

Factual and Action Taken Report of Joint Committee

In compliance of Orders dated 05.10.2023 passed by the Hon'ble National Green Tribunal in Original Application no. 592 of 2023 in the matter of "Sunil Dutt Vs State of Punjab

1.0 Brief Back ground

Briefly stated that Mr Sunil Dutt, a Human Rights Activist residing in Dinanagar, Gurdaspur, Punjab has filed an application under the provisions of the National Green Tribunal Act, 2010 before the Hon'ble National Green Tribunal for the issuance of appropriate directions for management of solid waste and cremation ground by the concerned Statutory Authorities.

It is alleged in the application that Municipal Council, Dinanagar in District Gurdaspur has been dumping garbage in waste water pond situated adjacent to the Dinanagar Police Station and has created big mount of garbage. The garbage dumped is contaminating groundwater emits foul smell and poses health hazards to the residents of the locality and passersby.

2.0 Order dated 5.10.2023 passed by the Hon'ble National Green Tribunal

The application was treated as Original Application no. 592 of 2023 titled as "Sunil Dutt Vs State of Punjab. After consideration of the matter, the Hon'ble National Green Tribunal was pleased to pass an order dated 5.10.2023 thereby constituted a Joint Committee comprising of representatives of Central Pollution Control Board (CPCB); Punjab State Pollution Control Board (PSPCB) and District Magistrate (DM), Gurdaspur with direction to file factual and action taken report within one month by email @ judicial-ngt@gov.in in the form of searchable PDF / OCR supported PDF. The State PCB was directed to be the nodal agency for coordination and compliance. The relevant extract of paragraph 6 and 7 of the order dated 05.10.2023 passed in O.A No. 592 of 2023 is reproduced herein below:

"6. In view of the averments made in the application, we also

consider it appropriate that a Joint Committee be also constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PSPCB) and District Magistrate, Gurdaspur and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the Municipal Council, Dinanagar and Management of the cremation ground (if any), verify the factual position and take appropriate remedial action by following due process of law. The PSPCB will be the nodal agency for coordination and compliance.

7. Factual and Action Taken Report may be filed by the Joint Committee within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF / OCR supported PDF and not in the form of Image PDF."

3.0 Action taken by the Joint Committee:

3.1 Interaction and Discussion:

Deputy Commissioner, Gurdaspur has nominated Sub-Divisional Magistrate, Dinanagar and the Central Pollution Control Board has nominated Sh. J.P Meena, Scientist-D for representation in the Joint Committee. In compliance of order dated 05.10.2023 passed by the Hon'ble National Green Tribunal in O.A No. 592 of 2023, the meeting of joint committee comprising the following members was held on 07-11-2023 under the Chairmanship of Sub Divisional Magistrate, Dinanagar with all the stakeholders to check the facts on the ground followed by the field visit in accordance with the mandate of the order dated 5.1.2023. The applicant Sh. Sunit Dutt was also associated by the Joint Committee:

1. Sh. Lakshay Kumar, SDM Dinanagar, District Gurdaspur representative of Deputy Commissioner, Gurdaspur.
2. Sh. J.P Meena, Scientist-D, CPCB, RD, Chandigarh.

3. Er. Simarpreet Singh, Assistant Environmental Engineer, Punjab Pollution Control Board, Regional Office, Batala.
4. Sh. Harpal Singh, Sanitary Inspector, Municipal Council, Dinanagar.
5. Sh. Sunil Dutt, Human Rights Activist, Dinanagar, applicant in O.A No.592 of 2023.

3.2 Visit by the Joint Committee members: 07.11.2023.

The members of the Joint Committee visited the complaint site located at Gurdaspur Road, Near Police Station, Dinanagar on 07-11-2023 alongwith the applicant Sh. Sunil Dutt to check the latest status. Detailed discussions were held by the Joint Committee with the applicant. The applicant informed the Joint Committee that the garbage is being dumped at the site for the last few years causing bad odour to the nearby educational and medical institutes and other outlets. The applicant requested to clear the site, process the legacy waste in scientific manner and to take action against Municipal Council, Dinanagar for not managing the solid waste.

3.3 Observations of the Joint Committee

The observations of the Joint Committee during visit to the dump site on 7.11.2023, are mentioned herein below:

- a) The dump site falls within the MC limits and is established in an area of about 1.1 acres. The officials of Municipal council, Dinanagar informed that the site is in use for the last about 25 years.
- b) The Municipal council, Dinanagar has provided 4 no. trollies, 3 no. E-rickshaw, 2 no. TATA Ace, 10 no. tri-cycles to carry the solid waste to the dump site from various locations of Dinanagar.
- c) The Municipal council, Dinanagar has also provided 01 no. bailing machine, 01 no. Separator machine and 01 no. JCB
- d) The representative of the Municipal Council, Dinanagar informed that the waste carrying vehicles are covered with tarpauls while moving.
- e) No segregation of waste is being carried out done either at the time of collection or after dumping at the site. The unsegregated waste received is dumped as such at the site.

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- f) No treatment of fresh waste or legacy waste is being carried out.
 - g) No weigh bridge has been provided at the dump site to ascertain the quantity of waste being received at the site.
 - h) The officials of Municipal Corporation, Dinanagar informed that as per the survey carried out in the year 2018, 22000 lacs MT solid waste was present at the dump site and 3-4 MT waste was being received every day at that time. In the year 2023, the quantity of waste has increased to 6 MT daily. Considering increase in daily waste generation and accumulation of waste since 2018, the total legacy waste lying at the dump site could be to the tune of 30000 lacs MT.
 - i) No boundary wall or fencing has been provided around the dump site and as such waste was found spread outside the dump site onto the road leading to the site.
 - j) No plantation has been provided around the dump site.
 - k) No buffer zone has been left by MC Dinanagar around the dump site.
 - l) The piezometers earlier provided for ground water monitoring are buried under the waste and as such sampling of ground water cannot be done.
 - m) No arrangement of leachate treatment has been provided.
 - n) No on site or off-site emergency plan has been prepared.
 - o) No permanent arrangement for dousing of fires has been provided.
 - p) There are commercial establishments, one residential colony, Police Station in the radius of 100 metres from the dump site which are prone to damage in case of large-scale fires.
 - q) No arrangement is provided for detection of methane gas formation at site.
 - r) One number CCTV Camera has been provided at the site.
 - s) The photographs of the dump site as well as cremation ground are attached herewith as Annexure-A2.

3.4 Directions issued by the Sub-Divisional Magistrate, Dinanagar

During the course of visit on 7.10.2023, the Sub-Divisional Magistrate, Dinanagar, directed the officials of Municipal Council, Dinanagar as under:

- i. To remove the entire solid waste from cremation ground site and to

- carry out remediation using lime etc.
- ii. To ensure that no waste is dumped at cremation site in future and to appoint officials to carry out regular monitoring at site.
- iii. To provide CCTV Cameras at site to identify violators dumping waste at the site and to take punitive action which may include challenging, imposing of fine and initiation of action as per by laws.
- iv. To take up matter with committee managing the cremation ground for fencing/plantation of the site in order to stop this happening in future.
- v. To take all necessary measures for compliance of Solid Waste Rules 2016 including remediation of legacy waste and adoption of best practices for Solid Waste Management.

4.0 Action taken by Municipal Council, Dinanagar for removal of garbage at Cremation ground, Dinanagar:

The Municipal Council, Dinanagar has implemented the following actions at site:

- i. The whole of Garbage has been removed in last week from the cremation ground.
- ii. Dedicated Machinery to remove any garbage that is being dumped at the site.
- iii. Dedicated team comprising 1 Sanitary Inspector and 1 sanitary Supervisor has been formed to monitor the site on daily.
- iv. A Board has been displayed at the site with remarks as under:

"Dumping of Any Kind of Waste is Criminal Offence. Those who found doing so will be prosecuted accordingly".

5.0 Action taken by the Punjab Pollution Control Board for non-compliance of SWM Rules 2016

The Environmental Engineer of Punjab Pollution Control Board, Regional Office, Batala apprised the Joint Committee that the Hon'ble National Green Tribunal in the matter of O.A No. 606 of 2018 vide order dated 10.1.2020, had directed that continued failure of compliance of Solid Waste Management Rules,

2016 after 31.3.2020 will result in liability of every Local Body to pay compensation at the rate of Rs.10.0 lakh per month per Local Body for population of above 10.0 lakhs, Rs. 5.0 lakh per month per Local Body for population between 5.0 Lakhs and 10.0 Lakhs and Rs. 1.0 Lakh per month per other Local Body from 1.4.2020 till compliance.

5.1 Imposition of Environmental Compensation upon M.C Dinanagar for failure to make compliance of Solid Waste Management Rules, 2016 for the period of violation from 1.7.2020 to 28.2.2022.

In compliance to the orders dated 10.1.2020 passed by the Hon'ble National Green Tribunal in O.A No. 606 of 2018, the Punjab Pollution Control Board is imposing Environmental Compensation upon Urban Local Bodies for their failure to make compliance of Solid Waste Management Rules, 2016. Considering the population of Dinanagar City, the Environmental Compensation for every month was calculated @5.0 lacs per month. Accordingly, Environmental Compensation **(Calculated for non-compliance of Sr. no. 1 to 10 of Rules 22 of SWM Rules 2016 & Sr. No. 11 to Rule 22) @ Rs. 18.0 Lakh was imposed upon Municipal Council, Dinanagar with effect from 1.7.2020 to 31.3.2021 and Rs. 22.0 Lakh with effect from 1.4.2021 to 28.2.2022** through the Department of Local Government, Punjab. The Punjab Municipal Infrastructure Development Company (PMIDC), Government of Punjab was undertaking, in compliance to the directions of the Punjab Pollution Control Board has deposited the Environmental Compensation of Rs. 17.51 Lakh and the balance amount of Environmental Compensation @ Rs.22.49 Lakh is yet to be deposited with the Punjab Pollution Control Board.

5.2 Further imposition of Environmental Compensation upon M.C Dinanagar for the period of violation from 1.3.2022 to 30.9.2023.

The Punjab Pollution Control Board in compliance to the orders of the Hon'ble National Green Tribunal as explained in paragraph 5.0 has further imposed Environmental Compensation upon M.C Dinanagar for non-compliance of Solid Waste Management Rules, 2016 and continuous failure for commencement of bio remediation of legacy waste @ Rs. 38.0 Lakh (19.0 Lakh + 19.0 Lakh) for the

period of violation from 1.3.2022 to 30.9.2023.

6.0 Submission of report

The Factual and Action Taken Report of Joint Committee is hereby submitted in compliance to order dated 5.10.2023 passed in O.A No. 592 of 2023 for kind perusal and consideration of the Hon'ble National Green Tribunal.



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Board Regional Office,
Batala**



**Scientist 'D'
Central Pollution Control
Board Regional Director,
Chandigarh**



**Sub-Divisional Magistrate
Magistrate, Dinanagar**