment may be made by SPCB/PCC to the project proponent and shall intimate the same to CPCB.
- Post-commissioning, SPCB/PCC shall periodically monitor the plastic recycling unit to ensure that it is recycling plastic wastes collected from blue flag certified beach and fishing nets/ gears. It can also recycle other plastic wastes available and process waste from fishing net yarn subject to availability of the adequate recycling capacity. Additionally, SPCBs shall periodically monitor the unit to verify



compliance to relevant provisions under the Plastic Waste Management Rules, 2016 including EPR guidelines (as applicable) and amendments from time to time.

- CPCB/SPCB/PCC shall have the powers of physical inspection of the units after its commercial operation to ensure effective implementation of the guidelines.
- SPCBs/PCCs shall have the authority to verify the relevant records at any time. If it is found that the conditions outlined in these guidelines or those imposed by the concerned SPCB/PCC are not complied with, or if there has been misuse of funds, the bank guarantee submitted by the proponent may be forfeited, and the amount deposited with the CPCB in CPCB-EPR account.
- Copy of the Annual Report (Annexure II) shall be forwarded by SPCB/ PCC to CPCB before 31st May of every year.
- The SPCBs/PCCs shall ensure that following conditions are adequately covered or addressed in the Consent to Operate issued to Fishing gear recyclers and Marine Plastic Waste Recycler,
 1. The unit shall be considered under orange category for the purpose of validity period of consent.
 2. The unit shall use only discarded fishnets, pre manufacture waste from fishnet manufacture industries and marine plastics waste as raw material.
 3. The unit shall maintain adequate ventilation and lights to maintain good working conditions.
 4. The workers shall be provided with adequate safety gears/personal protective equipment (PPEs).
 5. The unit shall ensure adequate fire extinguishing system.
 6. The unit shall treat and dispose domestic wastewater in line with consent condition. The trade effluent shall be recycled for washing/process purpose after necessary treatment. In case of need of disposal of excess treated trade effluent, the mode of disposal, applicable norms and required treatment facility shall be clearly prescribed in the consent.
 7. The conveyor system having potential for generation of fugitive emissions shall be covered with required enclosure.
 8. Agglomerators and extruders shall be provided with adequate suction hood connected with vent routed through charcoal column scrubber to treat the volatile emissions.
 9. There shall not be any flue gas or process gas generation from the process.
 10. The unit shall take adequate measures to control noise levels from its own source within the premises so as to maintain ambient air quality standards.
 11. The unit shall maintain proper records of quantity of discarded fishnets, pre manufacture waste from fishnet manufacture industries and marine plastics used as raw material, processed and quantity of recycled product/granules sold. The records shall be submitted to CPCB and SPCB on half yearly basis.



12. The raw material shall be transported in dry condition so that leakage/seepage of leachate or liquid waste does not take place. Truck/lorries used for transportation of waste shall be properly covered with tarpaulins.
13. The unit shall obtain NOC from designated Authorities as per the prevailing Rules of the State in case the source of water is bore well/ground water.
14. The electromagnetic flow meters shall be installed at raw water intake, proper records and log books shall be maintained.
15. The electromagnetic flow meters shall be installed at inlet & outlet of ETP. Records or Logbooks shall be maintained for effluent generated, treated effluent recycled or reused; excess treated effluent disposed as per consent condition.
16. The unit should put up two sign boards (6x4 ft. each) at publicly visible places at the main gate indicating the products, effluent discharge standards, air emission standards, hazardous waste quantities and validity of CTO and exhibit the CTO order at a prominent place in the factory premises.
17. The solid waste generated, if any from the process/activity should be disposed in line with consent conditions or conditions imposed by local authority. The waste should not be dumped/thrown/littered or burnt.
18. The industry shall develop green belt all along the periphery to maximum extent possible and in the available vacant land.
19. The industry shall maintain the following records and the same shall be made available to the inspecting officers of the Board:
 - ✓ Daily receipt of discarded fishnets, pre manufacture waste from fishnet manufacture industries and marine plastics waste and daily production details.
 - ✓ Power/energy consumption details.
 - ✓ Log Books for pollution control systems.
 - ✓ Solid waste generated, recycled/disposed.
20. Other conditions can also be added as per local requirements.

b. Scope of CPCB

- CPCB shall review the Annual Report submitted by SPCBs/ PCCs and may at any time direct withdrawal of financial support or forfeiture of the bank guarantee submitted by Project Proponent, if the terms and conditions of these guidelines have been violated or if there has been misuse of funds. In such case, the fund shall be deposited back to CPCB-EPR account.



- A dedicated portal shall be established for monitoring project progress, generating electronic annual reports, and managing the disbursement of funds including tracking of financial transactions.

c. Scope of Urban Local Bodies (ULBs)²⁰

ULBs shall establish and implement mechanisms for the collection, storage, and transportation of discarded fishing gears/nets and plastic waste from the 12 blue flag certified beaches. ULBs may collaborate with fishing communities, startups, civil society, and informal sector to develop effective collection and transportation systems, to ensure availability of wastes for the recycling units.

d. Monitoring Committee

For effective monitoring of implementation of the projects sanctioned under this scheme following monitoring Committee shall be constituted at State/ UT level:

1. Official from Regional Office of SPCB (Regional Officer)
2. Official from Department of Fisheries
3. Official from Regional Directorate of CPCB (Not below the rank of Scientist B)

The Committee shall inspect the unit once in six months and submit the joint inspection report to SPCB/CPCB. The Committee shall verify records of raw material procured, processed and product sold. All pollution control measures shall also be verified to ensure proper functioning.

J. Other Terms & Conditions

- Applications will be considered on first-come-first-serve basis.
- Unit shall comply with conditions prescribed in the consent issued.
- Preference shall be given to proposals having agreements with local authorities, fishing communities, or any other agency for the assured availability of fishing nets/gears and plastic wastes from Blue Flag certified beaches.
- Preference will be given to proposals planning to install plant and machinery manufactured under 'Make in India' program.

²⁰ Provisions under Rule 6 of the Plastic Waste Management Rules, 2016 (as amended)



- Machinery should be purchased and plant shall be made operational within 01 year of transfer of funds. Bills/ invoices shall be submitted to SPCBs/PCCs subsequently.
- CPCB shall have the powers to modify the guidelines in any manner as may be deemed necessary for its successful implementation and for removing any difficulties in its operationalization.
- There is no provision for retrospective funding. Units possessing Consent to Operate (CTO) date: prior to the issuance of these guidelines are ineligible for financial assistance under the scheme.
- In case of any dispute, the decision of Chairman, Central Pollution Control Board would be final.



**APPLICATION FORM FOR ONE- TIME FINANCIAL ASSISTANCE FOR SETTING UP
RECYCLING UNITS FOR FISHING NETS AND OTHER PLASTIC WASTE HAVING HIGH
LITTERING POTENTIAL IN THE COASTAL AREAS**

A. General Information

1. Name of the Project Proponent:
2. Permanent/ registered address of the proponent:
3. Mobile number:
4. Email address:
5. Aadhar Number:
6. PAN Card:
7. GST Number:
8. Previous projects, if any, (attach relevant documents):

B. Brief Description of the Recycling Facility proposed to be established

1. Title of the proposed recycling facility:
2. Address and GPS coordinates of the location:
3. Distance from Coastal Regulation Zone and permissible areas as per local bylaws (in Km):
4. Any strategically important landmark near proposed facility (beach, harbor, fishing hotspots, high tourist footfall area or any other (mention travelling distance in Km):
5. Copy of land possession letter / lease agreement (attach):
6. Copy of financial statements for past three financial years:
7. Details of valid Consent to Establish (CTE) (attach document):
8. Production capacity (TPH):
9. Details of plant and machinery proposed to be installed and processing capacity of each machinery:
10. Item-wise estimated cost of plant and machinery (attach supporting document or price quotation):
11. Recycling Process flow chart:
12. Identified Source of Plastic Waste:
13. Potential market for selling the product:
14. Details of funding commitment received from other sources, if applicable (attach relevant documents):



15. Any agreements with local authorities, fishing communities, or any waste management agency for the assured availability of fishing nets/gears and plastic wastes from Blue Flag certified beaches (If yes, attach document):
16. Plant and machinery manufactured under 'Make in India' program (If yes, attach relevant document)
17. Attach copy of project proposal:

SELF DECLARATION

I(name), (designation), (name of the unit) hereby declare that all the information provided in the application form and supporting documents is true, accurate, and complete to the best of my knowledge and belief. I understand that any false information or misrepresentation may lead to the rejection of my application. I confirm that any financial support granted under this scheme will be utilized solely for the purpose of setting up and operating the aforementioned recycling unit, as detailed in the application.

.....
Signature

Name & Designation

Date & Place

NOTE

Please send the duly filled up Application Form to the Member Secretary of concerned SPCBs/PCCs, in hard or soft copy clearly marked as 'Application for Establishing Recycling Plants & Machinery for Abandoned, Lost & Discarded Fishing Gears (ALDFG) and High littering Plastic Wastes in Coastal Areas'.



FORMAT FOR ANNUAL REPORT TO BE SUBMITTED BY SPCB/ PCC

To be submitted to CPCB before May 31st of every year, for three years from sanctioning of the project(s)

Name of Scheme: One- time financial assistance for establishing recycling plants & machinery for Abandoned, Lost & Discarded Fishing Gears (ALDFG) and High littering Plastic Wastes in Coastal Areas

1. For the Financial Year:
2. Report Date:
3. Name of State Pollution Control Board / Pollution Control Committee:
4. Project Title(s):
5. Project Proponent(s):
6. Details of fund received in FY:
7. Details of payment released in FY:
8. Unused balance in FY:
9. Machinery wise status of installation and commissioning, EPR registration status (as applicable) & Payment released for each unit:

S.no.	Name of unit	Details of plant & machinery installed	Operational Status	Payment released (Rs.)	EPR registration status

10. In case unit(s) is operational now, provide following details:

	Targeted (as per installed production capacity)	Actual	Target for Next FY



Plastic waste recycled (tonnes)			
Fishing gears/ fishing nets recycled (tonnes)			
Recycled plastic recovered (tonnes)			
Revenue generated from sale of product by the beneficiary unit(s) (Rs)			

Name of the Authorized Signatory from SPCB/ PCC

Designation

Date

Attachments: As needed

True Copy



SOUMYAJIT PANI <spadv103@gmail.com>

Reply Affidavit on behalf of the Department of Fisheries, State of Odisha (Respondent No. 10).

1 message

SOUMYAJIT PANI <spadv103@gmail.com>

Tue, Apr 15, 2025 at 7:45 PM

To: msbc.cpcb@nic.in, grievance@tnpcb.gov.in, secy-fisheries@gov.in, commi-fisheries@gujarat.gov.in, "commfishmaha@gmail.com" <commfishmaha@gmail.com>, dir-fish.goa@nic.in, "dfkarnataka@gmail.com" <dfkarnataka@gmail.com>, "fisheriesdirector@gmail.com" <fisheriesdirector@gmail.com>, "comfishap@gmail.com" <comfishap@gmail.com>, "coffisheries@gmail.com" <coffisheries@gmail.com>, dfwb_kol@hotmail.com, fish.pon@nic.in, "fisheriesdirector@gmail.com" <fisheriesdirector@gmail.com>, dirfish@nic.in

Dear all,

This is the reply affidavit on behalf of the Department of Fisheries, State of Odisha (Respondent No. 10), in the matter of News Item titled " Pollution Control Board reel in ghost nests" appearing in the Times of India dated 04.08.2024. (O.A. 1063 of 2024).

Regards.

P.S. Please see the attachment.

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Office Of SOUMYAJIT PANI

Advocate

Supreme Court of India

25/2, First Floor, Pant Nagar,

Jangpura, New Delhi -110014

Email- spadv103@gmail.com

soumyajitpani@hotmail.com

TELEFAX: 91-11-41513200.

 Reply Affidavit.pdf
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