

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

Original Application No. 08/2022

In the matter of: -

Varun Sheokand

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

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Dated: 03.11.2022

**CONSOLIDATED STATUS REPORT IN COMPLIANCE OF HON'BLE NGT,
PRINCIPAL BENCH, NEW DELHI ORDER DATED 04.02.2022
IN THE MATTER OF ORIGINAL APPLICATION NO. 08/2022
(Shri Varun Sheokand Vs. CPCB & Ors)**

**CENTRAL POLLUTION CONTROL BOARD
DELHI
November, 2022**

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Summary

Compliance Status

- There are 530 authorized E-Waste dismantling /recycling units in the country which are located in 20 states/UTs namely Andhra Pradesh, Assam, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttarakhand, Uttar Pradesh, West Bengal.
- Out of existing 530 units there are 437 operational units, 32 non-operational units, 47 closed units and 14 units whose status of operation is not clear from the reports.
- Out of 530 units, there are 375 complying units, 29 non-complying units and for 126 units compliance status is not provided.
- Four (04) SPCBs have reported non-complying dismantling/recycling units in their States. These states are Jharkhand (02 units), Maharashtra (03 units), Rajasthan (05 units) & Uttarakhand (03 units).
- Out of 35 States/UTs only Haryana has reported on other such polluting categories of industries operating in clusters causing environmental degradation and health hazards.

Informal Activities Status

- Thirteen (13) States/UTs namely Assam, DD&DNH, Delhi, Himachal Pradesh, Haryana, Jammu & Kashmir, Kerala, Meghalaya, Puducherry, Punjab, Rajasthan, Telangana & West Bengal have reported that drives for checking informal/un-scientific processing of e-waste have been carried out. Out of 13 States/UTs informal/un-scientific processing of activities have been identified in seven (07) States namely Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Meghalaya, Puducherry, & West Bengal. The concerned SPCBs/PCCs have taken actions against such informal activities.
- Haryana inspected one hundred (100) units operating under polluting categories other than e-waste processing in the areas of Balabgarh and Faridabad in addition to respondent units. Out of one hundred (100) units, ten (10) units were found to be under white category and ninety (90) units were found operating illegally without mandatory CTE/CTO. Sixty-eight (68) units were closed/sealed and process of closure has been initiated against the rest of twenty-two (22) units.
- Punjab SPCB has reported receipt of one complaint regarding informal e-waste processing. However, as per the Punjab SPCB, the complaint was found false.

Recommendations

- a. State governments to set up a robust mechanism of surveillance for addressing the issue of illegal/informal processing of e-waste in their State.
- b. The leakage of e-waste from authorized dismantlers/recyclers is one of the major attribute for e-waste to reach to informal sector. It has been observed that dismantlers/recycler have

been given processing capacity beyond their actual processing capacity and the same leads to leakages. SPCBs/PCCs to ensure capacity of the dismantlers and recycler as per the guidelines of CPCB.

- c. SPCBs/PCCs to plan and execute random inspection and audit of authorized E-Waste dismantling and recycling units for assessing the material balance in terms of quantity of e-waste collected, quantity of e-waste dismantled/recycled vis a vis quantity reported so as to ascertain and prevent leakage of e-waste to informal sector. The inspections and audit should focus on checking quantities of different materials produced such as precious/semi-precious and useful metal from E-Waste. SPCBs/PCCs to ensure that the dismantling and recycling unit are having adequate dismantling and recycling facilities in line with guidelines of CPCB.
- d. SPCBs/PCCs to carry out random monitoring and compliance of Extended Producer Responsibility (EPR) Authorisation of EPR Authorized Producers with focus on verification of collection targets.
- e. Bulk Consumers as defined in the rules should channelize their e-waste only to Producer's system of collection or authorised recyclers/dismantler.
- f. All SPCBs/PCCs to implement Action Plan for enforcement of E-Waste (Management) Rules, 2016 with focus on action points related to informal trading, dismantling, and recycling of e-waste, Producer's systems for collection & channelization, quantity of e-waste collected towards fulfilment of collection target and submit reports quarterly on the outcome.

1.0 Background:

In the present matter, the grievance is regarding burning of E-waste in Sarurpur Industrial Area, Faridabad, Haryana. The case of the applicant is that the Sarurpur Industrial area in Faridabad is a totally unauthorized and non-conforming area in which about 100-200 "Red category" and highly polluting units are illegally operating. These units are engaged in the illegal activity of burning of E-waste in and out of their units on everyday basis. The units operating in Sarurpur Industrial area burn approximately 40-50 tons of E-Waste daily which has made the environment of the region toxic.

Hon'ble NGT vide its order dated 04.02.2022 constituted a four-member joint Committee comprising Member Secretary, State PCB, CPCB, District Magistrate, Faridabad and Commissioner, Municipal Corporation. The Hon'ble NGT directed that the Joint committee may ascertain number of units in operation and their scale of operation in Sarurpur Industrial Area and its vicinity, infrastructure for waste management and specifying the reasons for inaction of SPCB against the violations, pollution and health hazards in the area and fixing the accountability. The Hon'ble NGT further directed that based on verified facts, it may recommend remedial action for compliance of the statutory Rules on the subject at the ground level.

The Hon'ble NGT also directed all State PCBs/PCCs to ascertain factual positions in their respective jurisdictions and file status reports on the operation of e-waste recycling industries as well as other such polluting categories of industries operating in clusters causing environmental degradation and health hazards with the CPCB within one month based on which CPCB may hold an online interaction with all the State PCBs/PCCs and give a consolidated report to this Tribunal before the next date.

2.0 Actions taken by CPCB in compliance with the Hon'ble NGT's order:

CPCB in compliance with Hon'ble NGT's order dated 04.02.2022 has taken the following actions:

- Based on the order of 04.02.2022, CPCB prepared a format for submission of status reports by SPCBs/PCCs. The format was circulated to all SPCBs/PCCs by CPCB vide its letter dated 26.04.2022 for the submission of status reports accordingly. The information sought through the format was pertaining to compliance status of existing authorized Dismantler & Recycler and status of information activities of E-Waste industries. Copy of format is attached at **Annexure-I**.
- CPCB organized an online interaction meeting with all SPCBs/PCCs on 24.05.2022 and discussed matters related to compliance with e-waste recycling & other such categories of polluting industries. The discussion was also held on the issue of informal e-waste activities in the States/UTs.
- Member Secretary, CPCB took a meeting with all the members of the Joint Committee on 03.08.2022 to review the status of action taken by the Joint Committee. Copy of the minutes of meeting is attached at **Annexure-II**.
- CPCB issued direction under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981 to SPCBs/PCCs on 06-09-2022 for checking Informal E-Waste activities, verification of authorized dismantlers/recyclers of E-Waste and drives for mass awareness including random inspection for auditing of e-waste dismantlers/recyclers, random monitoring for EPR compliance of authorized Producers etc. Copy of direction issued is attached at **Annexure-III**.

3.0 Gist of State/UT-wise reports:

In response to CPCB's letter dated 26.04.2022 and email dated 17.05.2022 for submission of status reports, 35 SPCBs/PCCs have submitted their status reports to CPCB. The compliance, operational status along with status on informal e-waste activities has been tabulated at **Table 1&2** respectively. Summary of the reports submitted by SPCBs/PCCs is as below:

- 1. Andhra Pradesh Pollution Control Board (APPCB):** There are eight (08) dismantled/recyclers in APPCB. In its status report, APPCB informed that in compliance with the Hon'ble NGT Order dated 04.02.2022, it has carried out inspection of 05 E-Waste recycling units (Ananathapuram District – 03 units, Chittoor District – 01 unit, and Srikakulam District – 01 unit). APPCB also enclosed inspection reports of these 5 units. As per the reports, all the five units inspected were found complying as per E-Waste (M) Rules and CPCB's guidelines. APPCB in its status report has not reported on any other such polluting categories of industries operating in cluster causing environmental and health hazard. Also in the report, APPCB has not provided information on Informal E-Waste Activities.
- 2. Andaman & Nicobar Pollution Control Committee (ANPCC):** In its status report, ANPCC informed that there are no authorized E-Waste dismantlers/recyclers in the Union Territory. ANPCC has given authorization to one company for collection, reception, storage and transportation of E-Waste. ANPCC in its status report has not reported on any other such polluting categories operating in cluster causing environmental and health hazard. No complaints have been received by the Board regarding informal E-Waste activities. Also, Board has not carried out any drive for checking informal E-Waste activities. ANPCC is however conducting inspections on weekly basis for consignments through which plastic, glass, paper & other waste is being transported to mainland.
- 3. Arunachal Pradesh State Pollution Control Board (APSPCB):** In its status report, APSPCB has informed that there are no authorized E-Waste dismantlers/recyclers in the State. APSPCB in its status report has not reported on any other such polluting categories operating in cluster causing environmental and health hazard. No complaints have been received by the Board regarding informal e-waste activities. Also, Board has not carried out any drive for checking informal e-waste activities.
- 4. Pollution Control Board Assam (PCBA):** In its status report, PCBA informed that there is one authorized dismantler of E-Waste namely M/s United Global Trust Guwahati in the State. The said dismantling unit has been reported as complying and also Board has proposed to carry out further monitoring w.r.t authorization conditions. PCB Assam in its status report has not reported on any other such polluting categories operating in cluster causing environmental and health hazard. As per the report, PCBA has so far not received any complaint related to informal E-Waste activities in the State. Also, SPCB is carrying out drives for checking informal activities but so far it has not identified any informal unit of E-Waste in the State. Further, PCBA in collaboration with a NGO has carried out an E-Waste detox drive in the State and has also written to its regional offices for initiating such drives.
- 5. Bihar State Pollution Control Board (BSPCB):** In its status report, BSPCB has informed that there are no E-Waste dismantling/recycling units or any other polluting industry established/operation in the State of Bihar. Information w.r.t informal E-Waste activities is not provided in the report. BSPCB in its status report has not reported on any other such polluting industry operating in cluster the State which is causing environmental degradation and health

hazard. Also in the report, BSPCB has not provided information on complaint/check drives w.r.t informal E-Waste activities

6. **Chandigarh Pollution Control Board (CPCC):** In its status report, CPCC informed that as per office records of Chandigarh Pollution Control Committee, there is no E-Waste Dismantler or Recycler in UT, Chandigarh. Also, there is no GPI (Gross Polluting Industry) or 17 Categories of industries in Chandigarh. The E-Waste generated in Chandigarh is being disposed of through E-Waste dismantlers/ recyclers of neighbouring States. The submitted status report is not reflecting on issues related to complaints against informal activities or any check drives against informal E-Waste activities.
7. **Chhattisgarh Environment Conservation Board (CECB):** In its status report, CECB informed that there are two authorized E-Waste dismantling/recycling units in the State and both have been reported as complying and operational. No other such category of polluting industry operating in cluster has been mentioned in the report which is causing environmental degradation and health hazards. Also, no complaints have been received by Board w.r.t informal e-waste activities. No drives have been carried out by CECB w.r.t checking informal activities in the State
8. **Pollution Control Committee Daman & Diu and Dadra & Nagar Haveli (PCC, DD & DNH):** In its status report, PCC, DD & DNH informed that there are no authorized E-Waste dismantling/recycling or any such Industry in DD & DNH. Also, no complaints have been received regarding any informal E-Waste activity. PCC has not carried out any drive for identification/checking informal activities.
9. **Delhi Pollution Control Committee (DPCC):** In its status report, DPCC has informed that E-Waste recycling units are not permitted in Delhi as per Delhi Master Plan 2021. There are three (03) authorized E-Waste dismantling units in Delhi. Further, there are three (03) refurbishing units in Delhi. As per the report, DPCC along with officials from EDMC, Revenue Department, and BSES Yamuna Power Ltd has carried out drives against informal E-Waste handlers in Delhi. During the last three years i.e. 2019, 2020 and 2021 drives have been carried out against 348 informal E-Waste handling units, and out of 348 units, 205 units have been effectively closed.
10. **Gujarat Pollution Control Board (GPCB):** In its status report, GPCB informed about the compliance status of 28 dismantling/recycling units in the State. Out of 28 units 25 units are reported as complying. There are 05 units which are not in operation. Out of these 05 units 03 units are complying while compliance status of 02 units is not provided. The status report has not mentioned about any other such polluting industry operating in cluster in the state which is causing environmental degradation and health hazard. Board has not received any complaints regarding informal e-waste activities. As per the report, there are no illegal hotspots pertaining to E-Waste recycling activities or any informal sector in the State. The State Board through its regional offices is regularly carrying out drives for checking informal activities related to E-Waste in the State. No informal sector has been identified so far.
11. **Goa State Pollution Control Board (GSPCB):** In its status report, GSPCB informed that there are no authorized E-Waste recyclers in the State. The status report has not mentioned about any other such polluting industry operating in cluster in the State which is causing environmental degradation and health hazard. No complaints have been received by the

Board regarding informal E-Waste activities. Also, Board has not carried out any drive for check informal E-Waste activities.

12. **Haryana State Pollution Control Board (HSPCB):** In its status report, HSPCB has informed that there are 48 authorized dismantlers/recyclers of E-Waste in the State. Out of 48 units, there are 47 complying units while one unit has closed its operation. 04 drives for checking informal E-Waste activities in the area of Sonapat had been carried out. With regard to present OA no. 08 of 2022, HSPCB informed that three (03) numbers of teams were constituted by Deputy Commissioner, Faridabad vide order dated 22-02-2022 comprising of officers from HSPCB, SDO (C) Badkhal, DHBVN, Police Department, Municipal Corporation Faridabad and DTP (E) Faridabad to carry out the inspection/survey of industries operating in Sarurpur area & its vicinity so that the unit/industries involved in the manufacturing of metal ingots/processing of E-Waste could be identified & inspected accordingly. Total of one hundred (100) units in addition of respondent units were inspected by these teams. Out of these one hundred (100) units, ten (10) units were found to be under white category and ninety (90) units were found operating illegally without mandatory CTE/CTO. Sixty-eight (68) units were closed/sealed and process of closure initiated against the rest of twenty-two (22) units HSPCB has reported that none of the unit is engaged in burning of E-Waste. However, they are engaged in the burning of metal scrap mainly aluminium, causing environmental degradation and health hazardous.
13. **Himachal Pradesh State Pollution Control Board (HPSPCB):** In its status report, HPSPCB informed that there are three (03) authorized dismantlers/recyclers of E-Waste in the State and the same are complying with rules. Also, no other such polluting categories of industries operating in the industrial clusters causing environmental degradation and health hazards exist in the State. Regarding issues related to informal E-Waste activities in the State, it has been mentioned that Board is carrying out regular inspections to ensure that there is no informal burning, trading, dismantling, and recycling of E-Waste. The State has also reported two incidents of informal trading and has taken necessary action against such informal units.
14. **Jammu & Kashmir Pollution Control Committee (J&K PCC):** In its status report, J&K PCC informed that there is one authorized dismantler of e-waste in J&K and the same is reported as complying. J&K PCC has not received any complaints against informal e-waste activities. However, J&KPCC itself along with district administration has carried out numerous drives for checking informal activities of e-waste. During these drives many scrap dealers were identified who were doing illegal trading of e-waste. In the FY2020-21, 29 such scrap dealers have been identified and actions have been taken against such dealers.
15. **Jharkhand State Pollution Control Board (JSPCB):** In its status report, JSPCB has informed that there are 03 dismantling/recycling units in the State. Out of 03 units, one (01) unit is operational and complying, while 02 units are non-complying and non-operational. Non-compliance is reported in both the cases due to conditions mentioned in CTO and actions against these units are under process. The status report has not mentioned about any other such polluting industry operating in cluster in the state which is causing environmental degradation and health hazard. No complaints have been received by the Board regarding informal E-Waste activities. Also, Board has not carried out any drive for checking informal E-Waste activities.
16. **Karnataka State Pollution Control Board (Karnataka SPCB):** In its status report, Karnataka SPCB informed that there are seventy (70) authorized E-Waste dismantling, recycling and refurbishing units in the State of Karnataka. Out of these 70 units, 11 units have

been reported as self-closed while 59 are operating. Status of compliance is not provided w.r.t these 70 units. No other such polluting industries are mentioned in the report. Also, the report has not provided any information w.r.t informal E-Waste activities in the State.

17. **Kerala State Pollution Control Board (KSPCB):** In its status report, KSPCB has not provided any information w.r.t the status of compliance of E-Waste dismantling/recycling or any such polluting industries in the State. As per the report, Board has not received any complaints against any informal E-Waste activity. As per the report, KSPCB is carrying out various drives for checking informal activities of E-Waste in the State. Steps have been taken for formalizing informal traders/refurbishers etc. The report mentions that a collection agency, M/s Eco Solutions Pvt Ltd collected 437.418 tonnes of E-Waste during October 2021 to March 2022, out of which 90% is from the informal sector, especially from Scrap feeders and scrap pickers.
18. **Lakshadweep Pollution Control Committee (LPCC):** In its status report, LPCC informed that there are no authorized recycling/dismantling units in the State. The LPCC has reported no complaints of informal E-Waste activities during last two years. Also, the LPCC has not carried out any drive for checking informal E-Waste activities.
19. **Madhya Pradesh Pollution Control Board (MPPCB):** In its status report, MPPCB informed that there are only two authorized E-Waste dismantling / recycling units in the State and both are operational & complying with the applicable rules. MPPCB has not provided information on any other such polluting categories operating in cluster in the state causing environmental and health hazard. The Board has reported no complaints of informal E-Waste activities during last two years. Also, Board has not carried out any drive for checking informal E-Waste activities.
20. **Maharashtra Pollution Control Board (MPCB):** In its status report, MPCB informed that there are one hundred and fourteen (114) authorized dismantlers and recyclers of E-Waste in the State. Out of these 114 units, 104 units are complying, 03 units are non-complying while compliance status is not provided w.r.t 07 units. Out of 114 units, 105 units are operational while 09 units are closed. Board has not reported on other such polluting industries operating in cluster in the State which is causing environmental degradation and health hazard. Regarding informal E-Waste activities, MPCB informed that it has not received any complaints against informal E-Waste activity in the State. MPCB has not carried out any drive for checking informal E-Waste activities.
21. **Manipur Pollution Control Board (Manipur PCB):** In its status report, Manipur SPCB informed that there are no authorized dismantling/recycling unit of E-Waste or other such category of polluting industries operating in cluster in the State. Regarding informal E-Waste activities, Manipur SPCB informed that it has not received any complaints against informal E-Waste activity in the State. Board has not carried out any drive for checking informal E-Waste activities.
22. **Meghalaya State Pollution Control Board (Meghalaya SPCB):** In its status report, Meghalaya SPCB has informed that there are no authorized E-Waste dismantlers/recyclers in the state. Meghalaya SPCB has not reported about any other such polluting industry

operating in cluster in the State which is causing environmental degradation and health hazard. No complaint has been received regarding informal E-Waste dismantling /recycling in the State. As per the report, Meghalaya SPCB has carried out drive in March 2021 and on the basis of it one informal scrap dealer was identified and Meghalaya SPCB has advised the said unit to send its E-Waste to the authorized collection centre.

23. **Mizoram State Pollution Control Board (Mizoram SPCB):** As per its status report, Mizoram SPCB has informed that there are no authorized dismantling/recycling units or other such category of polluting industries operating in cluster in the State. Regarding informal E-Waste activities, Mizoram SPCB informed that it has not received any complaints against informal E-Waste activity in the State. Mizoram SPCB has not carried out any drive for checking informal E-Waste activities.
24. **Nagaland Pollution Control Board (NPCB):** In its status report, NPCB has informed that there are no authorized dismantlers/recyclers of E-Waste in the state of Nagaland. As per the report, no cases have been reported w.r.t informal activities of E-Waste. Also, Board has not carried out any drive to check informal activities.
25. **State Pollution Control Board, Odisha (SPCB, Odisha):** In its status report, SPCB, Odisha informed that there 08 dismantling units of E-Waste in the state of Odisha. Compliance status of 08 units not provided Information w.r.t informal E-Waste activities i.e. E-Waste complaint or check drives are not provided by the Board.
26. **Puducherry Pollution Control Committee (PPCC):** In its status report, PPCC informed that there are no authorized E-Waste dismantling/recycling units in the UT of Puducherry. Also, no complaints w.r.t informal E-Waste activities have been received by PPCC. In the status report, PPCC has informed that it has carried out seven (07) numbers of drives for checking informal trading and dismantling/recycling of E-Waste. During such drives one informal unit was identified which was sealed and necessary action has been taken against it.
27. **Punjab Pollution Control Board (PPCB):** In its status report, PPCB informed that there are eight (08) authorized E-Waste dismantling and recycling units in the State. Out of these 08 units, there are 07 complying units, while one (01) unit has been self- closed. Board has not reported on other such polluting industries operating in cluster in the State which is causing environmental degradation and health hazard. As per the report, one complaint was received by the Board, however, the content of the complaint was not true. As per the report, Board is regularly checking the unauthorized trading, and dismantling recycling of E-Waste through its Regional Offices. Also, PPCB is keeping watch over the operation of E-Waste facilities as per the protocol for the inspection of such units.
28. **Rajasthan State Pollution Control Board (RSPCB):** In its status report, RSPCB informed about the compliance status of thirty-four (34) authorized E-Waste dismantling and recycling units in the State. Out of 34 units, 18 units are complying and 05 units are non-complying. Compliance status not provided for 11 units. Out of 34 Units ,24 units are operational, one (01) unit is non-operational and 09 units are closed. Board has not reported on other such polluting industries operating in cluster in the State which is causing environmental degradation and health hazard. No complaints have been received by the Board w.r.t informal E-Waste activities during the last 2 years. SPCB has carried out seven (07) numbers of drives, however, no informal activity was identified during the drives.

29. **Tamil Nadu Pollution Control Board (TNPCB):** In its status report TNPCB, informed that there are 40 dismantling/recycling units of E-Waste in the state of Tamil Nadu. As per the report, 27 units are complying with the rules, while 12 units are lying closed and one (01) unit is not commissioned yet. One manufacturing unit mentioned is reported as complying. Board has not reported on other such polluting industries operating in cluster in the State which is causing environmental degradation and health hazard. No complaints have been received by Board regarding informal E-Waste activities during last two years. Board itself has not carried out any drive for checking informal E-Waste activities, however, Board has issued direction to Local bodies for identification and closing of such informal E-Waste activities.
30. **Telangana State Pollution Control Board (TSPCB):** In its status report, TSPCB informed that there are nineteen (19) authorized E-Waste dismantling and recycling units in the State. Out of these 19 units, 02 units are not in operation, while the remaining 17 units have been reported as operational & complying. No other such polluting industries operating in the cluster have been mentioned in the report. As per the report no complaint has been received by the Board w.r.t informal E-Waste activities. As per report, Board has carried out around one hundred and twenty-five (125) numbers of check drives during the last two years, however, no informal unit has been identified so far.
31. **Tripura State Pollution Control Board (Tripura SPCB):** In its status report, Tripura SPCB informed that there are no authorized dismantlers/recyclers of E-Waste or are any such category of polluting industries operating in cluster in the State. There is no reporting of any incidents of informal activities of E-Waste in the report.
32. **State Pollution Control Board-Sikkim (SPCB-Sikkim):** In its status report, SPCB-Sikkim informed that there are no authorized recycling/dismantling units in the State. Status of compliance and operationally of these 08 units is not provided. The Board has reported no complaints of informal E-Waste activities during last two years. Also, Board has not carried out any drive for checking informal e-waste activities.
33. **Uttarakhand Pollution Control Board (UKPCB):** In its status report, UKPCB informed that there are 09 authorized dismantling /recycling units in the State. Out of 09 units, there are 06 complying units and 03 non-complying units. The reason for non-compliance is mentioned as absence of valid authorization. In two units the authorization has expired while in one (01) unit has not applied for authorization The Board has reported no complaints of informal E-Waste activities during last two years. Also, Board has not carried out any drive for checking informal E-Waste activities.
34. **Uttar Pradesh Pollution Control Board (UPPCB):** In its status report, UPPCB informed that there are one hundred and twenty-four (124) authorized dismantling/recycling units of E-Waste in the State. Out of one hundred and twenty-four (124) units, 105 units have been reported as complying, 16 units are non-complying 02 units are self-closed (compliance status not provided) and one unit is yet to be established (compliance status not provided). Out of these 124 units, 105 units are operational, 17 units are non-operational (includes one yet to establish unit), 02 units are closed. No other such categories of polluting industries operating in cluster in the state causing environmental degradation and health hazards have been reported. UPPCB in its status report has not reported any informal e-waste activity in past 2 years.
35. **West Bengal Pollution Control Board (WBPCB):** In its status report, WBPCB informed that there are five (05) authorized E-Waste dismantling/recycling units in the State and out of which

04 are complying and 01 is closed on its own. Other such polluting categories of industries operating in cluster have not been reported. No complaints about informal activities have been received. As per the report, 04 informal units were identified during the check drive on March 21 and Board has issued directions to these units for necessary compliance.

Table - 1
Operational & Compliance Status of E-Waste Dismantlers/Recyclers
As per the reports of SPCBs/PCCs

| S.No | State | Total number of Authorized Dismantlers / Recyclers | Status of Compliance | | | Status of Operation | | | | Remark |
|------|-------------------|--|----------------------|--------------------|---------------------------|---------------------|-----------------------|-----------|---------------------------|---|
| | | | Complying (C) | Non-Complying (NC) | Status not provided (SNP) | Operational (OP) | Non-operational (NOP) | Closed | Status not provided (SNP) | |
| 1 | Andhra Pradesh | 08 | 05 | - | 03 | 05 | - | - | 03 | Status provided w.r.t 5 units only |
| 2 | Arunachal Pradesh | 0 | - | - | - | - | - | - | - | No authorized units reported in the state |
| 3 | Assam | 01 | 01 | - | - | 01 | - | - | - | - |
| 4 | A&N Islands | 0 | - | - | - | - | - | - | - | No authorized units reported in the state |
| 5 | Bihar | 0 | - | - | - | - | - | - | - | No authorized units reported in the state |
| 6 | Chandigarh | 0 | - | - | - | - | - | - | - | No authorized units reported in the UT |
| 7 | Chhattisgarh | 02 | 02 | - | - | 02 | - | - | - | - |
| 8 | DD&DNH | 0 | - | - | - | - | - | - | - | No authorized units reported in the UT |
| 09 | Delhi | 03 | - | - | 03 | - | - | - | 03 | - |
| 10 | Goa | 0 | - | - | 0 | - | - | - | 0 | - |
| 11 | Gujarat | 28 | 25 | - | 03 | 22 | 05 | 01 | - | - |
| 12 | Haryana | 48 | 47 | - | 01 | 47 | - | 01 | - | - |
| 13 | Himachal Pradesh | 03 | 03 | - | - | - | 03 | - | - | - |
| 14 | Jammu & Kashmir | 01 | 01 | - | - | - | 01 | - | - | - |
| 15 | Jharkhand | 03 | 01 | 02 | - | 01 | 02 | - | - | - |
| 16 | Karnataka | 70 | - | - | 70 | 59 | - | 11 | - | Status report has not provided the status of compliance in these 70 units |
| 17 | Kerala | 0 | - | - | 0 | - | - | - | - | - |
| 18 | Lakshadweep | 0 | - | - | - | - | - | - | - | No authorized units reported in the UT |
| 19 | Madhya Pradesh | 02 | 02 | - | - | 02 | - | - | - | - |
| 20 | Maharashtra | 114 | 104 | 03 | 07 | 105 | - | 09 | - | - |
| 21 | Manipur | 0 | - | - | - | - | - | - | - | No authorized units reported in the State |
| 22 | Meghalaya | 0 | - | - | - | - | - | - | - | No authorized units reported in the State |
| 23 | Mizoram | 0 | - | - | - | - | - | - | - | No authorized units reported in the State |
| 24 | Nagaland | 0 | - | - | - | - | - | - | - | No authorized units reported in the State |
| 25 | Odisha | 08 | - | - | 08 | - | - | - | 08 | Odisha has no recycling units but 08 dismantling units |
| 26 | Puducherry | 0 | - | - | - | - | - | - | - | No authorized units reported in the UT |
| 27 | Punjab | 08 | 07 | - | 01 | 07 | - | 01 | - | - |
| 28 | Rajasthan | 34 | 18 | 05 | 11 | 24 | 01 | 09 | - | - |
| 29 | Sikkim | 0 | - | - | - | - | - | - | - | No authorized units reported in the State |
| 30 | Tamil Nadu | 40 | 27 | - | 13 | 27 | 01 | 12 | - | - |
| 31 | Telangana | 19 | 17 | - | 02 | 17 | 02 | - | - | - |
| 32 | Tripura | 0 | - | - | - | - | - | - | - | No authorized units reported in the State |
| 33 | Uttarakhand | 09 | 06 | 03 | - | 09 | - | - | - | - |
| 34 | Uttar Pradesh | 124 | 105 | 16 | 03 | 105 | 17 | 02 | - | 02 units are self-closed and 01 unit CTE has been issued |
| 35 | West Bengal | 05 | 04 | - | 01 | 04 | - | 01 | - | - |
| | Total | 530 | 375 | 29 | 126 | 437 | 32 | 47 | 14 | |

Table 2

Status of Informal Activities in States/UTs as per the reports received from SPCBs/PCCs

| S. No. | SPCBs/PCCs | Status of Informal Activities | |
|--------|---|-------------------------------|---|
| | | Complaints received | Drives for checking informal activities |
| 1. | Andhra Pradesh State Pollution Control Board, | Information not provided | Information not provided |
| 2. | Arunachal Pradesh State Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 3. | Assam Pollution Control Board, | Nil | Yes, but not identified any informal activity so far |
| 4. | Andaman & Nicobar Islands P.C.C | Nil | No drive carried out for checking informal activities |
| 5. | Bihar State Pollution Control Board, | Information not provided | Information not provided |
| 6. | Chandigarh Pollution Control Committee | Information not provided | Information not provided |
| 7. | Chhattisgarh Environment Conservation Board | Nil | No drive carried out for checking informal activities |
| 8. | Pollution Control Committee, DD&DNH | Nil | No drive carried out for checking informal activities |
| 9. | Delhi Pollution Control Committee | Nil | In joint drives, during the last three years, DPCC has carried out drives against 348 informal handlers of e-wastes in Delhi and 205 such units have been closed. |
| 10. | Gujarat Pollution Control Board | Nil | Yes, Board carried out check drives but not identified any informal activity so far |
| 11. | Goa State Pollution Control Board | Information not provided | Information not provided |
| 12. | Haryana State Pollution Control Board | Yes the present matter OA 08 | Yes, carried out |
| 13. | Himachal Pradesh Pollution Control Board | Nil | Yes, the state has reported two incidents of informal trading and has taken necessary action against such informal units |
| 14 | Jammu & Kashmir State Pollution Control Board, | Nil | Carrying out regular drives for checking informal activities. Board has taken action against |

| S. No. | SPCBs/PCCs | Status of Informal Activities | |
|--------|--|-------------------------------|---|
| | | Complaints received | Drives for checking informal activities |
| | | | some informal kabadiwala identified during the drives |
| 15 | Jharkhand Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 16. | Karnataka State Pollution Control Board | Information not provided | Information not provided |
| 17. | Kerala State Pollution Control Board | Nil | Board is carrying out various drives for checking informal activities of e-waste in the state. Steps have been taken for formalizing informal traders/refurbishers etc. The report mentions that a collection agency, M/s Eco Solutions Pvt Ltd collected 437.418 tonnes of E-Waste from October 2021 to March 2022, out of which 90% is from the informal sector, especially from Scrap feeders and scrap pickers. |
| 18. | Lakshadweep Pollution Control Committee, | Nil | No drive carried out for checking informal activities |
| 19. | Madhya Pradesh Pollution Control Board, | Nil | No drive carried out for checking informal activities |
| 20. | Maharashtra Pollution Control Board, | Nil | No drive carried out for checking informal activities |
| 21. | Manipur Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 22. | Meghalaya Pollution Control Board | Nil | Yes, one incident of informal activity has been reported and Board has taken necessary action on the same. |
| 23. | Mizoram Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 24. | Nagaland Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 25. | Odisha Pollution Control Board, | Information not provided | Information not provided |

| S. No. | SPCBs/PCCs | Status of Informal Activities | |
|--------|---|---|---|
| | | Complaints received | Drives for checking informal activities |
| 26. | Puducherry Pollution Control Committee | Nil | Yes, PPCC has carried out around 07 drives for checking informal trading and dismantling /recycling of e-waste. During such drives one informal unit was identified which was sealed and necessary action has been taken against it |
| 27. | Punjab Pollution Control Board | Reported one complaint, however, as per the board the content of the complaint was fake | Yes, but not identified any informal activity so far |
| 28. | Rajasthan Pollution Control Board | Nil | Yes, 07 drives, but not identified any informal activity so far |
| 29. | Sikkim State Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 30. | Tamil Nadu Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 31. | Telangana State Pollution Control Board | Nil | Board has carried out around 125 check drives during the last two years, however, no informal unit has been identified so far. |
| 32. | Tripura Pollution Control Board, | Information not provided | Information not provided |
| 33. | Uttar Pradesh Pollution Control Board | Nil | No drive carried out for checking informal activities |
| 34. | Uttarakhand Pollution Control Board | Information not provided | Information not provided |
| 35. | West Bengal Pollution Control Board | Nil | Yes, 04 informal units were identified during the check drive on March 21 and Board has issued directions to these units for necessary compliance. |

4.0 Observations:

Compliance Status

- There are 530 authorized E-Waste dismantling /recycling units in the country which are located in 20 states/UTs namely Andhra Pradesh, Assam, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttarakhand, Uttar Pradesh, West Bengal.
- Out of 530 units, there are 375 complying units, 29 non-complying units and for 126 units compliance status is not provided.
- Out of existing 530 units there are 437 operational units, 32 non-operational units, 47 closed units and 14 units whose status of operation is not clear from the reports.
- Four (04) SPCBs have reported non-complying dismantling/recycling units in their States. These states are Jharkhand (02 units), Maharashtra (03 units), Rajasthan (05 units) & Uttarakhand (03 units).
- In case of non-compliance, Maharashtra has not provided reasons for non-compliance. In case of Rajasthan non-compliance is due to inadequate area or absence of adequate pollution control devices in these units. In Jharkhand the non-compliance is due to not meeting conditions of CTO. Further, in case of Uttarakhand the non-compliance is reported due to absence of valid authorization. In case of Maharashtra non-complying units are lying closed. In Jharkhand, non-complying units are non-operational, while in case of Rajasthan & Uttarakhand non-complying units are operation but both the states have served notices to these non-complying units.
- Out of 35 States/UTs only Haryana has reported with regard to other such polluting categories of industries operating in clusters causing environmental degradation and health hazards.

Status on Informal Activities

- Thirteen (13) States/UTs namely Assam, DD&DNH, Delhi, Himachal Pradesh, Haryana, Jammu & Kashmir, Kerala, Meghalaya, Puducherry, Punjab, Rajasthan, Telangana & West Bengal have reported that drives for checking informal/un-scientific processing of e-waste have been carried out. Out of 13 States/UTs informal/un-scientific processing of activities have been identified in seven (07) States namely Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Meghalaya, Puducherry, & West Bengal. The concerned SPCBs/PCCs have taken actions against such informal activities.

- Haryana inspected one hundred (100) units operating under polluting categories other than e-waste processing in the areas of Balabgarh and Faridabad in addition to respondent units. Out of one hundred (100) units, ten (10) units were found to be under white category and ninety (90) units were found operating illegally without mandatory CTE/CTO. Sixty-eight (68) units were closed/sealed and process of closure has been initiated against the rest of twenty-two (22) units.
- Punjab SPCB has reported receipt of one complaint regarding informal e-waste processing. However, the complaint was found false.

Status of Delhi & UP

As desired by the Hon'ble NGT in its direction to ascertain compliance status in Delhi & Uttar Pradesh (U.P.), following is the status:

- In U.P. that there are one hundred and twenty-four (124) authorized dismantling/recycling units of E-Waste in the State. Out of one hundred and twenty-four (124) units, 105 units have been reported as complying, 16 units are non-complying 02 units are self-closed (compliance status not provided) and one unit is yet to be established (compliance status not provided). Uttar Pradesh Pollution Control Board (UPPCB) in its previous reports submitted to CPCB informed that, one hundred and twenty (120) illegal melting furnace units were found operating in the area around Sewadham, Behta Hazipur, Krishna Vihar of Loni District of Ghaziabad by a joint team comprising of officials from District Administration Ghaziabad, Ghaziabad Development Authority, Ghaziabad Police, Nagar Pallika Parishad, Loni & UP PCB. All these one hundred and twenty (120) illegal units were dismantled and FIR was lodged against 16 persons and 12 units. UPPCB further informed that in the Moradabad district, 6.850 tonnes of E-Waste were seized and District Administration sealed 05 illegal godowns. Environmental Compensation of 60 Lakhs has been imposed and closure orders have been issued against 04 illegal E-Waste Processing Units. However, in the recent report submitted by UPPCB, it has informed no incidents of informal/illegal operations during last two years.
- In Delhi E-Waste recycling units are not permitted as per Delhi Master Plan 2021. There are three (03) authorized E-Waste dismantling units in Delhi. As per the report, DPCC along with officials from EDMC, Revenue Department, and BSES Yamuna Power Ltd has carried out drives against informal E-Waste handlers in Delhi. During the last three years i.e. 2019, 2020 and 2021 drives have been carried out against 348 informal E-Waste handling units, and out of 348 units, 205 units have been effectively closed.

5.0 Recommendation

Following recommendations are submitted for ensuring the disposal of e-waste in a scientific and environmentally sound manner and for addressing the issue of informal / illegal processing of e-waste in the country:

- a. State governments to set up a robust mechanism of surveillance for addressing the issue of illegal/informal processing of e-waste in their State.
- b. The leakage of e-waste from authorized dismantlers/recyclers is one of the major attribute for e-waste to reach to informal sector. It has been observed that dismantlers/recycler have been given processing capacity beyond their actual processing capacity and the same leads to leakages. SPCBs/PCCs to ensure capacity of the dismantlers and recycler as per the guidelines of CPCB.
- c. SPCBs/PCCs to plan and execute random inspection and audit of authorized E-Waste dismantling and recycling units for assessing the material balance in terms of quantity of e-waste collected, quantity of e-waste dismantled/recycled vis a vis quantity reported so as to ascertain and prevent leakage of e-waste to informal sector. The inspections and audit should focus on checking quantities of different materials produced such as precious/semi-precious and useful metal from E-Waste. The dismantling and recycling unit should also be inspected for checking availability of adequate dismantling and recycling facilities in line with guidelines of CPCB.
- d. SPCBs/PCCs to carry out random monitoring and compliance of Extended Producer Responsibility (EPR) Authorisation of EPR Authorized Producers with focus on verification of collection targets.
- e. Bulk Consumers as defined in the rules should channelize their e-waste only to Producers system of collection or authorised recyclers/dismantler.
- f. All SPCBs/PCCs to implement Action Plan for enforcement of E-Waste (Management) Rules, 2016 with focus on action points related to informal trading, dismantling, and recycling of e-waste, Producer's systems for collection & channelization, quantity of e-waste collected towards fulfilment of collection target and submit reports quarterly on the outcome. Copy of Action Plan is enclosed at **Annexure-IV**.

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**FORMAT FOR SUBMISSION OF STATUS REPORT BY SPCBs/PCCs IN THE MATTER OF O.A
NO. 08/2022**

PART-A - Information pertaining to operation of e-waste recycling industries as well as other such polluting categories of industries operating in clusters causing environmental degradation and health hazards:

| Sl.No. | Name of the e-waste recycling industries as well as other such polluting categories of industries | Authorised capacity | Validity of authorisation | Status of operation | | | Status of compliance | | | Reason for non-compliance or closure | Action taken in case of non-compliance |
|--------|---|---------------------|---------------------------|---------------------|---------------|----------------------------------|----------------------|---------------|--------|--------------------------------------|--|
| | | | | Operating | Non-operating | Closed either by SPCB or its own | Complying | Non-complying | Closed | | |
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |

PART-B-Additional information pertaining to informal sector of E-Waste:

| Sl.No. | Number of complaints received regarding informal trading, dismantling & recycling of E-Waste received during FY 2020-2021 & FY 2021-2022 along with details of such units | Action taken by SPCB/PCC against complaints received in the previous column | Number and details of drives taken by SPCB/PCC for checking informal trading, dismantling & recycling of E-Waste | Action taken against the informal units identified during check drives mentioned in the previous column | Remarks, if any |
|--------|---|---|--|---|-----------------|
| | | | | | |
| | | | | | |



ANNEXURE -II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post

F. No. B-29016/1(NGT-08 of 2022)/21-22/WM-III Division/ Dated: 05-08-2022
/5404

To
The Member Secretary
Haryana State Pollution Control Board
C-11, Sector-6, Panchkula, Haryana

Sub: Hon'ble NGT matter of OA No. 08/2022 (Shri Varun Sheokand Vs CPCB & Ors) -reg.

Ref: Meeting through video mode held on 03-08-2022

Sir,

This has reference to the meeting taken by the Member Secretary, Central Pollution Control Board (CPCB) on 03.08.2022 through VC mode with the members of the Joint Committee constituted by the Hon'ble NGT Principal Bench, New Delhi in the matter of OA No. 08/2022 (Shri Varun Sheokand Vs CPCB & Ors) to review the status of actions taken by the Joint Committee.

In this regard, please find attached minutes of the meeting for further necessary action.

Yours Faithfully

Anand Kumar
05/08/2022
(Anand Kumar)
Scientist 'F' & DH
WM-III Division

Encl.: As above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Minutes of the meeting held on 03.08.2022 through VC mode in the matter of OA No. 08/2022 (Shri Varun Sheokand Vs CPCB & Ors) before Hon'ble NGT Principal Bench, New Delhi.

In the matter of OA 08/2022 (Shri Varun Sheokand Vs CPCB & Ors) before Hon'ble NGT Principal Bench, New Delhi, Member Secretary, Central Pollution Control Board (CPCB) took a meeting with the members of the Joint Committee on 03.08.2022 to review the status of actions taken by the Joint Committee.

The meeting was attended by the members of Joint Committee comprising of Member Secretary, Haryana State Pollution Control Board (SPCB), District Magistrate, Faridabad, Commissioner, Municipal Corporation, Faridabad and Scientist 'F' & Head, WM-III Division, CPCB along with officials of CPCB and Haryana SPCB. List of participants is Annexed.

Member Secretary, CPCB welcomed the members of the Joint Committee. He further stated that burning and illegal processing of e-waste is a matter of concern and has to be dealt firmly by setting up a mechanism of continuous monitoring, reporting and actions against the violators. He emphasized that all the issues raised in the Hon'ble NGT order needs to be addressed in the report.

The brief of discussion is given below:

- i. Member Secretary, HSPCB briefed on the actions taken by the Joint Committee in compliance with Hon'ble NGT's order of 04.02.2022. He informed that 03 teams were constituted and these teams carried out inspections of 13 units mentioned in this matter. He informed that addresses of 03 units out of 13 were not traceable, while 05 inspected units are not covered under consent management of the Board and the remaining 05 units were found operating illegally without CTE/CTO and actions have been taken by HSPCB against these 05 illegally operating units. He also informed that in addition to above inspection additional inspection of 101 units were also carried in Sarurpur Industrial area and its vicinity. He stated that most of the units were found to be operating illegally without CTE/CTO. He informed that no incident of e-waste burning was observed during the inspections. He further informed that Sarurpur Industrial area is a non-confirming area hence consent is not given by HSPCB to industries operating in this area.

Member Secretary CPCB observed that justification should be provided as to why the 05 said units were not covered under the consent management of the HSPCB.

- ii. Commissioner, Municipal Corporation Faridabad stated that the Government of Haryana is in process of shifting industries operating in non-confirming areas as done in Delhi. He added that surveys of all the industrial areas in Faridabad has been carried out and data has been submitted to Industries department. Based on the data, Government of Haryana will amend its development plan regarding shifting of all the industrial units from non-confirming areas or green/white categories of units be allowed in these non-confirming areas.
- iii. Deputy Commissioner, Faridabad stated that 03 teams were constituted as informed by MS HSPCB for carrying out inspections in the area of concern in the present matter. Each team comprised of 5 members to carry out the inspection/survey of industries operating in Sarurpor area & its vicinity. He submitted that

Anand Kumar

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various surprise inspections were carried out by these teams. During inspection it was found that although some of these units are carrying out burning/melting operation of metals for extraction of pure metals but burning of e-waste was not observed. He conveyed that green and white categories of industries in Sarurpur Industrial area are source of employment in Faridabad and this is to be taken into consideration while amending development plan. He also informed that district administration Faridabad is in process of confirming this area, however only green and white categories of units will be allowed in this area.

- iv. During the discussion it was informed that melting operations were found but not the burning of e-waste. Member Secretary, CPCB suggested that if possible the ashes from the site be collected and analyzed to ascertain if e-waste was burned or not. He further emphasized that management of e-waste has to be done under the framework of e-waste (Management) Rules and in this regard CPCB is in the process of issuing directions to all SPCBs/PCCs for setting up a robust mechanism of surveillance for addressing the issue of illegal/informal processing of e-waste. He further suggested that the Joint Committee should consider visit to the area in compliance of the order date 04-02-2022 and the Petitioner be invited for inspection along with the Joint Committee.

The decisions taken in the meeting are given below:

1. Joint Committee to visit the Sarurpur Industrial area along with the Petitioner to reaffirm the factual position.
2. To put up mechanism for regular monitoring to check informal e-waste activities as a proactive measure.
3. To include details in the report, on number of units in operation and scale of their operation in Sarurpur Industrial Area and its vicinity, reasons for exclusion of industries from the consent management, adequacy of infrastructure available in the area for addressing waste management and any other points as per directions of the Hon'ble NGT.
4. The report may be structured and findings/recommendations supported by facts.

The meeting ended with vote of thanks

Anand Kumar

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List of Attendees

1. Dr. Prashant Gargava, Member secretary CPCB
2. Sri S. Narayanan (I.F.S), Member Secretary, Haryana SPCB
3. Shri Jitender Yadav (I.A.S) Deputy Commissioner, Faridabad.
4. Shri Yashpal (I.A.S) Commissioner Municipal Corporation, Faridabad
5. Shri Anand Kumar, Director & Divisional Head, WM-III Division, CPCB
6. Shri Gurnam Singh, RD-Chandigarh, CPCB
7. Shri Pankaj Kumar, SDM, Badhkal
8. Shri Vinod Kumar, ACP Traffic, Faridabad
9. Shri Naresh Kumar, CTM Faridabad
10. Shri Rajender T Sharma, DTPE, Faridabad
11. Shri Tarun Darbari, Sc-D, WM-III, Division CPCB
12. Smt. Meetu Puri, Sc-B, WM-III, Division CPCB
13. Shri Dinesh Kumar, RO, Balabgarh, HSPCB
14. Shri Ombir Singh, AEE HSPCB
15. Shri Abhijeet Singh, AEE, HSPCB
16. Shri Ujjwal, AEE HSPCB
17. Shri Neeraj Dalal, XEN, DHBVN, Ballabgarh
18. Shri Bijender Kumar, DRO, Faridabad
19. Shri Jitender Shahi, President, Sarurpur Industrial Area
20. Shri Vinod Bansal, General Secretary, Sarurpur Industrial Area
21. Shri V.K Gupta, Treasurer, Sarurpur Industrial Area

Anand Kumar

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

B-29016/1/(NGT)/22/WM-III Div. /4077

September 06, 2022

To,
The Chairman
(All SPCBs/PCCs)

Sub: Directions under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act 1974, and Air (Prevention and Control of Pollution) Act 1981 for checking Informal E-Waste activities, verification of authorized dismantlers/recyclers of E-Waste and drives for mass awareness.

WHEREAS, the Central Government has notified the E-Waste (Management) Rules, 2016 under the Environment (Protection) Act 1986, for management of E-Waste in an Environmentally Sound Manner;

WHEREAS, as per rule 13 (3) (ii) of the said rules, SPCBs are the authority for grant of authorization to dismantlers and recyclers of E-Waste and have to ensure that dismantlers and recyclers should have the facilities of dismantling and or recycling in accordance with the guidelines prescribed by Central Pollution Control Board (CPCB) as mandated under the said rules;

WHEREAS, guidelines on implementation of E-Waste Rules, which includes specific guidelines for extended producer responsibility, channelization, collection centres, storage, transportation, environmentally sound dismantling and recycling, and refurbishment have been prepared and available on the web site of CPCB and also circulated to all SPCBs/PCCs;

WHEREAS, under Extended Producers Responsibility (EPR) the producers of notified Electricals & Electronic Equipment are given annual e-waste collection targets and same are to be recycled in an environmentally sound manner by authorized e-waste dismantlers/recycler only. Collection target verification requires auditing for material balance of inflow and outflow material at dismantling and recycling units. For ensuring actual processing of e-waste, material balance of e-waste material flow, proper auditing of the authorized dismantling/recycling units on regular basis is a must. Also, to prevent leakage of e-waste from formal units to informal unit continuous vigilance is required;

WHEREAS, SPCBs/PCCs are required to carry out monitoring and compliance verification of Extended Producer Responsibility - Authorisation as directed by Central Pollution Control Board and that of dismantlers, recyclers and refurbishers as per schedule IV (2) (iii) of the E-Waste (Management) Rules, 2016; and

WHEREAS, incidents of informal trading, unscientific processing & burning of e-waste have been reported to this office at various occasions through court matters and public grievances. Unscientific processing, burning and processing of e-waste by unauthorized units results in to adverse impacts on human health and environment. Burning and illegal processing of e-waste is a matter of concern and has to be dealt firmly by setting up a mechanism of continuous monitoring, reporting and actions against the violators.

Contd....

1 of 2

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Now, therefore, in exercise of powers vested under the section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act 1974, and under section 18 (1) (b) of Air (Prevention and Control of Pollution) Act 1981 directions are hereby issued to SPCBs and PCCs for the following:

1. To set up robust mechanism of surveillance for addressing the issue of illegal/informal processing of e-waste in their jurisdiction;
2. To carry out random inspections for auditing of authorized e-waste dismantling and recycling units as per transparent procedure established for such randomized selection of Units approved at the level of Chairman, SPCBs/PCCs for assessing the material balance in terms of quantity of e-waste collected, quantity of e-waste dismantled/recycled vis a vis quantity reported so as to ascertain leakage of e-waste to informal sector, for checking quantities of different materials produced such as precious/semi-precious and useful metal from e-waste and co-relating it with GST paid, for checking availability of adequate dismantling and recycling facilities and ensuring capacity in line with guidelines of CPCB. SPCB/PCCs to ensure transparency in selection of units for random inspection;
3. To carry out random monitoring and compliance of EPR Authorisation of EPR Authorized Producers selected as per transparent procedure established for such randomized selection of Units approved at the level of Chairman, SPCBs/PCCs with focus on verification of collection targets;
4. To implement Action Plan issued in the matter of OA No. 512 of 2018 in Hon'ble NGT (PB) for enforcement of E-Waste (Management) Rules, 2016 with focus on action points related to informal trading, dismantling, and recycling of e-waste, Producer's systems for collection & channelization, quantity of e-waste collected towards fulfilment of collection target and submit reports quarterly on the outcome. Copy of Action Plan is enclosed; and
5. To carry out awareness programme for the stakeholders as per the provisions of E-Waste (Management) Rules, 2016 and to bring informal sector to formal sector through awareness drives, IEC campaign, print media etc. on regular basis.
6. The above referred actions to be treated as continuous activity and be performed on regular basis.

The action taken report (ATR) shall be submitted to the Central Pollution Board within 30 days of receipt of these directions followed by quarterly ATR on regular basis

(Prashant Gargava)
Member Secretary

Copy to

1. The Additional Secretary
HSM Division, MoEF & CC
Indira Paryavaran Bhawan, Jor Bag Road
Aliganj, New Delhi-110003. - For kind information please
2. PA to CCB - For kind information of CCB, please
3. Regional Directorates of CPCB - For following up with concerned SPCBs/PCCs
4. Divisional Head IT Division, CPCB, Delhi - (For uploading at CPCB's Website)

(Prashant Gargava)
Member Secretary

Action Plan for Enforcement of E-Waste Rules in the Country

| S.No. | Challenges/Activities | Stakeholder responsible for implementation | Action |
|-------|--|---|---|
| a | Inventorization of e-waste generation | SPCBs/PCCs | SPCBs /PCCs to complete this activity within one year. |
| b. | Identification of Producers who have not obtained EPR Authorization | CPCB, Custom department, Ministry of commerce and Ministry of electronics & telecommunication | This is a continuous activity for which support of SPCBs/PCCs/Custom department/ Ministry of commerce, Ministry of electronics and telecommunication is required. |
| c. | Verification of quantity of e- waste collected by producers | CPCB/SPCBs /PCCs | This is a continuous activity. All the EPR Authorized Producers will be verified per year. |
| d. | Verification of systems provided by producers for collection and channelization of e-waste | CPCB/SPCBs /PCCs | This is a continuous activity. All the EPR Authorized Producers will be verified per year. |
| e. | Verification of facilities of dismantlers and recyclers for their infrastructure and records | SPCBs/PCCs/CPCB | This is a continuous activity. All the dismantlers/recyclers will be verified per year. |
| f. | Checking of informal trading, dismantling, and recycling of waste | SPCBs/PCCs/ District Administration | SPCBs/PCCs in coordination with District Administration has to carry out quarterly drive for checking of this activity. |
| g. | Facilitate collection and disposal of e- waste | SPCBs/PCCs/ District Administration/ CPCB | State Government to formulate mechanism for collection and for incentivizing setting up of recycling facilities. |

| | | | |
|----|---|--|---|
| h. | Governance frame work for monitoring compliance | SPCBs/PCCs/ District Administration/ CPCB | Monitoring to be ensured at city/district and state levels for which nodal officers (state environmental secretary, district collector, CMD/Commissioners) to be designated. |
| i. | Capacity building at district/State/CPCB level | SPCBs/PCCs/ District Administration /CPCB | Special workshops to educate functionaries in government / NGOs be run over one year. |
| j. | IEC plan be firmed up and executed | SPCBs/PCCs/ District Administration /CPCB | <p>State Government to firm up IEC plan for educating public at large about the system of collection, incentive structure and facilities for recycling.</p> <p>Time Frame — Three (3) months.</p> <p>The IEC Plan to be executed over one year.</p> |
| k. | Strengthen system of enforcement | SPCBs/PCCs/ District Administration/ CPCB | Quarterly review of violations and enforcement actions at city/district/state level and quarterly reports to be filed with CPCB. |

Item No. 06

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 08/2022

Varun Sheokand

Versus

Applicant

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 04.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Mansi Chahal, Advocate

ORDER

1. Grievance in this application is against burning of E-waste in Sarurpur Industrial Area, Faridabad, Haryana by Respondent Nos. 6 to 18 - Amrit Udyog, Alifa Enterprises, Rajendra Singh Mohonia, Shree Vardhman Casting, Apson Engineers, Deep Printers, Jagdamba Metal and Elite Industry, Durga Works, Shri Sidhi Vinayak Engineers, Radiant Engineers, Neelkamal Enterprises Pvt. Ltd, Satnam Engineering Works and S.S. Tools, Faridabad, Haryana.

2. Case of the applicant is that the Sarurpur Industrial area in Faridabad is a totally unauthorized and non-conforming area in which about 100-200 "Red category" and highly polluting units are illegally operating. These units are engaged in the illegal activity of burning E-waste in and out of their units on everyday basis. The units operating in Sarurpur Industrial area burn approximately 40-50 tons of E-Waste daily which has made the environment of the region toxic. The magnitude of

1

air pollution is such that the visibility upto 2-3 kilometres is affected. These units collect the leftover ash from the E-waste after it is burnt and load them in the tractors and tippers which take this ash and dump unscientifically in the open area & landfills, which proves to be a threat to the environment. People residing in nearby colonies and areas are facing devastating impact on their health and on the city's environment. Around 10-15 people residing in the close proximity of Sarurpur Industrial Area have also lost their eye vision due to the toxic air pollutants released in the air by burning of E-waste. E-waste contains lead, cadmium, mercury, polyvinyl chloride (PVC), brominated flame retardants (BFRs), chromium, beryllium etc Long term exposure to these substances damages the nervous system, kidney, bones and the reproductive and endocrine systems. Some of them are carcinogenic. E-Waste is of little monetary value but it is often burnt in huge quantities by the respondent units to recover metal. After the metal is recovered from the electronic devices by burning it, the leftover toxic ash is dumped on the ground, resulting in ground water contamination in the area. Chronic diseases and cancer are taking place at higher rates in adjoining area because of the burning of E-waste releasing fine particles, which travel thousands of miles, creating numerous negative health risks to humans and animals. The local authorities are in hand in gloves with these illegal units operating in the Sarurpur Industrial Area for their personal benefits. No action is taken against this hazardous activity. The applicant has referred to order of this Tribunal dated 15.01.2021 in *O.A. No. 512 of 2018 titled as Shailesh Singh versus State of U.P & Ors.* dealing with the issue of burning of E-waste in the context of Delhi and Ghaziabad and also directing other States/UTs to take similar action but no action has been taken for compliance of directions of this Tribunal at Faridabad.

3. We have considered the averments in the application and perused the photographs annexed showing disturbing state of affairs in support of the allegation that there is serious potential for damage to the environment and public health unless steps are taken to check unscientific handling of E Waste.

4. Vide order dated 15.01.2021 in O.A. No. 512 of 2018, *Shailesh Singh versus State of U.P & Ors.* and other matters, after noting the magnitude of the problem shown by the data compiled as well as media reports, the Tribunal issued directions. It is worthwhile to extract some parts of the said order:-

"1. Common question for consideration in the three matters is the remedial action against unscientific disposal of e-waste resulting in contamination of ground water and soil acidification. E-Waste (Management) Rules, 2016 (EWMR) have been framed under the Environment (Protection) Act, 1986 (EP Act) and apply to manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment listed in Schedule-I, including their components, consumables, parts and spares which make the product operational.

2to7.....xx.....xx.....xx

8. The matter was thereafter considered on 20.02.2020 in the light of report of the DPCC dated 19.12.2019 and report of the UP State PCB dated 18.02.2020 wherein violations were acknowledged. Accordingly, further action was directed to be taken. The extract from the order dated 20.02.2020 is as follows:-

"2. Accordingly, a report has been filed by the DPCC on 19.12.2019 as follows:

"5. That, the teams headed by the respective SDMs have inspected 130 premises till 16.12.2019 and 104 premises were found to be storing/handling E-Waste. 31 number of premises were closed effectively. The area in which these activities were being carried out ranges from 30 to 100 Square meters and are of a very tiny scale. In most of the premises, it was observed that the owner(s) themselves are carrying out the labour work. Environmental Compensation of Rs. 7.30 lakhs has

been imposed on these 31 tiny handlers. The said drive is continuing till the entire area is covered.

6. That, apart from the above actions, **Delhi Pollution Control Committee took suo-moto action against illegal e-waste handling units in Old Seelampur area and closed 57 premises effectively in the month of July 2019. It has been decided to levy EDC on these 57 tiny illegal e-waste handlers.** The list of the said 57 units is enclosed as Annexure-2.
7. That, it is relevant to mention here that **in compliance of the orders passed by this Hon'ble Tribunal regarding initiating action on e-waste handling units, in the matter of OA No. 20/2019 (Resident of Gali No. 11, Bhagirathi Vihar Vs NCT of Delhi), Delhi Pollution Control Committee had effectively closed 36 illegal E-waste storage/handling units in the area of Bhagirathi Vihar in the months of May and June 2019 and an Environmental Compensation (EC) of Rs. 7.20 lakhs was imposed on them as these were a very tiny entities.** Till date 21 occupiers have deposited the EC imposed on them. Recovery Certificate has been issued to the Recovery Officer ie SDM (Yamuna Vihar) for recovery of EC as an arrears of land revenue. Recovery Officer has once again been requested to recover the EC."

3. The UPPCB has also filed its report on 18.02.2020 inter alia as follows:

"3. Action Taken Against Illegal Industries

A joint team of District Administration, Ghaziabad, Nagar Palika Parishad, Loni, Ghaziabad Development Authority, Electricity Department, Police and Uttar Pradesh Pollution Control Board has been taking action against industries in confirming as well as non-confirming areas in Tehsil Loni of District Ghaziabad. **Since August, 2019 the joint team has identified and closed/dismantled 315 illegal industries in the said area.**

3.1 Action Taken against Illegal units Engaged in Handling and Processing of E-waste and other Related Items.

Sub-Divisional Magistrate, Loni, Tehsildar, Loni, officers of Nagar Palika Parishad Loni, Regional Office, UPPCB, Ghaziabad, Electricity Department and Police carried out survey of the area from 09.09.2019 to 11.09.2019. During the survey, it was observed that a **number of illegal industrial activities majorly comprising of small furnaces for melting aluminum, iron, lead etc. for producing sheets, foils, ingots and electronic waste processing units are set up in a residential cluster of Amit Vihar, Sewa Dham, Loni, Ghaziabad.**

During the survey, the joint team demolished 42 industries in Ghaziabad region of Amit Vihar area. The electrical connections of the industries were also disconnected by the officers of electricity department.

Action Taken against Illegal E- Waste Processing units in Behta Hazipur and Tila Shahbajpur, Loni

Similarly, regular survey of areas of Behta Hajipur, and Loni Border area is being carried out. During inspections between 17.08.2019 to 22.08.2019 by the joint committee 17 illegal units carrying out operations of wire drawing were found operating in the residential areas. All the 17 units were sealed during inspection. Further, Action under section

151/107/116 of CRPC was taken against 12 persons found responsible for carrying out the illegal operations in the residential areas.

Further, drive was carried out from 19.11.2019 to 21.11.2019 in the area and electrical wires and e-waste was seized and FIRs were registered against 15 individuals. During the said period public announcements were also made to sensitize the public about harm of burning wires and processing e-waste in open and warning was issued to deposit such items voluntarily with representatives from Nagar Palika's office. Another drive has been carried out on 6.2.2020 and 7.2.2020 in the said area and material has been seized.

Action Taken against Illegal E- Waste Processing units in Sewa Dham, Loni.

During regular survey, it was found by the joint committee that number of illegal e-waste processing units are operational in open area of Sewa Dham area of Loni. The common practice obtained by these illegal units was to recover the metals from the PCBs using acids like Hcl and H₂SO₄. After recovering the metals like copper, the waste PCBs were burnt in open causing air pollution. During inspection between 29.10.2019 till 31.10.2019, almost 80 illegal units were demolished by the joint committee. FIRs against 16 individuals carrying out the illegal activities were also lodged. The illegal materials like PCBs, Chips were seized and stored at Nagar Palika, Loni road, New Delhi on 02.11.2019 to ascertain the status of closure of units. The seized material is proposed to be disposed off as per rules.

4. Major Findings

- i) Illegal units engaged in handling/processing of e-waste, primarily wires and PCBs have been identified in Behta Hajipur, Tila Shahbajpur, Krishna Vihar, Amit Vihar and

Sewa Dham areas of Tehsil Loni which is adjoining North-East Delhi

- ii) The said area is notified region of Ghaziabad Development Authority's Master Plan — 2021
- iii) The activities with regards to e-waste handling/processing are primarily restricted to burning of wires, etching of PCBs and smelting.
- iv) No electronic or electrical equipment's were found to be dismantled in the area, from which it is evident that dismantling of e-waste is being done outside Ghaziabad and only PCBs and wires are being brought for burning and processing.

Recommendations

In view of above findings and observations, following recommendations are made:

- **Ghaziabad Development Authority should demarcate the areas where units are operating against the land use as per Master Plan and take necessary action against these units as per law/demolition of illegal units against the master plan.**
- **Ghaziabad Development Authority and District Administration should take action against owners of plots/land on which such illegal activities are being carried out under provisions of law.**
- **To stop the illegal clustering of industries in residential areas of Loni, it is mandatory that no industrial electricity connection to any industry in residential areas.**
- **It should be ensured that the illegal industries which are being closed down by the joint committee should not be allowed to operate again in the residential areas.**
- **Police should install a checking post and boom barrier at Loni-Delhi border and do mandatory checking of vehicles to stop transboundary movement of wires, PCBs and smelted ingots.**
- **All Dharam Kantas (weighing bridges) in the abovementioned areas of Loni should be stringently monitored by Weights and Measures Department and Police. They should be directed to report vehicles suspected to be carrying prohibited items like PCBs, wires etc.”**

4. *In view of the above, let further action be taken in the matter after making inventory of all such units and a further report be filed before the next date of hearing by email at judicial-nqt@gov.in. It may also be ascertained as to what is the destination of the e-waste involved so that remedial action is taken. The DPCC and the State PCB may also involve any other authority/agency found concerned with the matter.”*

9. *The matter was last considered on 30.09.2020 in the light of the report of DPCC dated 25.09.2020 and report of the UP State PCB*

dated 28.09.2020 finding large scale violations damaging the environment and public health. It was observed:-

“1to3...xxx.....xxx.....xxx

4. In pursuance to the above, the DPCC has filed its action taken report on 25.09.2020 inter-alia as follows:-

“4. That pursuant to the above office order, **218 premises were surveyed by two teams till 23.9.2020 and 120 premises were found to be carrying out illegal e-waste storage/handling activity. Since the inspecting teams are required to follow social distancing norms, area being highly congested with narrow lanes, people's tendency to crowd the inspecting teams; the survey is progressing at a slow pace. While carrying out the survey, the teams have observed that the people engaged in the illegal handling of e-waste are operating from very tiny premises with an area ranging from 20 to 50 Sqm, carrying out manual work without any machinery. Many of people have closed down the illegal operations due to lockdown & very dull economic activity. In most of the cases, it was observed that the owner(s) themselves are carrying out the labour work. Further action for effective closure of these illegal activities has been planned once the survey is completed. Delhi Police have been requested to provide sufficient police force for carrying out the task of effective closure to avoid any adverse law & order situation, as the areas are sensitive in this aspect.”**

5. The State PCB has filed its report dated 28.09.2020 mentioning as follows:-

“2. Chief Engineer (Distribution) Ghaziabad Zone, PVVNL, Ghaziabad has been submitted a report vide letter dated 25.06.2020. As per the report total 704 connections in Loni area have been verified in which 506 connections were not found, **64 connections could not be verified due to incomplete address, 23 connections have been permanent disconnected, 85 connections were found disconnected, 26 connections were found connected.** Copy of compliance submitted by PVVNL is annexed as Annexure IV.

3. Senior Inspector, Legal Metrology (Weight and Measures), Ghaziabad has submitted report on dated 25.06.2020 & 04.07.2020. As per report received total 12 Dharam Kantas (Weighing bridges) have been inspected, in which challan has been issued against defaulting 09 Dharam Kantas.

4. Further, in view of directions of District Magistrate, Ghaziabad, Sub-Divisional Magistrate, Tehsil, Loni vide order dated 09.09.2020 has constituted a Joint Team of

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officers from District Administration, UPPCB, District Industries Centre, Nagar Palika Parishad, Loni, Ghaziabad Development Authority, Labour, Electricity and Police to carry out regular survey in Loni area, not only for purpose of identifying and taking action against electronic waste units but all pollution causing activities.

5. The joint team has also surveyed the areas of Seva Dhaam, Behta Hajipur and Amit Vihar in Loni region and it has been found that unit which were closed/ demolished have not started any unauthorized activity again.”

6. It is thus clear that as per report of the DPCC, the problem is continuing and time is sought for further action. As regards report of the UP PCB, necessary action has been taken but we are of the view that this needs to be reverified. Let further action be taken by the DPCC and the UP State PCB and compliance status as on 15.10.2020 be filed before the next date 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.”

10to13.....xxx.....xxx.....xxx

14. In the second report dated 18.12.2020 the summary of review, actions taken and to be taken as follows:-

1.0.....xxx.....xxx.....xxx

2.0 ACTION TAKEN BY CPCB:

- (i) CPCB estimated the quantum of e-waste generated during the last three financial year and the estimated quantities for the FY 17-18, FY 18-19 & FY19-20 are given below:
- For financial year **2017-18**, the estimated generation of e-waste is **708445 tonnes for 21 types of EEE.**
 - For financial year **2018-2019**, the estimated generation of e-waste is **771215 tonnes for 21 type of EEE.**
 - For the financial year 2019-2020, the estimated generation of e-waste is **1014961.2 tonne for 21 types of EEE.**
- (ii) CPCB in compliance with Hon'ble NGT order dated 02-09-2019 submitted review report on 11.02.2020.
- (iii) **CPCB issued direction under section 18 (1) (b) of the Water Act 1974 and under the Air Act 1982 to UPPCB on 05-05-2020 for taking action against three dismantlers and recyclers for violation of e-waste rules and guidelines of CPCB. Accordingly, UPPCB ordered for closure of these units.**
- (iv) CPCB recommended to MoEF & CC for inclusion of 75 numbers electrical and electronic equipment in addition to the

existing 21 number of electrical and electronic equipment in the schedule - 1 of the E-Waste (Management) Rules, 2016

- (v) **CPCB has prepared the guidelines for Environmental Compensation Charges (ECC) under E-Waste Rules in compliance of the Hon'ble NGT order dated 02-09-2019 and the same has been enclosed at Enclosure - A.**
- (vi) A review meeting for reviewing the progress made with regard to implementation of action plan through video conference was organised by CPCB on June 17th, 2020. In the review meeting the progress made during the 4th Quarter of the FY 2019-20 by the SPCBs/PCCs was reviewed.
- (vii) CPCB also organised two-day training programme on "E-waste Management Portal" for official of all SPCBs/PCCs engaged in activity related to uploading of quarterly reports at E-Waste Review portal on 06.08.2020 and 07.08.2020 respectively.
- (viii) **CPCB issued show cause notices to 186 producers on 16.09.2020 for not meeting the collection targets for the FY 2018-19. The reply of producers are under compilation.**
- (ix) **CPCB issued show cause notice to 523 producers on 06.10.2020 for not submitting their annual returns for the FY 2018-19. The reply of producers are under compilation.**
- (x) A review meeting with all SPCBs/PCCs via video conference was organised on 09.10.2020 to review status of implementation of action plan during 1st & 2nd quarter of FY 2020-21.
- (xi) (xi) CPCB has issued show cause notices to 292 producers on 26-11-2020 whose collection centres were found non-complying or non-traceable and show cause them why not their EPR Plan/EPR Authorisation be suspended and action as per e-waste rules be initiated.

3.0&4.0.....xxx.....xxx.....xxx

5.0 CPCB'S SUBMISSION IN THE MATTER OF OA NO. 1001/2019 - IN COMPLIANCE WITH HON'BLE NGT (PB) ORDER DATED 30-09-2020

- (i) Under the E-Waste (Management) Rules, 2016, Producers of notified electrical and electronic equipment (21 equipment as listed in schedule - I of the above said rules) have been given collection target for collection of e-waste under the policy instrument namely Extended Producer Responsibility (EPR). The producer have to collect e-waste as per the specified target and get it dismantled and recycled in an environmentally

sound manner through an authorised dismantlers and recyclers.

- (ii) For managing its EPR, Producers have to obtain EPR Authorisation (**EPRA**) from CPCB. For obtaining **EPRA**, the producers have to submit their **EPR Plan**. EPR Plan details out producer's awareness plan, system of collection, storage, transportation, dismantling, recycling, its service providers/channel partners (logistic partners, PROs, dismantlers and recyclers) and budget for EPR.
- (iii) **CPCB approves the EPR Plan of the producers and grant them EPRA. EPRA contains information on yearly collection target. So far 1630 producers have been granted EPRA.**
- (iv) Under the EPR regime, the producers are required to fulfil its annual collection target. Based on the evaluation of EPR Plan of the producers it submitted that producers are mostly engaging authorised dismantlers, recyclers or registered PROs for collection of e-waste and the collected e-waste is being dismantled at dismantlers and recyclers premises. Based on the certification from the authorised dismantlers & recyclers the producers submits their annual returns specifying the amount of e-waste collected and recycled.
- (v) UPPCB in its report submitted that process of unauthorised dismantling and recycling has not been found in the area. Unauthorised units are small establishment engaged in burning, etching or smelting only. **From the report of UPPCB it appears that only populated waste printed circuit boards (WPCB) are coming to the Loni region and after removing of all the useful and valuable materials from the WPCB the bare waste printed circuit boards are dumped in the area.**
- (vi) **Absence of dismantling activities and presence of populated waste printed circuit board in Loni area establish the fact that these material are coming from dismantlers and recyclers of e-waste having their dismantling and recycling facilities elsewhere. This establishes the fact that materials are leaking from dismantlers and recyclers as Producers are getting their collected e-waste dismantled and recycled through the authorised dismantlers and recyclers and do not dismantled and recycled the collected e-waste themselves.**
- (vii) The leakage of e-waste from dismantlers and recyclers is the reason for e-waste reaching to these areas. It has been observed that dismantlers and recyclers have been given processing capacity beyond their actual processing capacity by the SPCBs/PCCs.
- (viii) **CPCB has observed that SPCBs/PCCs are not observing the guidelines of CPCB on capacity of the dismantlers and recyclers. The capacity has been linked with shed area available with the dismantlers & recyclers. For**

dismantlers it is 300 square meter for capacity of 1 tonne per day and for recyclers it is 500 square meter for capacity of 1 tonne per day.

- (ix) In one instance, CPCB has noted that capacity of one dismantlers increased to eight (8) times of its original capacity without any increase in corresponding shed the area. **This increase in the capacity in excess of its actual processing capacity results in such leakage.** In this regard, CPCB through review meetings regularly asking the SPCBs/PCCs for revising the capacity of dismantlers and recyclers in accordance with CPCB guidelines.
- (x) Under the E-waste (M) Rules, dismantlers/ Recyclers are authorized by SPCBs/PCCs. **Hence, SPCBs/PCCs while issuing authorizations to the dismantlers/recyclers should strictly follow CPCB's guidelines w.r.t to required facilities, pollution control equipment and availability of areas with the dismantlers & recyclers and on the basis of same should grant authorization and authorized capacity.**
- (xi) EPR regime is in place and most of the producers have engaged the authorized dismantlers/recyclers/PROs for collection of e-waste for meeting their collection targets. So we need to prevent leakage from dismantlers/recyclers.
- (xii) **Leakage of e-waste from authorised dismantlers/recyclers can be prevented by monitoring the authorised dismantlers/recyclers regularly & continuously for material balance, material movement and for tracing the destination of dismantled materials.**
- (xiii) Bulk consumers (MNC, Govt. Departments, Ministry companies, etc.) generate large quantity of e-waste. **They auction the waste to highest bidder who in turn is an authorised dismantlers/recyclers. The auctioned waste reaches to informal processors for recovery operations from these authorised dismantlers/recyclers. Bulk Consumers should be directed for auctioning their e-waste only to Producers system of collection.**
- (xiv) For disposal of bare board dumped in the Loni Region after removal/recovery of useful and valuable material, we need to first assess the quantity of bare boards and to identify recyclers/processors who are willing to convert this bare board into some useful material. **The cost of collection, storage and processing may be thought off from Producers EPR budget if we consider the quantity of collected board as part of their collection target for which CPCB will have interaction meeting with Producers.**
- (xv) Under Rule 12 of the E-waste(M) Rules Department of Industry in State or any other government agency authorised in this regard by the State Government, are to ensure earmarking or allocation of industrial space or shed for e-waste dismantling

and recycling in the existing and upcoming industrial park, estate and industrial clusters.

- (xvi) In view of the above, the authorised government agency may provide space within the existing and upcoming industrial park, estate and industrial clusters for carrying out dismantling operations.
- (xvii) In the above space, **shed and other hand held tools be made available for carrying out manual dismantling operation.** This space will be a common space where different groups can carry out dismantling of their equipment.
- (xviii) Once equipment dismantled, it should be given to different recycler for recovery operation through sale & purchase.
- (xix) Any gap in the price expected & paid to dismantlers may be met from Producers and he in turn can claim the quantity of waste for which he made payment as part of his collection target.”

15to18.....xxx.....xxx.....xxx

19. The report of the Oversight Committee dated 25.11.2020, in continuation of the earlier report, mentions further steps taken with following further recommendations:-

“RECOMMENDATIONS

In view of the above, we recommend:

1. All the producers must take EPR authorization as per E-waste (Management) Rules, 2016. After the enforcement of E-waste (Management) Rules, 2016, India has a very strict regime for e-waste collection and recycling through formal sector. Failure to obtain EPR authorization can result in penalty under EPA Rule 5(7), forfeiture of sale rights Rule 13(4) and ineligibility for imports Rule 16(6). In case of inadequate collection and channelization of e-waste generated from the end-of-life of their products, it indicates major gaps in our implementation/ enforcement system. UPPCB to identify the e-waste generating industrial units and check if they have EPR authorization. In case of default, penalty be imposed within the shortest possible time.
2. For environmentally sound management of e-waste, **State must ensure allocation of proper space to the existing and upcoming industrial units for e-waste dismantling and recycling, recognition and registration of workers involved in dismantling and recycling, undertake industrial skill development activities for the workers involved in dismantling and recycling, and undertake annual monitoring to ensure health and safety of workers involved in such activities.**

3. Several countries have separate waste deposition centers for domestic E-waste which helps in easy segregation of E-waste. In India, the provision for waste deposition center for domestic E-waste is mentioned under Rule 15(i) of SWM Rules which should be implemented strictly. The Committee recommends that Urban Development Department/concerned authority to ensure e-waste removal from dump sites as well as its segregation in the State without further delay.
4. Illegal recycling and processing of e-waste is concentrated in few hotspots in the State such as Seelampur in New Delhi is a hub and Loni, Baghpat and Moradabad in UP are the hotspots. **We need to step up enforcement of e-waste management rules in these hotspots combining local enforcement with supervision from task force to obviate local vested interests.** Lots of illegal refurbishing/recycling activities are reported in Loni, Ghaziabad which has been notified as a regulated area under GDA. Chief Secretary, UP should be directed to ensure that GDA comes out with proper urban planning of Loni which would certainly ensure that no industrial activity takes place in regulated residential areas.
5. In pursuance of the order of Hon'ble NGT, **25000MT of black powder (Leachate Residue of E-waste) in Moradabad has been temporarily shifted from the banks of River Ramganga to a temporary dump. This dump needs to be shifted to a permanent TSDF that is likely to come up at Amroha. However, the construction work for TSDF is yet to start, hence, the Chief Secretary, UP may be directed to expedite the construction of TSDF at Amroha or otherwise ensure shifting at available TSDFs. At present, the nearest TSDF are at Kanpur or Unnao (which are at a greater distance). He should also fix responsibility for the delay.**
6. In many countries, **Deposit Refund Schemes** have proved to be the most effective and sustainable way to ensure that no waste is leaked into the environment. In India, there is also a provision for implementation of Deposit Refund Scheme under Schedule-I of E-waste (Management) Rule, 2016 which ensures the collection and channelization of e-waste generated from the end of life of their products to authorized dismantlers or recyclers. It is suggested that such schemes are implemented strictly and effectively in the State.
7. An alternative way to improve the environment is the implementation of the tool **Life Cycle Assessment (LCA)** which can be used during the design phase of new electronic products to design environmental friendly products, minimize the amount of waste generated at their end of life, estimate the influence of material consumptions as well as evaluate the environmental and economic

aspects. The Committee recommends that manufacturer or producers consider it while designing electronic products.

8. The major drawback in e-waste management is in awareness generation. Most of the consumers are unaware about how to dispose their electronic products once their life is completed. In such case, we must focus on IEC efforts to spread awareness amongst the consumers. In fact, some steps like information on hazards of improper handling, disposal or recycling of e-waste, instructions for handling and disposal of the equipment after its use, and affixing a clear and indelible symbol on the product or product user manual to prevent e-waste from being dropped in garbage bins containing waste destined for disposal could also be considered. Campaigns such as launched by Tech-lifestyle accessory player Adcom India titled, "Hum E-waste Le Jayenge", to spread awareness about e-waste while making individuals more informed about the social implications of e-waste and the importance to efficiently manage e-waste in an organized manner.
9. State be directed to ensure the compliance of Rule 12 (1) of E-Waste Management Rules 2016 with regard to existing as well as the upcoming industrial parks."

Further report of CPCB

20. In O.A. No. 621/2018, report of CPCB dated 12.02.2020 is as follows:-

"1.1 Compliance with regard to 'Dismantling and Recycling of e-waste as per the rules'

As per CPCB record there are three hundred twelve (312) numbers of dismantlers/recyclers in eighteen (18) states of the country. Out of eighteen (18) SPCB/PCC seventeen (17) have provided verification report on the dismantling and recycling facilities authorised in their state. One (01) state that is Uttar Pradesh has not provided any information so far in this regard.

Verification reports of two hundred and sixty-three (263) dismantling and recycling facilities are available and out of these two hundred and seven (207) facilities were found operational. twenty-seven (27) were found non-operational, sixteen (16) were found closed and status of operation of thirteen (13) facilities were not provided by SPCBs/PCCs.

Out of two hundred and sixty-three (263) dismantling and recycling facilities, ninety-nine (99) facilities were found complying, one hundred and six (106) facilities were found non-complying and the status of fifty-eight (58) facilities were not provided.

1.2 Compliance with regard to 'no illegal dismantling and recycling of e-waste'

Sixteen (16) SPCBs as per the list below have informed that they have initiated drive against illegal dismantling and recycling of e-waste. As per the report no such activity was reported in the state AP, Bihar, Chandigarh, Chhattisgarh, Haryana, H.P, Jammu & Kashmir, Karnataka, Maharashtra Meghalaya, Punjab, Puducherry and Telangana. Delhi PCC and SPCBs of Kerala and UP has reported actions against illegal dismantling and recycling of e-waste.

The details are given below:

| S.No | SPCB/PCC | Action taken |
|------|----------|---|
| 1. | Delhi | DPCC has carried out checking of, dismantling and recycling of e-waste in Delhi, 09 teams were constituted with representation from Revenue, MCD, Delhi Police and DPCC. The said teams have identified 31 occupiers engaged in illegal e-waste storage/ handling in eastern & northern zones of Delhi |
| 2. | Kerala | Kerala SPCB has initiated actions for checking informal trading dismantling and recycling of e-waste in its State. During the drive, Kerala SPCB disposed 199532.2 Kg of e-waste from informal sector to registered recyclers. |
| 3. | UP | UP SPCB informed that regular drives are being conducted against illegal processing and dumping of e-waste. Action has been taken by UPPCB against illegal e-waste processing units. Eighty (80) such illegal melting furnace units were dismantled in Loni District of Ghaziabad in Nov, 2019 and FIR has been lodged against 16 persons. Further illegal E-Waste of 6.850 ton was seized and 05 illegal godown were sealed by district administration in district Moradabad. Environmental compensation of 60 Lakhs is imposed and closure orders have been issued against 04 illegal E-waste Processing Units. |

Fifteen (15) SPCBs have not yet started drive against illegal dismantling and recycling of e-waste.”

21. Second report of CPCB filed on 17.10.2020 is as follows:-

“3.0 State wise Compliance Reports on E-Waste Management:

The issues covered in the matter of OA No. 621/2018, (Mahendra Pandey Vs. Union of India & Others) are also being dealt under OA No. 512/2018, (Shailesh Singh Vs. Govt. of U.P & Ors) regarding E-waste.

In the Hon’ble NGT orders dated 23.09.2019 in the matter of OA No. 621/2018, there were two issues related to E-Waste Managements:

(i) Ensure that there is no illegal dismantling of e-waste

(ii) Any dismantling/recycling has to be in accordance with the Rules

Based on information furnished in the matter of OA No. 621/2018 and also in the matter of OA No. 512/2018, status has been reported for 33 SPCBs/PCCs namely; Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Dadra Nagar Haveli and Daman & Diu, Goa, Gujarat, Haryana, HP, J&K, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, UP, Uttarakhand & West Bengal have submitted their reports on compliance of NGT directions. Reports of 26 SPCBs/PCCs has been compiled and placed at A2.

3.1 Observations

Based on Progress reports submitted in the matter and also reports submitted in the matter of OA No. 512/2018 (Shailesh Singh Vs. UoI & Ors) following are the observation:

- **Seventeen (17) SPCBs/PCCs namely; AP, Delhi, Goa, Gujarat, H.P, Haryana, J&K, Kerala, Karnataka, Meghalaya, Odisha, Puducherry, Tamil Nadu, Telangana, Tripura, U.P & West Bengal** have conducted drives during last six months for checking informal trading, dismantling & recycling of E-Waste in their respective States/UTs.
- **Six (6) SPCBs/PCCs namely; Delhi, J&K, Kerala, Meghalaya, Puducherry, & U.P** have identified informal E-Waste units and actions have been initiated against such informal units.
- **Out of 33 SPCBs/PCCs, eleven (11) SPCBs/PCCs namely, Arunachal Pradesh, Bihar, Chandigarh, Dadra Nagar Haveli and Daman & Diu, Kerala, Manipur, Mizoram, Nagaland, Puducherry, Sikkim & Tripura** have informed that there are no authorized dismantlers/ recyclers of E-waste in their State /UT.
- **Out of 22 SPCBs/PCCs having authorized dismantlers/ recyclers in their States/UTs, thirteen (13) SPCBs/PCCs namely AP, Assam, Chattisgarh, Delhi, Goa, Gujarat, Haryana, HP, MP, Odisha, Telangana, Uttarakhand & West Bengal** have reported that all the operational dismantling/recycling units in their State/UT are complying as per CPCB guidelines and consent conditions, **One (01) SPCB namely Rajasthan** has reported that they inspected 04 units out of 30 units and the same were found complying and **six (06) SPCBs namely Jharkhand, Karnataka, Tamil Nadu, Punjab, Maharashtra & J&K** have reported non-complying dismantling/recycling units in their state. **Four (04) SPCBs namely J&K, Karnataka, Maharashtra & Punjab** have reported actions against non-complying units. However, in case of **Jharkhand & Tamil Nadu** no actions have been reported against noncomplying units.

- Status of compliance is not provided in case of **Two (02) SPCBs/PCCs namely, Meghalaya & U.P.**
- **Two (02) PCCs** namely A&N Island, Lakshadweep have not submitted any report

3.2 Conclusion:

- **Drives** to check informal trading, Recycling & Dismantling of E-Waste has been initiated in **seventeen (17) States and UTs.**
- Seven SPCBs/PCCs have identified informal units/ activities of E- waste in their States/UTs and actions have been taken by all the SPCBs/PCC other than Meghalaya against such informal units.

Most of the Dismantling/Recycling units are found to be complying as per CPCB guidelines & Consent Conditions.”

22.....xxx.....xxx.....xxx

23. The above reports show the magnitude of problem. **There are huge gaps in compliance of rules which are being more held in breach than observance showing the authorities charged with the obligation of ensuring pollution free environment in poor light. There are clear governance deficits on the subject and higher authorities are not adequately concerned about the plight of the citizens on account of such serious violations to the detriment of health of the citizens. Environmental crimes are as serious, if not more, as cases of assaults but there is no adequate action. Coordinated approach is required but unless there is monitoring at higher levels and leadership is provided, leaving the matter to lower levels or issuing paper directions cannot result in improvement of the situation. Unfortunately, it appears that violation of environmental law is not the priority. Such neglect can prove very costly. For petty benefit of retrieving metals etc., poor labour class is engaged in burning electronic wires or other wastes to the detriment of their own health and also the health of others which is not being duly checked by creating awareness of taking stringent action or preparing other effective policies. Above all, constant vigilance is required. Liability of manufactures is not being enforced.**

24. CPCB has highlighted the status of enforcement of EPR regime, status of collection and channelization of e-waste, verification of facilities of dismantlers and recyclers, informal trading, dismantling and recycling, collection and disposal and monitoring of compliance. CPCB has finalized software and conducted exercise of reviewing status of compliance. It has also devised compensation regime.

The overall status provided by the CPCB is given below in a tabulated form:

| | | | |
|--|---------|---------|---------|
| | 2017-18 | 2018-19 | 2019-20 |
|--|---------|---------|---------|

| | | | |
|---|--------------------------|------------------|------------------|
| E-waste Generation (in tonnes) | 708445 | 771215 | 1014961.2 |
| No. of Producers with EPRA | 1630 | | |
| No. of PROs | 44 | | |
| No. of dismantlers | 312 | | |
| Dismantling capacity | 782080.62 t/a | - | - |
| E-waste dismantled in tonnes | 69413.619 | 164663 | - |
| Collection target | 35422.25 | 154247.74 | - |
| Collection | 25325.28 | 78280.995 | - |

The statistics given above indicates that there is a gap between collection target and the collection and the installed dismantling capacity has to be adequate against the E-waste generation.

25. As already noted, the EWMR provide for specific responsibilities of the Manufactures, Producers, Collection centres, Dealers, Consumers, Dismantlers, Recyclers, Refurbisher and Departments of Industries and Labour in the States apart from the PCBs/PCCs and the CPCB. Finally, annual reports have to be compiled. The actions to be taken also cover Transportation, Accident reporting, Accountability of Manufacturers, Producer, Importer, Transporter, Refurbisher, Dismantler and Recycler for any damage to the environment or to the third parties. The same need to be enforced.

DIRECTIONS:

26. We direct that further steps be now taken for scientific enforcement of EWMR in the light of the reports of the CPCB and the Oversight Committee for the State of UP. The major areas to be focused are:

- enforcement of EWM Rules,
- implementation of authorization regime,
- implementation of EPR regime,
- bridging the gap between collection target and collection,
- enhancing the installed dismantled capacity to match the e-waste generation,
- implementation of environmental compensation regime,
- constant Vigilance and monitoring,
- creation of awareness amongst masses and collectors/handlers/dismantlers/recyclers.

27. CPCB needs to update the status periodically atleast once in six months and issue appropriate directions in the light of the reports received. The CPCB may inter-alia consider steps for compliance of Rule 16 requiring reduction in the use of Hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares.

28. It is further clear that large number of accidents take place in residential areas on account of unscientific handling of e-waste. This needs special attention for constant vigilance in such hot spots. This also requires review and updation of siting norms for e-waste by the CPCB which may be done within three months.

29. We also direct the acceptance of recommendations of the Oversight Committee for the State of UP. We record statement of learned counsel for the State PCB for TSDF at Amroha will be functional by 01.03.2021. The State PCB may ensure in setting up of TSDF and its operationalization CPCB guidelines are duly followed. The e-waste on the bank of River Ramganga may be duly shifted in an environmentally sound manner. Banks of river Ramganga should be cleaned and no deposition of e-waste/black powder observed.

30. DPCC may continue further efforts in coordination with the concerned Authorities including Delhi Police and East Delhi Municipal Corporation. It is not enough for the DPCC to be content by simply giving directions to other statutory authorities instead of coordinating with them to ensure compliance. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.

31. All the State PCBs/PCCs need to identify the hotspots by constant vigil and to coordinate with the District Administration at local levels to prevent damage to the environment and public health and meaningful enforcement of rule of law. The E-waste needs to be shifted to the nearest TSDFs for safe disposal. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.”

5. In view of above, substantial question of environment about compliance of E-Waste (Management) Rules, 2016 at Sarurpur Industrial Area, Faridabad, Haryana arises for consideration. As earlier noticed, the activity of unscientific handling and disposal of e-waste is hazardous activity having potential for serious damage to public health and environment, including causing of cancer, apart from other diseases.

Such waste contains toxic chemicals and non-biodegradable substances. Handlers are mostly illiterate and unskilled people for financial gain by high scale operators without concern for their safety. There is thus undoubted need for continuous vigilance in view of huge gaps in compliance of the Rules noticed earlier. The statutory Rules provide for specific responsibilities of manufacturers and handlers of such waste as well as remedial action by the statutory regulators but on account of lack in compliance, large number of accidents take place resulting in death and diseases. This aspect needs to be considered in the light of the facts on the ground in the present case.

6. Accordingly, we constitute a four-member joint Committee comprising Member Secretary, State PCB, CPCB, District Magistrate, Faridabad and Commissioner, Municipal Corporation. The Member Secretary, State PCB will be the nodal agency for coordination and compliance. The joint Committee may hold its meeting within one month and will be free to conduct proceedings online except for undertaking visit to the site. The Committee will be free to interact with the stakeholders and take assistance of any other Expert(s) on the subject. It may ascertain number of units in operation and their scale of operation in Sarurpur Industrial Area and its vicinity, infrastructure for waste management and specifying the reasons for inaction of SPCB against the violations, pollution and health hazards in the area and fixing the accountability. Based on verified facts, it may recommend remedial action for compliance of the statutory Rules on the subject at the ground level. Report may be furnished within three months 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 which may also be uploaded on the

website of State PCB for response of any stakeholder before this Tribunal, if required. List for further consideration on 27.05.2022.

A copy of this order be forwarded to Member Secretary, State PCB, CPCB, District Magistrate, Faridabad and Commissioner, Municipal Corporation by e-mail for compliance.

We also direct a copy of this order be forwarded all State PCBs/PCCs for ascertaining factual position in their respective jurisdictions and filing status reports on operation of e-waste recycling industries as well as other such polluting categories of industries operating in clusters causing environmental degradation and health hazards with the CPCB within one month based on which CPCB may hold an online interaction with all the State PCBs/PCCs and give a consolidated report to this Tribunal, before the next date. CPCB may particularly ascertain compliance status in Delhi and Uttar Pradesh in light of earlier orders.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Afroz Ahmad, EM

February 04, 2022
Original Application No. 08/2022
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