

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO:701 OF 2019

IN THE MATTER OF:

FRIENDS & ANR

...APPLICANTS

VERSUS

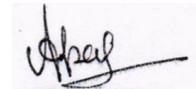
UNION OF INDIA & ORS

...RESPONDENTS

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Through



Akash Vashishtha

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WRITTEN SUBMISSION ON BEHALF OF APPLICANT

MOST RESPECTFULLY SHOWETH:

1. That the above Original Application is pending before this Hon'ble Tribunal seeking directions against dumping of waste, including solid waste, plastic, bio-medical waste, construction and demolition waste, hazardous waste and other obnoxious material in the State of Uttarakhand, especially in the hills and higher reaches of the State and the failure of the State Agencies in disposing of and effectively managing the same.
2. That the present OA was admitted on 21.08.2019 and this Hon'ble Tribunal was pleased to direct that" *Since the subject is already being dealt with in O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules,*

*2016 and monitored by the Chief Secretary, let the Chief Secretary, Uttarakhand have the facts verified from the concerned Departments, particularly the Forest and Irrigation Departments with reference to the photographs and furnish a report in the said matter.”*The order of the

Hon’ble Tribunal is annexed herewith and marked as

ANNEXURE-A.

3. That the Hon’ble Tribunal passed the above directions more than two years back and since March 2020 the entire country has been in the grip of COVID-19 pandemic.
4. This OA assumes urgent significance in view of the continuing appalling mismanagement of the solid waste that has lead to aggravating pollution in the area particularly in the springs, rivers, ground water and overall environment of the region. Even otherwise, across the state, in every town or place, dumping of wastes has become a regular practice and heaps of wastes have become a common sight. The magnitude of the issue is so enormous that even high altitude pilgrim centres, such as Joshimath, Badrinath, Kedarnath, Yamunotri, Gangotri and Gaumukh (Pictures already annexed with OA) are desecrated with wastes of all sorts posing a grave threat to the sources of water in the hills of Uttarakhand. Such

disposal and dumping of plastics, polythene, liquor bottles made of glass, aluminum cans, medical waste, animal flesh and carcass etc. is causing tremendous and irreparable harm to the eco-fragile areas of Uttarakhand. The illegal waste dumping is posing one of the biggest threats to the peaks, and glaciers in the state, which are the direct sources of water, origins of several streams and rivers and are the lifeline of the country. Though several representations were made in this regard to the Chief Secretary, Government of Uttarakhand and The Principal Secretary of Urban Development, Government of Uttarakhand who is also the Chairman of the State-level Monitoring Committee appointed by this Hon'ble Tribunal, but no action, whatsoever was taken into the matter.

5. That, moreover, this Hon'ble Tribunal in its Order dated 21.08.2019 had directed the Chief Secretary, Uttarakhand to have the facts as given in the present OA verified from the Departments concerned, particularly the Forest and Irrigation Departments with reference to the photographs and furnish a report in the said matter. However, no action, whatsoever has been taken yet in this regard and no report has been received on the pretext of Covid 19 pandemic. While the pandemic is a reality of our times, this unbridled generation of waste and illegal dumping

and virtual mismanagement across Uttarakhand is also a risk we can ignore only at our peril.

6. That, in view of the order of this Hon'ble Tribunal on 21.08.2019 in the Present matter, it was the duty of the State Government and the State level Monitoring Committee appointed by this Hon'ble Tribunal to furnish the factual and action taken report within the stipulated time but they have failed to do so and have even shown utter disrespect towards the said order. Given the magnitude of the issues raised in the OA they deserve appropriate penalty for inaction.
7. That the members of the Applicant organisation have visited some areas of Uttarakhand during the past one year and assessed the situation of the waste management. The members of the organisation were extremely shocked to see the dire state of the waste management in these areas. They have taken photographs of the garbage scattered and dumped in different areas of Uttarakhand and the same are annexed herewith and made as **ANNEXURE-B.**
8. That it is noteworthy that the members of the Applicant have witnessed two obnoxious landfills amid the amazing mountains of Uttarakhand. One landfill is in the forest area just about 4 Kms from Dwarahat (District Almora)

beside Dwarahat-Chaukhutia highway. This is a huge landfill where all sorts of garbage is dumped and the stench coming out of it is unbearable. One can easily understand the magnitude of the damage caused by this landfill to the ecology and environment of the region. The other landfill site falls in Joshimath just beside the Chamoli-Joshimath-Badrinath highway(NH 7) only around 50 Kms before Shri Badrinath Dham. This landfill is again a grave threat to the ecology and environment of the area and the most serious thing is that the garbage of the site is also burnt which is evident from the photographs taken on November 19, 2020. That the members of the Applicant organisation have taken the photographs of the aforementioned landfills in November 2020 and November 2021 and these photographs are annexed herewith and marked as **ANNEXURE-C.**

9. That the recent incidents of glacier burst, heavy rains, landslides and the associated devastation focus attention on the fragile ecology of the region and any apathy, disregard or inaction of the state government towards the dumping of waste, its disposal and management could soon spread the waste far and wide with serious repercussion in terms of pollution of sources of water and

air beyond human control and would pose a grave threat to the human lives.

PRAYER

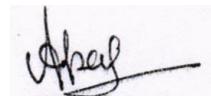
In the light of the above stated facts and circumstances, and given the urgency of the matter, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass the following directions:-

(i) To remove forthwith two aforementioned hazardous landfills one beside Dwarahat - Chaukhutia Road and the other in Joshimath just beside Badrinath highway.

(ii) To award appropriate punishment to or to pass directions to proceed against the above mentioned members of the State-level Monitoring committee for not complying with the directions of the Hon'ble National Green Tribunal.

(iii) To direct local authorities to draw up a comprehensive waste management strategy at the district level as provided in the Solid Waste Management Rules, 2016.

Through



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Annexure -A

Item No. 11

Court No. 1

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

Original Application No. 701/2019

Friends & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 21.08.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant (s): Mr. Rajiv Dutta, Sr. Advocate with Mr. Akash Vashishtha, Advocate

For Respondent (s): Mr. Rahul Verma, AAG for State of Uttrakhand

ORDER

1. Grievance in this application is against dumping of waste, including solid waste, plastic, bio-medical waste, construction and demolition waste, hazardous waste and other obnoxious material in the State of Uttarakhand, especially in the hills and higher reaches of the State and the failure of the State Agencies in disposing of and effectively managing the same. The applicant has filed several photographs in support of the said allegation.
2. Since the subject is already being dealt with in O.A No. 606/2018, *Compliance of Municipal Solid Waste Management Rules, 2016* and monitored by the Chief Secretary, let the Chief Secretary, Uttarakhand have the facts verified from the concerned Departments,

particularly the Forest and Irrigation Departments with reference to the photographs and furnish a report in the said matter.

3. A copy of this order be sent to the Chief Secretary, Uttarakhand, Principal Chief Conservator of Forest (HoFF), Uttarakhand, Secretary, Irrigation Department, Uttarakhand and the Urban Development Department, Uttarakhand by email.
4. The applicant may furnish a set of papers to the Chief Secretary, Uttarakhand, Principal Chief Conservator of Forest (HoFF), Uttarakhand, Secretary, Irrigation Department, Uttarakhand and the Urban Development Department, Uttarakhand and file an affidavit of service within one week.
5. A copy of this order be placed in *O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016.*

To be put up along with O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 (Uttarakhand).

Adarsh Kumar Goel, CP

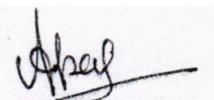
S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

t.c.

August 21, 2019
Original Application No. 701/2019
AK



ANNEXURE- B



Saras Market Halswani



Bhatelia-Dhanachuli-Bhimtal Road, South Gola Range,
Uttarakhand 263132, India

Latitude

29.42508082°

Longitude

79.66833225°

Local 05:58:10 PM

GMT 12:28:10 PM

Altitude 2058 meters

Thursday, 04-08-2021



Bhatelia-Dhanachuli-Bhimtal Road, Kalapatal, Uttarakhand
263132, India

Latitude
29.42254974°

Local 11:01:06 AM
GMT 05:31:06 AM

Longitude
79.66954262°

Altitude 2035 meters
Wednesday, 06-23-2021



Bhatelia-Dhanachuli-BhimtalRoad, South Gola Range, Uttarakhand
263132, India

Latitude

29.43654386°

Longitude

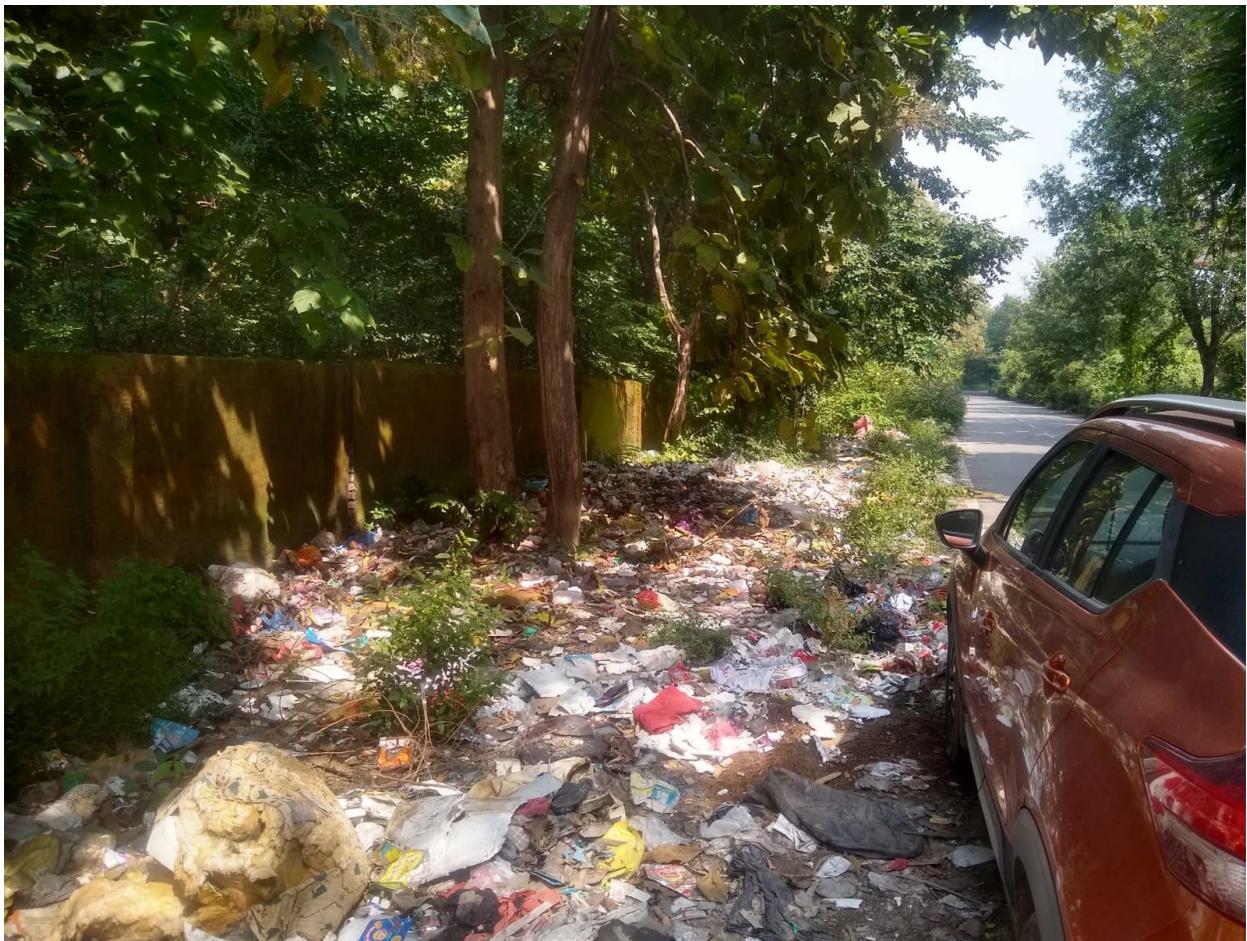
79.64826349°

Local 05:44:05 PM

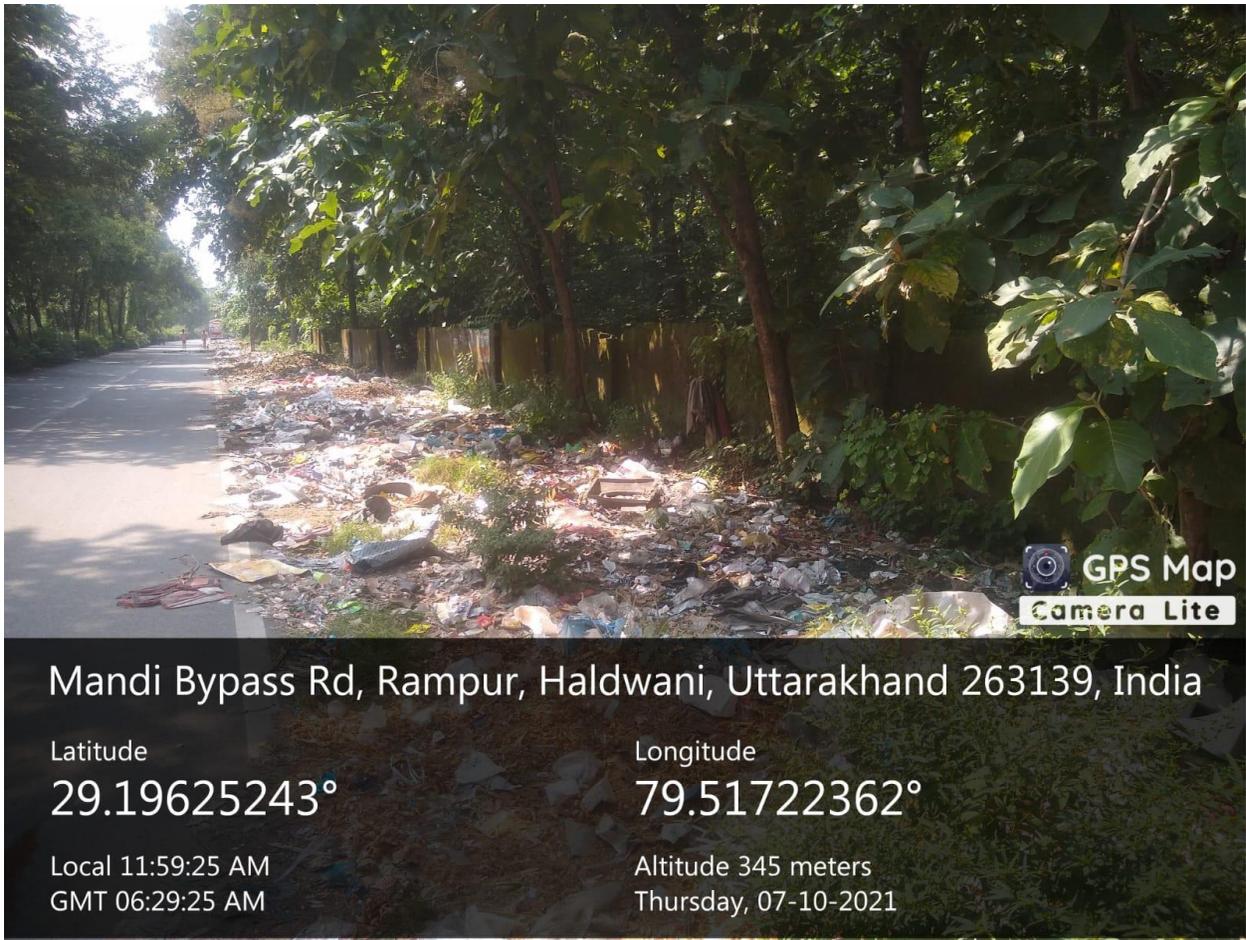
GMT 12:14:05 PM

Altitude 2098 meters

Sunday, 06-20-2021



Mandi bypass Road Haldwani 7.10.2021



t.c.

A handwritten signature in black ink, appearing to be "Vijay", written on a small white rectangular background.

ANNEXURE- C**Photographs of the hazardous landfills in Joshimath(District Chamoli) and near Dwarhat(District Almora)****Landfill Joshimath Photographs (Below)**

Photo taken on 19.11.2020



Photo taken on 19.11.2020



Photo taken on 19.11.2020





Photo taken on 20.11.2021

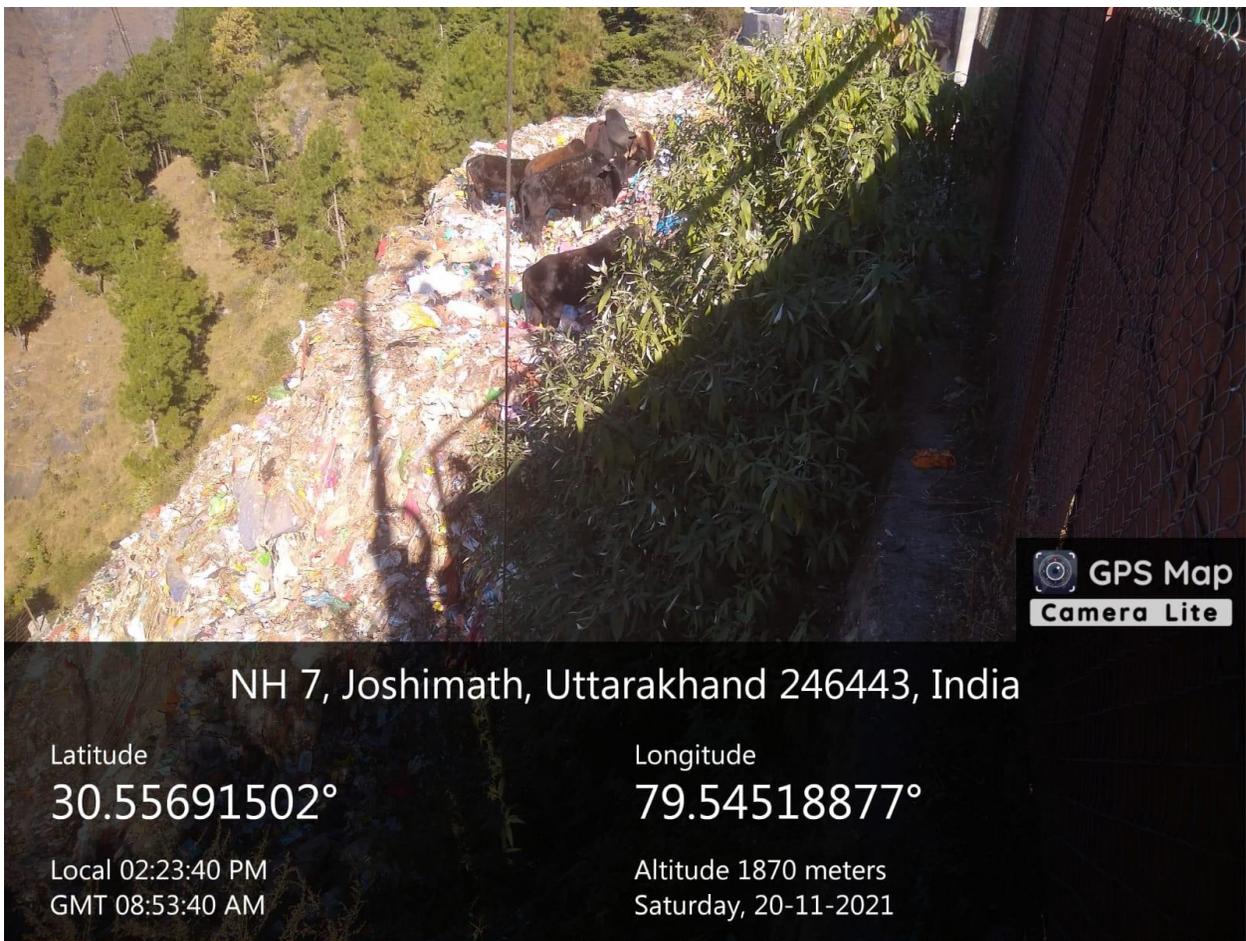


Photo taken on 20.11.2021

Landfill beside Dwarahat- Chaukhutia Highway, Photographs(Below)



Photo taken on 18.11.2020



Photo taken on 21.11.2021



Photo taken on 21.11.2021



Photo taken on 21.11.2021



Photo taken on 21.11.2021

t.c.

A small, rectangular image containing a handwritten signature in black ink on a white background. The signature is stylized and appears to be the name 'Ahmet'.