

Item No. 05

(Court No. 1)

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

Original Application No. 606/2018 **(Main)**

In re: Compliance of Municipal Solid Waste Management Rules, 2016
and other environmental issues.

**(arising out of directions of the Hon'ble Supreme Court
in W.P. No. 888/1996 and W.P. No. 375/2012)**

Date of hearing: 18.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

SYNOPSIS:

- A. Scope of present order**
- B. Background and procedural history**
- C. Interaction with Chief Secretaries of all States/UTs upto 18.7.2019 and directions for follow up**
- D. Review on 12.9.2019, 7.1.2020 and second round of interaction with the Chief Secretaries**
- E. Review on 30.11.2021 – huge gaps still found and hence, another round of interaction with Chief Secretaries proposed**
- F. Separate orders dated 28.8.2019, 12.9.2019, 6.12.2019 and 22.02.2021 on the subject of Liquid Waste Management**
- G. Order dated 30.11.2021 for third round of interaction with the Chief Secretaries in view of continued non compliances and culmination thereof today**
- H. Interaction with Chief Secretaries of all States/UTs from 07.07.2022 to 18.05.2023**
- I. Status of compliance as revealed by data presented by the Chief Secretaries and analysed by the Tribunal and directions fixing accountability on polluter pays principle and for remedial action**
- J. Summing up and way forward**
- K. Order of Hon'ble Supreme Court dated 20.3.2023**
- L. Conclusion**

A. Scope of present order

1. The issues of solid as well as liquid waste management are being monitored by this Tribunal as per orders of the Hon'ble Supreme Court

order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India & Ors.*, (with regard to solid waste management) and order dated 22.02.2017 in W.P. No. 375/2012, reported in (2017) 5 SCC 326, *Paryavaran Suraksha vs. Union of India*, with regard to liquid waste management (sewage). Other related issues which were taken up for monitoring include pollution of 351 river stretches, 122 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. However, later the Tribunal confined present proceedings only to issues of solid waste and sewage management. Before proceeding further, it may be mentioned that **scope of present order is to compile and collate the background, data filed by the Chief Secretaries of all the States/UTs and analysis and directions of the Tribunal on the subject of waste management in the country for further follow up action.**

B. Background and procedural history

2. On the issue of **solid waste management**, vide judgement dated 22.12.2016 the matter was disposed of with directions for compliance of Solid Waste Management Rules, 2016 by all the States/UTs as per statutory timelines subject to further action in case of violation.

3. **On the issue of liquid waste management**, vide judgment of the Hon'ble Supreme Court in *Paryavaran Suraksha* (2017) 5 SCC 326, the Hon'ble Supreme Court fixed deadline for setting up of treatment plants within three years which was to be monitored by this Tribunal. Apart from the said judgment, issues of pollution of Ganga and Yamuna were transferred to this Tribunal for monitoring remedial action.

4. Since non compliance was noticed on both counts from the issues raised before the Tribunal in various proceedings, the Tribunal took the matter again and passed order dated 31.08.2018, recording the extent of gaps and further action. Proceedings were registered afresh with updated status as OA – OA 606/2018 (main) and separate OAs with same number in respect of all States/UTs separately on the subject of waste management and ancilliary issues. The Tribunal constituted Monitoring Committees for six months and vide order dated 16.01.2019, the Tribunal sought personal presence of Chief Secretaries of all States and UTs on different dates with data of compliance status in respective State/UT.

5. On such interaction, it was found by various orders that large scale non-compliance of environmental norms was continuing which was reportedly resulting in deaths and diseases and irreversible damage to the environment. Directions for remedial action were issued which include constitution of a four member special task force in every district having – one each nominated by District Magistrate, Superintendent of Police, State Pollution Control Boards and District Legal Services Authority (DSLAs) for awareness about SWM Rules, 2016 by involving educational, religious and social organizations including local Eco-clubs. Involvement of DLSAs was subject to the approval of the National Legal Services Authority (NALSA) which is the apex body under the Legal Services Authorities Act, 1987. It was observed that Information, Education and Communication (IEC) programmes can go a long way for protection of the environment. Such program can be successful if network of Legal Services Authorities and Educational Institutions at every level is involved.

6. The extracts from order dated 16.1.2019 in OA 606/2018 are reproduced below:

“35. Every State/UT may constitute a Special Task Force (STF) in every District having four members one each nominated by District Magistrate, Superintendent of Police, Regional Officer of the State Pollution Control Boards in concerned Districts and one person to be nominated by the Chairman of the District Legal Services Authority (DLSA) for awareness about the SWM Rules, 2016 by involving educational, religious and social organizations including local Eco-clubs. The involvement of DLSA would be subject to the approval of the National Legal Services Authority which is the apex body under the Legal Services Authorities Act, 1987 by an appropriate administrative order. This will apply to order of the Tribunal in Stench Grips Mansa’s Sacred Ghaggar River (Suo-Moto Case) and Yogendra Kumar¹, News item published in ‘The Hindu’ authored by Shri Jacob Koshy Titled “More river stretches are now critically polluted: CPCB”², Court on its own Motion v. NCT, Delhi & Ors.³ and M.C.Mehta v. Union of India & Ors.⁴

36. It has been repeatedly laid down by the Hon’ble Supreme Court that Information, Education and Communication (IEC) programmes can go a long way for protection of the environment. Such program can be successful if network of Legal Services Authorities and Educational Institutions at every level is involved. This is possible only if such instructions are issued on the administrative side by the NALSA and concerned Education Departments of the States. We request concerned authorities to take appropriate steps in view of the judgments of the Hon’ble Supreme Court in M.C. Mehta v. Union of India & Ors.⁵ and In Re: Noise Pollution and Article 144 of the Constitution of India⁶ Ministry of Health and Ministry of Railways in coordination with MoEF&CC may be involved in awareness programmes. Solid waste management issue impacts in a big way. Various departments of the Government, particularly Railway, Health and Defence. MoEF&CC may coordinate with the concerned Ministries in IEC programmes and furnish an Action Taken Report by email at ngt.filing@gmail.com.”

7. Considering the above, the National Legal Services Authority (NALSA) issued directions to all the State Legal Services Authorities vide letter dated 07.05.2019 as follows:

¹ O.A. No. 138/2016 order dated 27.08.2018

² O.A. No. 138/2016 order dated 27.08.2018

³ O.A. No. 138/2016 order dated 27.08.2018

⁴ 9 O.A. No. 200/2014 order dated 29.11.2018

⁵ (2004)1 SCC 571

⁶ (2005)5 SCC 733

“ Please find attached herewith judgment dated 16.01.2019 by National Green Tribunal (NGT) in the above noted matter. The relevant paragraphs are reproduced as under:

”35. Every State/UT may constitute a Special Task Force (STF) in every district having four members one each nominated by District Magistrate, Superintendent of Police, Regional Officer of the State Pollution Control Boards in concerned Districts and one person to be nominated by the Chairman of the District Legal Services Authority (DLSA) for awareness about the SWM Rules, 2016 by involving educational, religious and social organisations including local Eco-clubs. The involvement of DLSA would be subject to the approval of the National Legal Services Authority which is the apex body under the Legal Services Authorities Act, 1987 by an appropriate administrative order. This will apply to order of the Tribunal in Stench Grips Mansa’s Sacred Ghaggar River (Suo-Moto Case) and Yogendra Kumar, News item published in ‘The Hindu’ authorised by Shri Jacob Koshy Titled “More river stretches are now critically polluted: CPCB”, Court on its own Motion v. NCT, Delhi & Ors. and M.C. Mehta V. Union of India & Ors.

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2. I am also enclosing herewith four judgments of NGT mentioned in Para-35 above.

3. The order dated 16.01.2019 was placed before the Hon’ble Executive Chairman, NALSA and His Lordship has been pleased to approve to nominate a member of the Special Task Force (STF) at the districts level and to conduct awareness programmes as mentioned in the judgment in coordination with other institutions/ authorities.”

C. Interaction with Chief Secretaries of all States/UTs till 18.7.2019 and directions for follow up

8. In terms of order dated 16.1.2019, the Chief Secretaries of all the States/UTs appeared on different dates till 18.07.2019. The Tribunal, after reviewing the status of noncompliance, directed effective steps to be taken including setting up of environmental cells directly under the Chief Secretaries, regular periodical monitoring by the Chief Secretaries at the State level and by the District Magistrates at the District level and making atleast some cities, towns and villages compliant in the first instance and thereafter making the entire State compliant. Direction also was to take action for non-compliance by recovery of compensation and recording adverse ACRs against erring officers. Further direction was for filing of quarterly reports by the Chief Secretaries with the Tribunal. Based on such reports, which were to be placed on website, CPCB was to file consolidated status reports. The Chief Secretaries were to appear again after six months with updated status of compliance.

D. Review on 12.9.2019, 7.1.2020 and second round of interaction with the Chief Secretaries

9. The matter was then reviewed on 12.09.2019 in the light of report of the CPCB dated 09.09.2019 **showing wide gaps in compliance of solid waste, plastic waste, bio-medical waste management, rejuvenation of identified polluted river stretches, polluted industrial clusters and non-attainment cities.** A fresh schedule for appearance of the Chief Secretaries was issued.

10. Vide order dated 07.01.2020, the Tribunal directed CPCB to ascertain Compliance of Solid Waste Management Rules, 2016 in terms of MSW generated, segregated and treated, gaps in the waste processing, enforcement of statutory timelines and orders of this Tribunal, number of

sites remediated, and quantity of legacy waste therein and timelines for completing remediation. It was further directed that on the subject of sewage treatment, CPCB has to ascertain quantity of sewage generated and treated in the State, gap in the sewage treatment and timelines to bridge the gap, including strategy for use of treated water for secondary purpose. CPCB was accordingly directed to redesign its formats for securing relevant quantifiable information.

11. Accordingly, the Chief Secretaries of 18 States/UTs⁷ appeared in second round (which was discontinued due to Covid) and filed updated status reports. Since there still existed huge gaps in compliance, further directions were issued by way of different orders. Last such order is of 28.2.2020. Other orders are on same pattern. The direction part of the said order is reproduced below:

“41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct:

- a.** *In view of the fact that most of the statutory timelines have expired and directions of the Hon’ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, **interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued***

7

States/UTs	Appeared on	Next date
UP, Punjab & Chandigarh	10.01.2020	24.08.2020
West Bengal	17.01.2020	04.09.2020
Maharashtra	24.01.2020	11.09.2020
Rajasthan and Andaman & Nicobar	31.01.2020	18.09.2020
Telangana	14.02.2020	25.09.2020
Karnataka	20.02.2020	01.10.2020
J&K and Sikkim	24.02.2020	07.10.2020
Madhya Pradesh	25.02.2020	14.10.2020
Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura and Meghalaya	28.02.2020	03.11.2020

failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.

- b. **Legacy waste remediation was to ‘commence’ from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28⁸ even though statutory timeline for ‘completing’ the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse**

⁸ The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.

- c. *Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.*
- d. *The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:*
 - i. ***Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.***
 - ii. ***Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.***
 - iii. ***Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.***

- e. *Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.*
- f. *An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.*
- g. *Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.*

12. The matter was then considered on 02.07.2020. Having regard to the pandemic, appearance of remaining Chief Secretaries was deferred.

The said order is extracted below:

"5. In view of the lockdown, further appearance of the Chief Secretaries could not take place and we accepted the prayer for deferring the presence of the Chief Secretaries. This applies to the present case also in respect of the letter of the Chief Secretary Kerala. The appearance of the Chief Secretaries of States/UTs who have not appeared in second round so far is now rescheduled as follows:-

S. NO.	STATES/UTs	REVISED DATES
1.	<i>Bihar</i>	<i>4.1.2021</i>
2.	<i>Odisha</i>	<i>6.1.2021</i>
3.	<i>Jharkhand</i>	<i>8.1.2021</i>
4.	<i>Assam</i>	<i>11.1.2021</i>
5.	<i>Delhi</i>	<i>14.1.2021</i>
6.	<i>Haryana</i>	<i>18.1.2021</i>
7.	<i>Ladakh</i>	<i>20.1.2021</i>
8.	<i>Gujarat</i>	<i>22.1.2021</i>
9.	<i>Goa</i>	<i>25.1.2021</i>
10.	<i>Daman and Diu</i>	<i>27.1.2021</i>
11.	<i>Dadar and Nagar Haveli</i>	<i>29.1.2021</i>
12.	<i>Himachal Pradesh</i>	<i>1.2.2021</i>
13.	<i>Uttarakhand</i>	<i>3.2.2021</i>

14.	Chhattisgarh	5.2.2021
15.	Kerala	8.2.2021
16.	Tamil Nadu	10.2.2021
17.	Lakshadweep	12.2.2021
18.	Puducherry	15.2.2021
19.	Andhra Pradesh	17.2.2021

TIME: 2:00PM

The state appearing on the respective dates shall submit a quarterly report to NGT and CPCB, 15 days in advance to their appearance.

6. Appearance of the Chief Secretaries in third round is rescheduled as follows:

S. NO.	STATES/UTs	DATE OF HEARING
1.	Punjab	1.7.2021
2.	Chandigarh	5.7.2021
3.	Uttar Pradesh	7.7.2021
4.	West Bengal	9.7.2021
5.	Maharashtra	12.7.2021
6.	Rajasthan	14.7.2021
7.	Andaman & Nicobar	16.7.2021
8.	Telangana	19.7.2021
9.	Karnataka	21.7.2021
10.	Jammu & Kashmir	23.7.2021
11.	Sikkim	26.7.2021
12.	Madhya Pradesh	28.7.2021
13.	Arunachal Pradesh	30.7.2021
14.	Nagaland	2.8.2021
15.	Manipur	4.8.2021
16.	Mizoram	6.8.2021
17.	Tripura	9.8.2021
18.	Meghalaya	11.8.2021

TIME: 2:00PM

The state appearing on the respective dates shall submit a quarterly report to NGT and CPCB, 15 days in advance to their appearance.

7. ***In case the physical presence of the Chief Secretaries is not found viable, they can seek to appear online by way of video conferencing but they may not delegate this responsibility to any other officer. All the State/UTs may take further steps for compliance of environmental norms in terms of directions already issued including taking coercive measures for non-compliance against the polluters as well as erring officers and recovering compensation. Quarterly report may continue to filed with a copy to CPCB. CPCB may file consolidated reports quarterly. There may be a separate column showing compliance of direction for model compliant cities, towns and villages in every State. The Chief***

Secretaries may have this as one of the focus areas in their presentation also.”

13. Thereafter, vide order dated 14.12.2020, scheduled appearance of remaining Chief Secretaries was dispensed with but it was directed that monitoring at the level of Chief Secretaries may continue and quarterly status reports be filed with CPCB so that CPCB may file a consolidated report every six months before the Tribunal. It was further directed that compensation in terms of earlier orders be recovered and credited to a separate account with the Environment Department of concerned State to be used for restoration of environment. It was also observed that in these proceedings Solid Waste Management also will be monitored, other issues being considered in separate proceedings.

E. Review on 30.11.2021 – huge gaps still found and hence, another round of interaction with Chief Secretaries proposed

14. The matter was thereafter taken up on 30.11.2021 to consider the consolidated report of CPCB dated 25.10.2020 giving compliance status in 32 States/UTs as in March, 2021 as follows:-

“3.0 SOLID WASTE MANAGEMENT STATUS

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Table:1 Overview of quarterly report on SWM submitted by 29 States/UTs

Sl. No.	ITEM	Status	Remarks
1	xxx	xxx	xxx
2	Over all waste management status in Arunachal Pradesh		

2(a)	Quantity of MSW generated (TPD)	Information provided by 29 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	<ul style="list-style-type: none"> • Total Quantity of MSW generated: 150858.951 TPD • Maximum waste generation is in five (7) States/UTs (>10000 TPD)- <ul style="list-style-type: none"> ➤ Maharashtra ➤ Uttar Pradesh ➤ West Bengal ➤ Tamil Nadu ➤ Karnataka ➤ Delhi ➤ Telangana
2(b)	Xxx	xxx	xxx
2(c)	Xxx	xxx	xxx
2(d)	Quantity of MSW processed (TPD)	Information provided by 29 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	<ul style="list-style-type: none"> • Total quantity of MSW processed: 94435.318 TPD • 100% MSW is processing reported in two (2) States: <ul style="list-style-type: none"> ➤ Chhattisgarh ➤ Himachal Pradesh
2(e)	Xxx	xxx	xxx
2(f)	Gap in Solid Waste Management UTs (TPD) [2(a)- 2(d)- 2(e)]	Information provided by 29 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	<ul style="list-style-type: none"> • Gap in Solid Waste Management: 44651.1792 TPD
xxx	Xxx	xxx	xxx
6	Legacy Waste management		
6(a)	Number of dumpsites (No.)	Information provided by 28 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 1 State/UTs: (Chandigarh)	<ul style="list-style-type: none"> • Total Number of dumpsites: 2129 • Max in MP: 378

6(b)	Quantity of Waste dumped at dumpsites (Tons)	<p>Information provided by 27 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)</p> <p>Information not provided by 2 State/UTs: (Chandigarh, Madhya Pradesh)</p>	<ul style="list-style-type: none"> • Quantity of Waste dumped at dumpsites (Tons): 185558287.3 Tons • Max in Maharashtra – 41683186 Tonnes
6(c)	Number of dumpsites cleared (No.)	<p>Information provided by 25 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)</p> <p>Information not provided by 4 State/UTs: (Chandigarh, Meghalaya, Odisha, Puducherry)</p>	<ul style="list-style-type: none"> • Number of dumpsites cleared (No.): 498 <p>Chhattisgarh- 160 Maharashtra- 134 Uttarakhand – 60 M.P.-50 Tamil Nadu - 27 H.P-17 Gujarat- 16</p>
6(d)	Number of dumpsites in which biomining has commenced (No.)	<p>Information provided by 26 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)</p> <p>Information not provided by 3 State/UTs: (Chandigarh, Odisha, Puducherry)</p>	<ul style="list-style-type: none"> • Number of dumpsites in which biomining has commenced (No.): 496 <p>Tamil Nadu – 117 Maharashtra-76 M.P-73 West Bengal – 64 Telangana - 52 T.N-117 Rajasthan – 23 Haryana – 16 Karnataka – 15 Uttarakhand – 12 HP - 10</p>
6(e)	Time frame for clearing all dumpsites	<p>Information provided by 24 States/UTs (Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)</p> <p>Information not provided by 5 State/UT: (Bihar, Chandigarh, Meghalaya, Nagaland, Telangana)</p>	<ul style="list-style-type: none"> • Timeline exceeding December, 2022 in following States/UTs: Delhi, Goa, J&K, Karnataka, Puducherry and Tamil Nadu

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Solid Waste Management

4.0 SUMMARY & CONCLUSIONS

a. Total No. of ULBs in 29 States/UTs is 4186.

- b. As per information provided by 29 States/UTs - total waste generated is 150858.951 TPD of which 94435.318 TPD is processed, which is 62.6% of the total waste generated in these States/UT. 11772.4538 TPD (7.8%) of the waste is landfilled and the gap in Solid waste management in 29 States is 45071.771 TPD which is 29.8% of the waste generated in these States/UTs.**
- c. Information on MRF has been provided for 28 States/UTs covering 77% of ULBs in these States/UTs.
- d. Information on Recycling facilities have been provided for 22 States/UTs covering 39% of ULBs in these States/UTs
- e. Information on Composting facilities has been provided for all 29 States/UTs covering 70% of ULBs in these States/UTs
- f. Information on WtE has been provided for 25 out of 29 States/UTs covering 1.9% of ULBs in these States/UTs.
- g. Information on RDF has been provided for 24 out of 29 States/UTs covering 12.4% of ULBs in these States/UTs.
- h. Information on Bio-methanation has been provided for 27 out of 29 States/UTs covering 7.1% of ULBs in these States/UTs.
- i. Information on Landfills has been provided in 24 out of 29 States/UTs covering 18.9% of ULBs in the States.**
- j. 498 of 2111 (23%) dumpsites in 25 States/UTs have been cleared and Remediation has been initiated in 23% (496) of the dumpsites.
- k. Model Town/Cities have been identified in 25 States/UTs.
- l. 16 States /UTs have established environmental cells.
- m. 15 States /UTs have standardised rates for procurement of services/equipment required for solid waste management.**
- n. In view of above, States/UTs need to develop of ULB wise action plan for collection, segregation, transportation and processing of waste and lay down an appropriate governance framework at state and district levels.”

12. xxxxxx.....xxx

13. Based on above data, the State-wise and city-wise summary is as follows:-

“State-wise summary

Sl. No.	States	Number of ULBs	Quantity of MSW generated (TPD)	Quantity of MSW collected (TPD)	Quantity of MSW Processed (TPD)	Quantity of MSW disposed in secured land fill site (TPD)	GAP in SWM UTs (TPD)
1.	Andhra Pradesh	124	6898	6830	2180	257.5	4460.5
2.	Arunachal Pradesh	02	67	61	8	55	04
3.	Assam	96	1178	1070	389	0	790
4.	Bihar	142	2240.20	2240.20	681	1559.2	0
5.	Chandigarh	01	512.6	512.6	104.5	442.3	0
6.	Chhattisgarh	166	1650	1650	1650	0	0
7.	Delhi	5	11038.335	11038.335	5262.335	400	5776
8.	Goa	14/ 191(RLBs)	226.67/ 317(RLBs)	218.67/ 258(RLBs)	196.67/ 258(RLBs)	NIL	30/ 59(RLBs)
9.	Gujarat	164	9567	9567	8514.63	1052.37	0
10.	Haryana	89	5523	5287 approx.	2696 approx.	30	2797
11.	Himachal Pradesh	54	370	370	370	0	0
12.	J&K	78	1389.1	1303.52	244	923.7	221.4
13.	Karnataka	316	11085	10198	6817	1250	3018
14.	Kerala	93	3472	1261	2502	Nil	970
15.	Lakshadweep	0 (10 Panchayats are existing)	35	10.48	10.48	Nil	24.52
16.	Madhya Pradesh	378	7980	7193	6431	762	787
17.	Maharashtra	396 ULBs + 07 CBs = 403	24410	23234	20319	1626	2465
18.	Meghalaya	7	229.18	191.19	9.64	50.96	168.58
19.	Nagaland	39	331.49	258.49	163.9	8	159.59
20.	Odisha	114	1951	1951	1569	-	382
21.	Puducherry	5	345	345	71	22.5	262
22.	Rajasthan	196	6523	6450	2718	GAP	3805

23.	Sikkim	7	74.7	74.6	12.56	62.032	0
24.	Tamil Nadu	664	13593	13185	9787	0	3806
25.	Telangana	142	10403	10403	7968	1001	1434
26.	Tripura	20	333.906	317.685	214.063	12.8918	106.951
27.	Uttar Pradesh	651	14468	14468	9705	1095	3668
28.	Uttarakhand	91	1255.77	1255.77	645.54	Landfill functional in Dehradun and Haridwar only	310.23
29.	West Bengal	125	13709	13356	2896	1187	9626

15. The data of sewage as per report dated 12.02.2021 filed by the Central Monitoring Committee, headed by Secretary Jal Shakti, Government of India, titled '**3rd QUARTERLY REPORT OF THE CENTRAL MONITORING COMMITTEE (CMC) IN COMPLIANCE OF THE ORDER DATED 21.09.2020**' in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. Union of India &Ors.* noted in order dated 22.02.2021 is reproduced below:

“Existing Sewage Infrastructure

48,004 MLD of sewage (from urban settlements) is being generated in 31 States/ UTs and 30,001 MLD capacity of STPs (1249 nos.) is existing which approximates to about 62% of sewage generation. Against the existing capacity, only 56% of the capacity is being utilized for treatment of municipal sewage. This leaves a gap of 17,027 MLD in treatment capacity. The details of sewage generation, existing sewage treatment capacity, its utilization and gap thereof is presented in Table-1.

Table-1: Details of Existing Sewage Infrastructure in the 31 States/ UTs

No.	State	Sewage Generation (in MLD)	Existing STP (capacity in MLD and No.)	Capacity Utilization (In MLD)	Gap in Treatment at present (in MLD)
1	Andhra Pradesh	1463.20	515.85 (43 STPs)	473.77 (91%)	947.35
2	Assam	435.53	0	0	435.53

3	Bihar	651.5	230 (6 STPs)	100 (44%)	421.5
4	Chhattisgarh	600	73.1 (3 STPs)	6 (8%)	526.9
5	Daman, Diu And Dadra Nagar Haveli	21.2	17.21 (2 STPs)	6.1 (35%)	3.9
6	Delhi	3273	2715 (35 STPs)	2432 (90%)	558
7	Goa	112.53	78.35 (9 STPs)	29 (37%)	34.18
8	Gujarat	4003	3485 (73 STPs)	2739 (78%)	518
9	Haryana	1267	1892 (155 STPs)	1189 (62%)	-
10	Himachal Pradesh	163.5	120.5 (65 STPs)	76.8 (64%)	43
11	Jammu & Kashmir	523	139 (15 STPs)	82.9 (60%)	383.08
12	Jharkhand	452	108 (14 STPs)	83%	343.8
13	Karnataka	3356.5	2242 (125 STPs)	1513.5 (67%)	1114
14	Kerala	317	124.15 (13 STPs)	91.12 (73%)	192
15	Madhya Pradesh	2183.65	618.23 (23 STPs)	472.6 (76%)	1565.4
16	Maharashtra	9758	7747 (142 STPs)	4207 (54%)	2011
17	Manipur	115	27 (1 STP)	9 (33%)	88
18	Meghalaya	75	1.85 (8 STPs)	1.82 (98%)	73
19	Mizoram	68	10 (1 STP)	0	58
20	Nagaland	44.3	25.4 (1 STP)	0	18.9
21	Odisha	367	91 (5 STPs)	70 (76%)	276
22	Puducherry	88	56 (5 STPs)	35 (62%)	32
23	Punjab	2111	1628.5 (116 STP)	80%	482.5
24	Rajasthan	1551	999 (80 STPs)	694.5 (69%)	552
25	Sikkim	47.68	19.5 (7 STPs)	60%	28
26	Tamil Nadu	3673.3	1616 (66 STPs)	919 (56%)	1320
27	Telangana	2613	888 (31 STPs)	735.8 (82%)	1724.45
28	Tripura	82.5	8 (1 STP)	3 (37%)	74.5
29	Uttarakhand	329.3	379 (63 STPs)	232.9 (61%)	-

30	Uttar Pradesh	5500	3370 (106 STPs)	2630.6 (78%)	2130
31	West Bengal	2758	776.32 (47 STPs) + 910 MLD addl treatment through EKW	289.89 (37%)	1071.68
Total		48,003.69	30,000.96 (1261 STPs)	55.9%	17,026.58

16. From the above, it is seen that there was gap in generation and processing of solid waste to the extent of about 56400 TPD (about 60,000 TPD) and legacy waste figure was mentioned at 18.55 crore tones. On the issue of liquid waste management, the gap shown was 17.26 MLD. The data was however found to be not conclusive requiring further verification. The Tribunal in its order dated 30.11.2021 observed:-

“1to14....xxx.....xxx.....xxx

15. We also find that the report does not capture the entire data and correctness of data is not free from doubt. The same needs to be cross-checked. In particular, data for States of Bihar, Chhattisgarh, Himachal Pradesh, Sikkim and UT of Chandigarh, showing zero gap needs verification. The information is not available for all the million plus and State capital cities, as was required in terms of earlier orders. Information needs to be verified particularly with regard to Aizawl, Kalyan Dombivali, Nagpur, Nasik, Navi Mumbai and Pune where the gap is shown to be zero, which does not prima facie appear to be correct.

16 & 17. xxx.....xxx.....xxx

18. We are of the view that hence forthwith proceedings in this matter need to cover Solid Waste Management and Sewage Management, these issues being crucial and required to be monitored by this Tribunal by the Hon’ble Supreme Court. Absence of management of waste results in adding to air and water pollution in a big way. All the legacy waste dump sites in the country need to be remediated to reduce methane gas, foul smell and leachate and also to release valuable land occupied by such sites which can be used for waste management/plantation or raising funds. Waste collected must be scientifically processed and disposed at the earliest in the interest of hygiene and public health. It needs to be ensured that instead of remediating the legacy waste sites, the garbage is not shifted to new sites which is not a solution to the problem. It only results in shifting the problem from one place to the other without any advancement of

environment protection. What is necessary is that the garbage must be finally disposed of and land reclaimed. The authorities must move towards zero garbage at the end of the day by ensuring that instead of garbage being collected and dumped, it is taken to destination where it is finally processed scientifically and appropriately, except for reused/recycling of such residues as is possible. This is also the mandate of Swachh Bharat Mission, initiated by the Central Government. Similarly, sewage has to be scientifically treated to give effect to the mandate of Water (Prevention and Control of Pollution) Act, 1974 in the interest of availability of clean water in rivers and other waterbodies. Central Governments programmes also provide for initiatives on these subjects. On both aspects, compensation regime has been laid down which is necessary to enforce the rule of law and for protection of environment and public health. The compensation laid down has to be duly collected and utilized for restoration of environment, by being kept in a separate account. Accountability for the failures needs to be fixed by way of ACRs and departmental action as such failures result in crimes under the law of land and damage to public health. Such failure is also breach of Constitutional obligation to uphold the Right to Life. The country is committed to Sustainable Development Goals of providing clean air and safe drinking water.

19. In view of above, continued failure of Rule of Law must be remedied in terms of mandate of orders of the Hon'ble Supreme Court in Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India,⁹ followed by orders of this Tribunal. It is necessary that Chief Secretaries continue the monitoring and interact with this Tribunal periodically by video conferencing. Accordingly, we lay down following further schedule for personal appearance of the Chief Secretaries, by Video Conferencing, with the status of compliance in respect of each of the States/UTs on the subject of Solid Waste Management and Sewage Management. The data to be furnished should cover all categories of areas in the State – big cities, towns and villages.

20. The hearing on each of above dates will commence at 10:30 a.m. sharp. The Chief Secretaries may not delegate the responsibility. As far as possible, they may adjust other work for which long advance notice is being given. In case adjustment is found difficult for any unforeseen reason, request for change of date may be mailed by e-mail at judicial-ngt@gov.in.

21. All the States/CPCB may undertake process of verification of data after having interaction on video conferencing with the concerned States/UTs within one month. The Secretaries, Environment, Urban Development Department and Irrigation Department may also coordinate with the Member Secretaries of

⁹(2017) 5 SCC 326

State Legal Services Authorities in all State/UTs in the light of background mentioned in paras 3 and 4 above for the awareness programmes on the subject.”

F. Separate orders dated 28.8.2019, 12.9.2019, 6.12.2019 and 22.02.2021 on the subject of Liquid Waste Management

17. Issue of liquid waste management was separately dealt with in OA 593/2017 on directions of Hon'ble Supreme Court and in suo motu proceedings for restoration of 351 identified polluted river stretches in OA 673/2018. Vide order dated 28.08.2019, the Tribunal directed that 100% sewage treatment must be ensured by all local bodies. Vide further order dated 06.12.2019 in O.A. No. 673/2018¹⁰, the Tribunal directed that for failure to commence in-situ remediation, compensation will be payable at the rate of Rs. 5 lakh per month per drain after 31.03.2020 and for failure to commence setting up of STPs after 31.03.2020 compensation is to be paid at the rate of Rs. 5 lakh per month per STP. For failure to complete the project, compensation has to be paid at the rate of Rs. 10 lakh per STP per month after 31.03.2021. Relevant part of the order is quoted below:

“47. (i) 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.

ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation

¹⁰ News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB"

will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. **Rs. 10 lakhs per month per STP.”**

18. Both the matters were disposed of vide order dated 22.02.2021 with a direction that further monitoring be continued at the level of the Chief Secretaries in States and Central Monitoring Committee headed by Secretary, Ministry of Jal Shakti at the national level.

G. Order dated 30.11.2021 for third round of interaction with the Chief Secretaries in view of continued non compliances and culmination thereof today

19. Vide order 30.11.2021, the Tribunal directed that hence forthwith proceedings in this matter need to cover Solid Waste Management and Sewage Management, these issues being crucial and required to be monitored by this Tribunal by the Hon'ble Supreme Court. Absence of management of waste results in adding to air and water pollution in a big way. The operative part of the direction in the said order is as follows:

“19. In view of above, continued failure of Rule of Law must be remedied in terms of mandate of orders of the Hon'ble Supreme Court in Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India,¹¹ followed by orders of this Tribunal. It is necessary that Chief Secretaries continue the monitoring and interact with this Tribunal periodically by video conferencing. Accordingly, we lay down following further schedule for personal appearance of the Chief Secretaries, by Video Conferencing, with the status of compliance in respect of each of the States/UTs on the subject of Solid Waste Management and Sewage Management. The data to be furnished should cover all categories of areas in the State – big cities, towns and villages.

S. NO.	STATES/UTs	DATE OF HEARING
1.	Bihar	19.04.2022
2.	Odisha	21.04.2022
3.	Jharkhand	26.04.2022

¹¹ (2017) 5 SCC 326

4.	<i>Assam</i>	<i>28.04.2022</i>
5.	<i>Delhi</i>	<i>04.05.2022</i>
6.	<i>Haryana</i>	<i>06.05.2022</i>
7.	<i>Ladakh</i>	<i>10.05.2022</i>
8.	<i>Gujarat</i>	<i>12.05.2022</i>
9.	<i>Goa</i>	<i>17.05.2022</i>
10.	<i>Daman and Diu Dadar and Nagar Haveli</i>	<i>19.05.2022</i>
11.	<i>Himachal Pradesh</i>	<i>24.05.2022</i>
12.	<i>Uttarakhand</i>	<i>26.05.2022</i>
13.	<i>Chhattisgarh</i>	<i>31.05.2022</i>
14.	<i>Kerala</i>	<i>05.07.2022</i>
15.	<i>Tamil Nadu</i>	<i>07.07.2022</i>
16.	<i>Lakshadweep</i>	<i>12.07.2022</i>
17.	<i>Puducherry</i>	<i>14.07.2022</i>
18.	<i>Andhra Pradesh</i>	<i>19.07.2022</i>
19.	<i>Punjab</i>	<i>21.07.2022</i>
20.	<i>Chandigarh</i>	<i>26.07.2022</i>
21.	<i>Uttar Pradesh</i>	<i>28.07.2022</i>
22.	<i>West Bengal</i>	<i>02.08.2022</i>
23.	<i>Maharashtra</i>	<i>04.08.2022</i>
24.	<i>Rajasthan</i>	<i>10.08.2022</i>
25.	<i>Andaman & Nicobar</i>	<i>12.08.2022</i>
26.	<i>Telangana</i>	<i>16.08.2022</i>
27.	<i>Karnataka</i>	<i>18.08.2022</i>
28.	<i>Jammu & Kashmir</i>	<i>23.08.2022</i>
29.	<i>Sikkim</i>	<i>25.08.2022</i>
30.	<i>Madhya Pradesh</i>	<i>30.08.2022</i>
31.	<i>Arunachal Pradesh</i>	<i>01.09.2022</i>
32.	<i>Nagaland</i>	<i>06.09.2022</i>
33.	<i>Manipur</i>	<i>08.09.2022</i>
34.	<i>Mizoram</i>	<i>13.09.2022</i>

35.	Tripura	15.09.2022
36.	Meghalaya	20.09.2022

20. The hearing on each of above dates will commence at 10:30 a.m. sharp. The Chief Secretaries may not delegate the responsibility. As far as possible, they may adjust other work for which long advance notice is being given. In case adjustment is found difficult for any unforeseen reason, request for change of date may be mailed by e-mail at judicial-ngt@gov.in.

21. All the States/CPCB may undertake process of verification of data after having interaction on video conferencing with the concerned States/UTs within one month. The Secretaries, Environment, Urban Development Department and Irrigation Department may also coordinate with the Member Secretaries of State Legal Services Authorities in all State/UTs in the light of background mentioned in paras 3 and 4 above for the awareness programmes on the subject.

A copy of this order be forwarded to the Chief Secretaries of all the States/UTs, Secretaries, Environment, Urban Development Department and Irrigation Department and PCBs/PCCs by e-mail for compliance.

A copy of this order be also forwarded to the MoEF&CC, CPCB and Secretary, Urban Development, GoI.

A copy of the order be also forwarded to all District Magistrates for monitoring of District Environment Plans in coordination with the concerned local bodies by e-mail for compliance.

A copy of this order be also forwarded to the Member Secretary, NALSA and Member Secretaries, State Legal Services Authorities.”

20. In pursuance of above, the Chief Secretaries of all the States/UTs appeared before this Tribunal with data available with them for their respective areas as per following revised schedule:

“

S. No.	States / UTs	Date of Appearance
1	Kerala	07.07.2022
1A		01.12.2022
2	Lakshadweep	21.07.2022
2A		17.11.2022
3	Tamil Nadu	21.07.2022

3A		17.11.2022
4	<i>Puducherry</i>	28.07.2022
4A		24.11.2022
5	<i>Andhra Pradesh</i>	04.08.2022
5A		17.11.2022
6	<i>Chandigarh</i>	18.08.2022
6A		18.05.2023
7	<i>West Bengal</i>	01.09.2022
7A		21.12.2022
8	<i>Maharashtra</i>	08.09.2022
8A	<i>Maharashtra R.A.</i>	04.05.2023
9	<i>Rajasthan</i>	15.09.2022
10	<i>Punjab</i>	22.09.2022
11	<i>Andaman & Nicobar</i>	29.09.2022
12	<i>Telangana</i>	29.09.2022
13	<i>Karnataka</i>	13.10.2022
14	<i>J&K</i>	20.10.2022
15	<i>Sikkim</i>	03.11.2022
16	<i>Madhya Pradesh</i>	10.11.2022
17	<i>Arunachal Pradesh</i>	24.11.2022
18	<i>Nagaland</i>	24.11.2022
19	<i>Manipur</i>	01.12.2022
20	<i>Mizoram</i>	08.12.2022
21	<i>Meghalaya</i>	22.12.2022
22	<i>Jharkhand</i>	19.01.2023
23	<i>Assam</i>	27.01.2023
24	<i>Odisha</i>	27.01.2023
25	<i>Delhi</i>	16.02.2023
26	<i>Gujarat</i>	23.02.2023
27	<i>Goa</i>	02.03.2023
28	<i>Himachal Pradesh</i>	16.03.2023
29	<i>Uttar Pradesh</i>	23.03.2023
30	<i>Chhattisgarh</i>	31.03.2023
31	<i>Ladakh</i>	06.04.2023
32	<i>Tripura</i>	13.04.2023
33	<i>Haryana</i>	20.04.2023
34	<i>Bihar</i>	04.05.2023
35	<i>Uttarakhand</i>	11.05.2023
36	<i>Dadra and Nagar Haveli & Daman and Diu</i>	11.05.2023

”

H. Interaction with Chief Secretaries of all States/UTs from 07.07.2022 to 18.05.2023

21. In continuation of earlier proceedings referred to above, the Tribunal held interaction again with the Chief Secretaries of all

States/UTs from 7.7.2022 to 2023 by video conference/hybrid mode. Chief Secretaries presented data in the form of power point presentations/affidavits. The same was analysed and directions issued for remedial measures by separate orders in respect of each State/UT which are on the website of this Tribunal and some features thereof will be mentioned hereafter.

I. Status of compliance as revealed by data presented by the Chief Secretaries and analysed by the Tribunal and directions fixing accountability on polluter pays principle and for remedial action

22. Particulars of the data are collated in tabular form as follows:

State-wise summary of solid waste management

Sl. No.	States	Quantity of MSW generated (TPD)	Quantity of MSW Processed (TPD)	GAP in SWM as shown in data (processing) (TPD)	Quantity of legacy waste (MTs)
1	Andhra Pradesh	6890	3729	3161	85 lakh MT
2	Arunachal Pradesh	214.02	35.77	178.25	13,500 T.
3	Assam	1284	532	752	32.97 lakh MT
4	Bihar	5437	1365	4072	11.74,471 lakh MT (26 sites)
5	Chandigarh	550	120	480	0.75 lakh (remediated) 5.5 lakh
6	Chhattisgarh	Urban: 1820 Rural: 2051 Total: 3871	2756	1115	7,71065 T.
7	Delhi	11332	6972	4360	280 lakh MT (July 19)
8	Goa	766	766	0	12,100 T.
9	Gujarat	9542	8090	1452	113 lakh MT (165 sites, 1452 TPD LW)
10	Haryana	5544	3942	1602	52.81 lakh MT (76 sites 1488 ULBs)
11	Himachal Pradesh	Urban: 365	352	13	1,80,330 MT
12	J&K	1498	298	1200	16,34,269 lakh (14 sites)
13	Karnataka	15,334	9153	6181	178.59 lakh MT (196 sites)
14	Kerala	3472	2691	781	5.05 lakh MT
15	Lakshadweep	12	12	0	0

16	Madhya Pradesh	6562	6479	83	33 lakh MT
17	Maharashtra	24,951	20294	1776	3,94,19,287 T.
18	Meghalaya	Urban: 182.50	45.30	137.20	2,88,037.5 T. (3 lakh MT)
19	Nagaland	282.43	102	180.43	1.53 lakh MT
20	Odisha	2257	2257	-	37.46 lakh MT (84 sites)
21	Puducherry	382.50	58.04	317.98	3.09 lakh MT
22	Rajasthan	6523	3534	2989	85 lakh MT
23	Sikkim	65.5	63.24	2.26	10607 T. (3 sites)
24	Tamil Nadu	15,240	10,086	5154	121.41 lakh MT
25	Telangana	12,125	9679	2446	59 lakhs MT (5.9 million tonnes) (151 sites)
26	Tripura	Urban: 333.1 Rural: 263.70	333.1 28.91 (bio-degradable) 7.08 (non-biodegradable)	0 163.59 64.12	0
27	Uttar Pradesh	Urban: 14,710 Rural: 11959	Urban: 10,117 Rural: 3000	Urban: 4593 Rural: 8959	77 lakh MT (33+40)
28	Uttarakhand	1534	1281	252.60	15.75 lakh MT
29	West Bengal	13709	3047	10418	120 lakh MT
30	Punjab	4100	3075	1025	56.94 lakh MT (152 sites)
31	Andaman & Nicobar	63.2	58.2	1.8	1 lakh MT
32	Manipur	Urban: 290 Rural: 633	Urban: 203 Rural: 570	Urban: 87 Rural: 63	1 lakh MT
33	Mizoram	395.46	337.22	58.24	60,000 MT (2 sites)
34	Ladhak	10.74	6.18	4.56	48,370
35	Dadra & Nagar Haveli & Daman & Diu	246	246	0	To be ascertained
36	Jharkhand	2206	1282	924	31.25 lakh MT (41 sites)
TOTAL		170228.45	113397.05	55884.32	180288669

23. The above data shows that estimated solid waste generation is 170228.45 TPD out of which 113397.05 TPD is processed by various methods, predominantly composting. The unprocessed waste is 55884.32 TPD adding to the legacy waste on daily basis to unremediated legacy waste of 180288669 lakh MT (more than 18 crore). States/UTs have reported waste generation based on per capita per day

basis which would require quantification particularly for bigger cities. To avoid mixing of plastic, C&D, hazardous, e-waste and other waste with bio degradable solid waste, segregation at source is a must followed by processing as per prescribed Rules. Complete information of solid waste management in rural areas is not available.

24. **State-wise summary of sewage management**

Sl. No.	State/UTs	Sewage Generation (in MLD)	Existing STP (capacity in MLD and No.)	Capacity Utilization as shown in data (In MLD)	Gap in Treatment at present (in MLD)
1	Andhra Pradesh	1503.20	535.45	382.81	1120.39
2	Arunachal Pradesh	236.48	Nil	Nil	236.48 (NGT accounted gap for 100 MLD)
3	Assam	435.35	-	-	435.35
4	Bihar	2371 (110 ULBs)	178.73	-	2193
5	Chandigarh	220	242.63	216.75	3.25
6	Chhattisgarh	600	360.5	178.6	421.4
7	Delhi	3482 (768 MGD)	2865 (632 MGD)	2403	1079
8	Goa	52.09	80.35	-	4.72
9	Gujarat	4414	4754	3409	1005
10	Haryana	Urban: 1508 Rural: 104.5	1835 56.37	1465 56.37	43 48.13
11	Himachal Pradesh	91.95	114.80	Not given	22.15
12	J&K	523	242.4	242.4	144.82
13	Karnataka	3356.5	1929.1	1929.1	1427.4
14	Kerala	1192 Sewage 2783 Sullage	-	-	42.3 (1000 MLD)

15	Lakshadweep	2.83	2.83	2.83	0
16	Madhya Pradesh	Urban: 2183.7	1311.99	696.03	1487.73
17	Maharashtra	9758.53	4338.2	4338.2	5420.33
18	Meghalaya	51.0	0.115	0.115	51
19	Nagaland	91.2	-	-	91.2
20	Odisha	642.373	128	128	514
21	Puducherry	92.1	56	56	36.1
22	Rajasthan	1551	1085	700	1250
23	Sikkim	Urban: 18.79 Rural: 28.89 Total: 47.68	18.79 22.50	18.79 22.50	0 25.18
24	Tamil Nadu	4001.02	3139.04	2519.54 3139.04	1031.77
25	Telangana	2750	925.58	925.58	1824.42
26	Tripura	Urban: 82.4 Rural: 145.03	8.72 25.83	- -	73.68 119.20
27	Uttar Pradesh	5500	3860	Not given	1640 (2500)
28	Uttarakhand	484.78	425.0	Not given	59.78 (in terms to treatment capacity)
29	West Bengal	2758	1505.85	1268	1490
30	Punjab	2128 (166 ULBs)	1786	1429	700
31	Andaman & Nicobar	19.20 (PBMC) 2.55 (GP) 21.75	2.303	2.303	16.897
32	Manipur	-	Urban: 85 Rural: 30	21 Nil	64 30
33	Mizoram	51.80	27.84	27.84	23.96
34	Ladakh	18.08	3.0	3.0	15.8
35	Dadra & Nagar Haveli & Daman & Diu	Urban: 21.63 Rural: 71.08 Total: 92.71	34.21 (septic tank/ soak pit)	4.39 -	17.24 -

36	Jharkhand	452	Not given	123.74	328.26
Total		52644.003	31885.138	22491.018	25995.257

25. It is seen from the above table that sewage generation is 52644.003 MLD, treatment capacity is 31885.138 MLD but actual utilization is only 22491.018 MLD. Thus, gap in treatment is 25995.257 MLD which is going into the sources of potable waters – rivers, lakes, wetlands, water bodies, storm water drains. Installed capacity is not fully utilized. Even where STPs are functional, treated sewage instead of being used for agriculture or other non contact purposes is again discharged into rivers, lakes and drains and at times again mixed with waste water requiring treatment again. In absence of proper sewage management facilities, septic tanks and soak pits are considered as acceptable methods to address gaps. Information about rural areas is inadequate/not properly authenticated.

Directions of the Tribunal including levy of compensation for past violations

26. Considering the above, the Tribunal directed that acknowledged gaps in solid and liquid waste generation and treatment were required to be addressed speedily for protection of environment. The Tribunal also determined compensation on ‘Polluter Pays’ principle for gaps in existence beyond the laid down timelines on the scale of Rs. 2 crore per MLD for gap in respect of liquid waste and Rs. 300 per MT for gap in respect of legacy waste. The scale was worked out in the light of scientific studies and cost of remediation. **Details of compensation directed/undertaking to ring fence equivalent amount are as follows:**

Sr No.	State/UT	Total EC	Compensation amount levied/undertaking to ring fence
1	Andaman & Nicobar 29.09.2022	-	-
2	Andhra Pradesh 17.11.2022	1455 Crores	As per undertaking
3	Arunachal Pradesh 24.11.2022	200 Crores	As per direction
4	Assam 27.01.2023	1043 Crores	As per undertaking
5	Bihar 04.05.2023	4000 Crores	As per direction
6	Chandigarh 18.05.2023	282 Crores	As per undertaking
7	Chhattisgarh 31.03.2023	1000 Crores	As per undertaking
8	Dadra and Nagar Haveli and Daman and Diu 11.05.2023	-	-
9	Delhi 16.02.2023	3132 Crores (Deducted 900 Cr but the same was not deposited, it be deposited with this amount)	As per direction
10	Goa 02.03.2023	-	-
11	Gujarat 23.02.2023	2100 Crores	As per undertaking
12	Haryana 20.04.2023	Statement given, No EC imposed (1124.64 crores will be made available as per Chief Secretary) NGT direction 1500 crores to be made available	As per direction
13	Himachal Pradesh 16.03.2023	50 Crores	As per undertaking
14	Jammu & Kashmir 20.10.2022	350 Crores	As per undertaking
15	Jharkhand 19.01.2023	1114 Crores	As per undertaking
16	Karnataka 13.10.2022	3400 Crores	As per direction
17	Kerala 1.12.2022	2343.18 Crores	As per undertaking
18	Ladakh 06.04.2023	30 Crores	As per undertaking
19	Lakshadweep 17.11.2022	-	-
20	Madhya Pradesh 10.11.2022	9688 Crores	As per undertaking

21	Maharashtra 08.09.2022	12000 Crore	As per direction
22	Manipur 01.12.2022	200 Crores	As per direction
23	Meghalaya 22.12.2022	234.05 Crores	As per undertaking
24	Mizoram 08.12.2022	50 Crores	As per undertaking
25	Nagaland 24.11.2022	200 Crores	As per direction
26	Odisha 27.01.2023	1152 Crores	As per undertaking
27	Puducherry 24.11.2022	178.92 Crores	As per undertaking
28	Punjab 22.09.2022	2180 Crores	As per direction
29	Rajasthan 15.09.2022	3000 Crores Stay ordered by SC in CIVIL APPEAL Diary No(s). 36830/2022 vide order dated 16.12.2022	As per direction
30	Sikkim 03.11.2022	50 Crores	As per undertaking
31	Tamil Nadu 17.11.2022	15,419.71 Crores	As per undertaking
32	Telangana 29.09.2022	3800 Crores	As per direction
33	Tripura 13.04.2023	382.5 Crores	As per undertaking
34	Uttar Pradesh 23.03.2023	5000 Crores	As per undertaking
35	Uttarakhand 11.05.2023	200 Crores	As per direction
36	West Bengal 01.09.2022	2980 + 366 = 3346 Cr (3500 Round off) Commitment given for 2400 Cr	As per direction
TOTAL		79234.36	

27. Idea of environmental compensation is to require remediation, fix accountability for the past failures and ensure restoration in enforcing citizens' right to clean environment and protect public health. It is hoped this step, if duly implemented, will help providing clean environment and achieve sustainable development goals and add to efforts of preventing climate change.

28. The Tribunal also directed filing of further six monthly status reports to be taken up for directions, if necessary and subject to such exercise, the proceedings were closed with the hope that further directions may not be necessary in case compliance takes place.

J. Summing up

29. We have noted the gaps in generation and processing of waste and need to address the same in the interest of protection of environment and public health. Such gaps exist even after monitoring of issue of solid waste management from 1996 to 2014 by the Hon'ble Supreme Court and for the last nine years by this Tribunal as far as solid waste is concerned and monitoring of issue of water pollution for decades by the Hon'ble Supreme Court in the context of Ganga, Yamuna and other rivers and water bodies by discharge of sewage and other waste, apart from industrial pollution. There are policies of Central Government like *swachh bharat and Namami Gange*. Still, there are mountains of garbage generating methane and other gases which are source of pollution causing diseases and deaths, apart from occupying huge valuable public resource. Segregation of biodegradable waste and its processing closest to the point of generation is a task which requires good governance and according of high priority. Similarly, preventing sewage discharge into the sources of drinking water has to receive highest priority. Such discharge results in scarcity of drinking water for all living beings apart from degradation of environment and damage to public health. Gaps in compliance have been noted earlier. The Hon'ble Supreme Court vide order dated 22.2.2017 in Paryavaran Surakhsha fixed three year deadline for waste water treatment systems which has been monitored by the Tribunal in the last six years. Discharge of sewage in drains leading to rivers, lakes, sea or in water bodies and lands has led to serious

damage to environment and public health and needs to be addressed on war footing, using indigenous technology wherever viable or such other technology but no drop of sewage can be mixed in drinking water. Timelines are deviated without accountability. There is no justification of any further delay having regard to adverse impact on humanity and citizens' right of access to drinking water. Sewage continues to be mixed in sources of drinking water to the detriment of public health and environment for which earnest efforts are required in the highest level of administration. There was no dearth of technology and no justification of repeated and unending extensions of timelines without fixing accountability for past delays.

30. Some of the observations which have been repeated in most of the orders in view of gaps still existing in almost all States/UTs except Goa, Lakshadweep and Dadra and Nagar Haveli & Daman and Diu and for instance, the order dated 11.05.2023 relating to State of Uttarakhand is as follows:

“xxxxxx.....xxx

28. There appears to be need for change at policy and execution level after study of success stories elsewhere and in the light of several orders of the Tribunal dealing with the issue in respect of other States, particularly relating to solid waste management at Indore and low-cost sanitation management adopting Seechewal Model¹² atleast for flat terrain and fecal sludge treatment plant at some of the Towns in Odisha¹³. There has to be a dedicated Cell in the office of the Chief Secretary manned by senior level officers to coordinate such serious issues to regularly monitor progress of execution of projects on time and maintaining inter-departmental co-ordination.

It is necessary to ensure that wet solid waste (bio-degradable) is kept separate from dry waste (non-biodegradable and recyclable) at all source generating levels, collection, transportation or handling which can inter alia be resource for compost or biogas generation. Dry waste can be separately handled by setting up Material Recovery Facility with sorting mechanism for further recycling or

¹² <https://www.civildaily.com/news/seechewal-model-of-wastewater-management/>

¹³ http://www.owssb.nic.in/WebFiles/Document/OWSSB_FSSM_book_Odisha.pdf

reuse. It is necessary that District Headquarters and Semi Urban and Rural Areas after segregation of waste and the waste which is recyclable, need to be properly coordinated for utilization like in cement kilns and by the authorized scrap dealers/recyclers.

Similarly, the sewage after necessary treatment can be utilized for agriculture or other non-potable purposes. The decentralized technology or traditional technologies may also be explored. It would also be necessary to address issue about continuation of septic tanks and soak pit methods as acceptable methodologies approved for bridging the gap and perspective in terms of environmental aspects. Our further observations follow.

Solid Waste Management

29. Collection, Segregation, transportation and processing of waste has to be as per SWM Rules 2016. Thus, for addressing the issue of bridging the gap in management of MSW (which is 252.60 TPD), segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. The available potential sites for waste processing need to be identified. The data presented shows gap in solid waste processing in urban and for rural areas no status has been reported. In particular, adequate composting/vermicomposting/ bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste and listing people's involvement. Use of wet biodegradable waste as animal feed for Piggeries etc. can also be explored without causing environmental nuisance. This may also require establishing de-centralized and centralized waste processing facilities. In the name of pit composting, the waste should not be just dumped causing environmental havoc. Waste generators can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers and such details may be posted on State's/Center's GeM portal. This may perhaps reduce planned expenditure. Composting and bio-methanation has to be undertaken considering the climatic conditions. Quality of compost so produced may be periodically verified. Keeping these aspects in view, the State needs to strengthen and augment waste processing/treatment facilities at SWM centres and at the point of waste generation. Setting up SWM centres may be considered for all the district headquarters and semi-urban and rural areas as per geographical/regional needs or improved version of waste processing be adopted at the point of generation to effectively utilize 100% segregated waste.

30. In the context of Uttarakhand, specific actions are required to discourage valley dumping particularly by roadside dhabas/restaurants and house dwellers. For such establishments, awareness and punitive actions need to be taken. Further, tourists visiting the State need to be made aware for prohibiting 'use and throw' of non-biodegradable waste.

The Tribunal, vide order dated 08.02.2023 in OA No. 561/2022, Urvashi Shobhna Kachari vs. Union of India & Ors.,

while dealing the issue relating to violation of environmental norms along the pilgrim tracks of Kedarnath, Hemkund Sahib, Yamunotri and Gomukh has observed and directed on management of waste and the relevant part of the order is reproduced below:

“6. ... The action plan may also include discouraging use of food and products packed in non-biodegradable packaging material, encouraging depositing waste at designated places, involving citizens – the youth, house-wives and senior citizens in guiding tourists in maintaining cleanliness and hygiene. The taxi drivers and bus drivers may also be involved in creating awareness among the tourists. The execution of action plan may be duly monitored in the light of experience gained, the plan may be revised periodically every seasons or as per need. Waste processing/management facilities for bio-degradable and non-biodegradable waste may be set up at appropriate locations which may be set up on contract basis or otherwise, using best practices on the subject. Requisite funds be allocated at district and gram panchayat level for execution of action plan which may be monitored at District Magistrate level and finally supervised by the Chief Secretary.”

31. It is observed that there is 15.75 lakh MT of legacy waste at 9 sites and 4 sites have been remediated. It is necessary to remediate legacy waste ensuring that no such sites are created at any other locations and waste is continuously processed instead of being stored. Technical assistance of CPHEEO of MoHUA and CPCB may be sought about the way forward to remediate the sites in question. Suitable service providers or other consulting technical institutions may be consulted if necessary and thereafter execution can be done departmentally. This aspect may be considered in next four months. Legacy waste site(s) must be maintained free from fires and safety of workers engaged should be ensured. Such sites may be fenced with row of trees or wall, as may be viable, for aesthetics, preventing foul smell and safety. Provisions of Schedule-I of the SWM Rules, 2016 may be strictly followed. Water quality in the vicinity of legacy waste dump sites may be periodically monitored. If any contamination is found, remedial action may be taken. Environmental safety aspects associated with legacy waste dump sites be complied with as specified in Schedule I of MSW Rules, 2016. All efforts may be made that towns/villages located on hilly terrain, do not dispose waste on sloppy terrain thereby affecting streams and rivers. Such hilly towns need to follow MSW Rules, 2016. Disposal of waste, particularly plastics, metallic containers, etc., at hill slopes and in forests has to be checked. Composting and bio-remediation of legacy waste may be done simultaneously. The Tribunal has disposed the matters relating to SWM and directing to take remedial actions and these are to be complied with.¹⁴

¹⁴ Order dated 17.09.2019 in O.A. No. 376/2016, Jitender Yadav vs. Union of India & Ors.
Order dated 27.11.2019 in O.A. No. 604/2019, Fazalpur Mehraula Dumping Ground Virodh Samiti vs. State of Uttarakhand & Ors.

Use of reclaimed land occupied by legacy waste sites

32. As already mentioned earlier, legacy waste dump sites have resulted in huge damage to the environment and population residing in the vicinity of such dump sites who have suffered in safety, health and comfort. For compensating them for such damage, particularly at flat terrain, one third of land occupied by legacy dump sites (on reclamation) needs to be reserved for dense forest and in the process of afforestation, Campa Funds can be utilized in accordance with the provisions of Compensatory Afforestation Fund Management and Planning Authority Act, 2016 (CAMPA Act). One third of reclaimed land out of the said dump site needs to be reserved for integrated waste management facilities. Remaining one third can be used for any other purpose, consistent with the above purposes, including a part of it being utilized for monetizing, if funding is required for tackling the legacy waste. Legacy waste clearance has to be in minimum further time as laid down statutory timelines have already expired and serious damage is taking place. It may be noted that remediation of legacy sites may be one time affair and such situations should not arise in future. User of land, to be reclaimed, needs to be declared in advance so that further steps can be taken in that direction. This is in line with order of this Tribunal dated 11.10.2022 in OA No. 300/2022, In re: News item published in News 18 dated 26.04.2022 titled "Delhi: Massive Fire at Bhalswa Dump Yard, Fourth This Year; 13 Fire Tenders on Spot".

33. To summarize the foregoing observations, the execution plan for solid waste management would include setting up of requisite waste processing plants (centralized and decentralized) to bridge the gap of 252.60 TPD and remediation of 15.75 lakh MT left out legacy waste. Bio-remediation/bio-mining process need to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down specifications. Other material recovered during such processes is to be put to use through authorized dealers/handlers /users. Instead of creating more dumping sites for waste generated on day-to-day basis, waste processing plants of adequate capacity should be set up so that no further legacy waste is generated. It may be worthwhile to take into consideration guidelines on the subject issued by the Ministry of Urban Development, GoI titled "Waste to Wealth" on 2.10.2017 under Swachh Bharat Mission.

Sewage Management

Order dated 07.10.2021 in O.A. No. 144/2019, Arvind Baniyal vs. State of Uttarakhand
Order dated 22.11.2019 in O.A. No. 884/2019, Manoj Negi vs. State of Uttarakhand &Ors.
Order dated 07.10.2021 in O.A. No. 168/2019, Ramesh Chandra Kapri vs. State of Uttarakhand
Order dated 12.01.2022 in O.A. No. 294/2020, Dr. Chaitanya Bhandari & Anr. vs. Uttarakhand Environment Protection & Pollution Control Board
Order dated 18.10.2022 in O.A. No. 367/2021, Harish Singh Bisht vs. State of Uttarakhand

34. As already observed earlier, data presented by Chief Secretary that entire installed sewage treatment capacity of 425 MLD is functional needs verification and remedial action taken, apart from bridging the acknowledged gap in generation and treatment. Estimation of sewage generation and gap must be realistic. Compliance status of laid down standards at the outlets of STPs has to be ensured. Timeline for the establishing requisite treatment systems in terms of judgment of Hon'ble Supreme Court in *Paryavaran Suraksha vs. Union of India*, supra has long expired, speedy further action has to be ensured.

35. As already noted and also observed in the judgement of the Hon'ble Supreme Court in *Paryavaran Surakhsha*, supra, quoted earlier, the matter falls in 11th and 12th Schedules to the Constitution. It is constitutional responsibility of the State and the Local Bodies to provide pollution free environment and to arrange necessary funds from contributors or others. Being part of right to life, which is also basic human right and absolute liability of the State, lack of funds or other resources such as land (sites for waste management) cannot be plea to deny such right. Such resources have to be found by the State by its policies and according due priority to the subject. Further, while there may be no objection to any central funds being availed, the State cannot avoid its responsibility or delay its discharge on that pretext. Freeship or other policies involving State resources cannot take priority over basic need for hygiene and pollution free environment.

36. Sewage can be processed by cost-effective methods at least at several identified locations with least expenses. Decentralized and the prefabricated/modular treatment plants can be explored, apart from imposing condition of ZLD on industries (as per applicability in the State), Group Housing Societies, Hotels and Resorts, etc. Reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State's financial burden can be reduced.

In the context of Hotels and Dharamshalas, it is important that these establishments provide proper solid waste management systems and sewage treatment facilities and such waste is not disposed into streams/rivers. The Tribunal vide order dated 21.04.2023 in OA No. 353/2022, *Kartik Sharma vs. State of Uttarakhand* observed and directed as follows:

“12. Hotels/ resorts and other establishments are having water supply from the State Pay Jal Sansthan for some quantity but since such quantity is inadequate, additional/excess requirement of water is taken through tankers in unauthorized manner. There is no clear account for extent of such illegal drawal. Hotels are consented under the Water Act and are required to have individual or cluster STP but commercial activity cannot be allowed without arrangement for treatment of waste as appears to be happening at the cost of public interest. Hotels/ resorts must be required to provide STPs (with modular designs or otherwise) and retrofitted disinfection system without which their operations are illegal.

Such unsatisfactory state of affairs needs to be remedied on war footing with involvement of higher authorities in the interest of good governance and environment protection.”

Maintaining sources of clean water (rivers, storm water drains and water bodies – lakes, wetlands etc.) free from treated or untreated sewage, channelizing treated sewage for non potable purposes

37. *We also find that sanctity and significance of natural streams, rivers and storm water drains needs to be maintained. Storm water drains, if left unpolluted, can be source of drinking water for humans, birds, animals or aquatic life and discharge of sewage or even treated water which is not of standard of drinking water, seriously affects such drinking water resource adversely affecting their health. They are not to serve as sewage carrier. The Tribunal has comprehensively dealt with this issue on 03.08.2022 in OA No. 1002/2018, Abhisht Kusum Gupta vs. State of Uttar Pradesh &Ors. Thus, in the State rivers and streams/Jhoras should be maintained for their pristine quality.*

We find that many STPs set up are discharging treated waste water into river Ganga and its tributaries or in other streams. It is essential to restrain such discharges and if not possible, then such effluents be treated to highest level and no fecal contaminated bacteria be so discharged. PCB needs to review this aspect and action taken in this regard be included in next status report which is being directed to be filed.

38. *Efforts are also required on utilization of treated sewage such as by establishments like malls, industrial estates, automobile establishments, power plants, playgrounds, railways, bus stands, local bodies, universities, utilizing treated sewage by fire service stations, suppression of dust, construction activities, etc. to save potable water for drinking. The treated sewage can be utilized for industrial/agricultural/other non-drinking uses like washing railway wagons/yards, buses, roads, water sprinkling and several such models reportedly exist¹⁵. The State may contemplate with*

¹⁵<https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html>

<https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms>

<https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/>

<https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/>

https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms

<https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/>

https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841_1.html

https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf

<https://cpcb.nic.in/success-stories/upload/1501156301.pdf>

http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf

prospective plan to utilize treated sewage rather than discharging into natural water courses which are very precious. The State PCB and the Public Health Department need to check and ensure that water in the said water bodies is maintained at 'A' and 'B' class category and not contaminated by organic and fecal bacteria.

39. *As already observed, there is need for planning to prevent sewage (treated or untreated) entering the potable water resources. Instead, the same is to be suitably treated and channelized for non-potable purposes – agriculture, industrial or others. By way of illustration, we may refer to certain models which can be considered at appropriate locations particularly in rural and flat terrain. The same have been mentioned in order of this Tribunal dated 11.10.2022 in M.A. No. 43/2022 in OA No. 41/2020, Pushpendra Kumar vs. Nagar panchayat, Kadaura & Ors., as follows:*

“5. In this regard, we have drawn their attention to Seechewal Model¹⁶, Karnal Technology of sewage treatment and zero discharge and manual on sewerage and sewage treatment systems- 2013 (chapter7), issued by the Central Public Health & Environmental Engineering Organisation (CPHEEO), Ministry of Urban Development, GoI, which provide for inexpensive and simple methods of treatment of waste water, its utilization for irrigation and other secondary purposes. The said models are briefly described as follows:-

Seechewal Model

- *Provides for use of treated waste water for irrigation in order to conserve precious surface fresh water and ground water. The process involves passing waste water through four well for cleaning the waste water and thereafter use of such treated water for irrigation. The process can be undertaken by communities through collective approach.*

Karnal Technology Of Sewage Treatment & Zero Discharge.

- *Involves growing trees/plants on ridges with one meter wide and 50 cm height and irrigated by treated effluent in furrow. The technique utilizes entire bio mass present in waste water and provides nutrient to soil and plants. By this method forest plants/trees can be grown which can be used for firewood and timber. By this technique no chance of pathogen, heavy metals or organic compounds enter the food chain. Tree species like Eucalyptus, Leucaena can be grown.*

Central Public Health & Environmental Engineering Organisation(CPHEEO)

¹⁶<https://www.civildaily.com/news/seechewal-model-of-wastewater-management/>

Manual on Sewerage and Sewage Treatment Systems – 2013 (Chapter 7)

- Provides various case studies of utilization of treated sewage and its reuse as cooling water in power plant, in airport, in petroleum refinery, fish culture (like at Mudiali, Kolkata), road washings, ground cooling, boilers and also in agriculture. In agriculture the suitability of treated sewage is dependent upon soil, salt tolerance of the crop, intake of minerals and climate conditions. Sewage conforming to specified norms can be applied to selected species of food crops into soil by strip, basin or furrow irrigation. Sprinkler irrigation could be used with treated sewage. During rainy and non irrigating seasons, the treated sewage can be held in lagoons or undertaking irrigation in additional land/waste land including resorting to artificial recharge of ground water.

The above models may help in planning that medium and small towns and the Rural areas which need not to focus on high-cost technology in the first instance. Central Public Health and Environment Engineering Organization (CPHEEO), Ministry of Housing and Urban Affairs dealt with the matter in its instructions titled “Municipal Used Water Treatment Technology for Medium and Small Towns”¹⁷ in September 2022.

40. The restoration measures with respect to sewage management include identifying sites for setting up of sewage treatment and utilization systems, upgrading systems/operations of existing sewage treatment facilities to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. STPs need to have co-treatment facilities of septage rather than having isolated FSTPs. Guidelines of SBM - U 2.0 (October 2021) may be referred to in this respect. For urban areas, SBM-U 2.0 provides co-treatment of fecal sludge at STPs with sewage for which funding provisions are made.

41. Sewage treatment facilities adopted in terms of septic tank/soak pit/FSTP particularly for rural areas and villages may be reviewed in view of health, hygiene and following the guidelines of MoUD, Swachh Bharat Mission (Grameen), Phase-II, Operational Guidelines, 2020.

Need to consider change in approach for administrative processes

42. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period nor loose ended time lines without accountability can be a solution. Responsibility of the State is to have comprehensive time bound plan with tied up resources to control pollution which is its absolute liability. If there

¹⁷<https://sbmurban.org/storage/app/media/rr-final-signed.pdf>

is deficit in budgetary allocations, it is for the State alone to have suitable planning by reducing cost or augmenting resources. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates breach of which has taken place frequently in the past without accountability is not a convincing solution. It is poor substitute for compliance within laid down timelines for long past. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps.

43. It is the mindset and determination to act in a mission mode which can produce results.

44. Thus, it may be necessary to brain storm with available experts and other stake holders in the State at different levels, evolve models for both solid and sewage management which can be fast replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration. It would be better to replicate the efforts made in maintaining cleanliness including enhancing public contribution and utilizing for sewage and solid waste management.

45. Compliance of environmental norms on the subject of waste management has to be on high on priority. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level.

Adhering to the timelines

46. Since the issue has been pending since long and there are adverse effects of continuing delay on environment and public health, it cannot be a matter of satisfaction that some steps are taken till the entirety of the problem is tackled on war footing. Planning has to be to resolve the problem without any further delay, in shortest possible time. Whatever timeline is laid down, it should not be breached. If breached, adverse consequences for such failures must follow on the designated accountable officers instead of loose-ended processes.

Community involvement

47. Another important subject is community involvement not only for IEC activities but also for planning and execution of waste management activities. Welfare associations, corporates, religious, educational and charitable institutions can play their role. The District Environment Plans must have authentic and updated database which can be helpful for policy making and execution of projects. State education department may involve schools to create

awareness and spreading messages at each household level particularly on waste segregation.

Further observations to explore implementation mechanism

48. In the light of above observations, it appears that there is need for paradigm shift in handling of the situation. The nagging problem of waste management stares the administration in the face and remains unresolved to the detriment of environment and public health. First change required is to set up a **centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level**. Of course, local authorities have to do their duty and stocktaking at the district levels may continue but subject to supervision and control of such mechanism. **It should be headed by an officer of the rank of Additional Chief Secretary with representation from concerned departments – Urban Development, Rural Development, Environment and Forest, Agriculture, Water Resources, Fisheries and Industries**. The mechanism should be working on fulltime basis. Its functions should include preparing a comprehensive blue print, periodic review of progress in bridging the gaps in sewage and solid waste management and establishing, continuous interaction with the stakeholders, including experts and institutions, concerned departments, community members and all other stakeholders. There must be a continuous training programme for those involved in execution of waste management projects. It should be responsible for selecting service providers and simplifying procedures for fixing terms of engagement. Best practices are to be evolved and followed. The State may interact with the municipal agencies like Indore Municipal Corporation, Punjab Pollution Control Board and Bhubaneswar Municipal Corporation to have more feedback and teams may undertake field visits.

49. Mechanism be considered to engage service providers by due diligent process who may execute work relating to solid and sewage management simultaneously throughout the State – all districts, cities and towns. Selection of service providers may be done taking into account of his past performance and number of projects and capacity to handle successfully. As applicable, consultancy may be sought initially and thereafter execution done with departmental efforts under due supervision.

Need for compliance of statutory duties by specified authorities under SWM Rules and monitoring by NMCG and MoUD for centrally assisted/sponsored schemes

50. Under the Solid Waste Management Rules, 2016, statutory authorities for various actions have been specified. **Under Rule 5**, a Central Monitoring Committee (CMC) is to be constituted headed by the Secretary, MoEF&CC with representation from Ministries of Urban Development, Rural Development, Chemicals and Fertilizers, Agriculture, CPCB, State PCBs/PCCs, Urban and Rural Development Departments, Urban Local Bodies and Towns from the of the States, FICCI, CII and subject experts. The CMC is to meet once in a year.

The Ministry of Urban Development has to coordinate with the States/UTs **under Rule 6** for periodic review and formulation of National Policy and strategies and taking other measures. **Under Rule 7**, the Department of Fertilizers, Ministry of Chemical and Fertilizers (MoCF) have to provide market development assistance for compost and promote marketing of such compost. MoCF has to comply with Hon'ble Supreme Court's order dated 1.9.2006 in WP(C) No. 888/1996 and ensure that instructions given to the fertilizer companies on 2.6.2008 and 18.6.2012 on co-marketing of compost from city garbage with chemical fertilizers as a 'Basket approach' be complied with. Further, MoCF may review its subsidy fertilizer policy considering Rule 8(g) of the Solid Waste Management Rules, 2016 and the media report.¹⁸ **Under Rule 8**, Ministry of Agriculture has to evolve mechanism for utilization of compost. **Under Rule 9**, Ministry of Power has to decide compulsory purchase and tariff issues. **Under Rule 10**, Ministry of New and Renewable Energy Sources has to facilitate infrastructure creation and provide for subsidy. **Under Rule 11**, the concerned Secretaries of Urban Development have to prepare State Policy and Management strategies and the Town Planning Department has to ensure setting up waste processing and disposal facilities and take other enumerated actions. **Under Rule 12**, the District Magistrates have to identify suitable lands and review performance of local bodies. **Under Rule 13**, the Secretaries of Panchayats have also to perform similar duties. **Under Rule 14**, CPCB is to coordinate with State PCBs and formulate standards of ground water, ambient air quality, noise, etc. **Under rule 15**, local authorities have to prepare solid waste management plans, collection of waste and coordination with the other stakeholders for enumerated steps. **Under Rule 16**, the SPCBs/PCCs have to enforce the rules and monitor compliances. **Under Rule 17**, there are duties of private bodies, including the manufacturers to be monitored by the State Bodies. **The timelines are provided in Rule 22** for various steps. Last timeline of 5 years from the Rules expires on 7.4.2021. There is also provision for audit and submitting of annual report **under Rule 24**. Since there has been large scale non-compliances of the said rules, all the concerned authorities need to review the progress and perform their responsibility in accordance with law. The MoEF&CC has to finally monitor compliance, as already mentioned.

51. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Development (MoUD) and National Mission for Clean Ganga (NMCG) who have programmes like Swachh Bharat Mission (SBM – Urban 2.0)¹⁹, AMRUT 2.0²⁰, Swachh Bharat Mission (Grameen)²¹ and River Cleaning, appropriately monitor compliance of waste management norms by concerned States/UTs and take remedial action on their part. Central Funding and State budgetary

¹⁸ <https://www.thehindu.com/news/national/cabinet-approves-51875-crore-subsidy-for-phosphatic-and-potassic-fertilizers-for-rabi-season/article66086847.ece#:~:text=Cabinet%20approves%20a%20subsidy%20of,fertilizers%20for%20the%20rabi%20season&text=Considering%20the%20huge%20increase%20in,subsidy%20for%20this%20rabi%20season.>

¹⁹ <https://sbmurban.org/storage/app/media/pdf/swachh-bharat-2.pdf>

²⁰ <https://mohua.gov.in/upload/uploadfiles/files/AMRUT-Operational-Guidelines.pdf>

²¹ https://jalshakti-ddws.gov.in/sites/default/files/sbm-ph-II-Guidelines_updated_0.pdf

provisions need to be adequately allocated and apportioned keeping in view of environment compensation which is based on the restoration work estimate. While granting/disbursing funds to States/UTs, execution mechanism for centralized tendering at the State level to overcome delays at each city/town level may be considered. This may facilitate timely utilization of funds. MoEF&CC and CPCB may continue monitoring as per MSW Rules and the Water Act. MoUD and NMCG may also note the gaps reported by the States and UTs in solid and liquid waste management. MoUD may further consider to render proper financial and technical support to States and UTs.

52. In view of unique problems of States like Uttarakhand and perhaps other hill States (North East, J&K and H.P.) in management of sewage and solid waste, MoUD, NMCG, Department of Drinking Water and Sanitation and CPCB need to provide safe methods for sewage and solid waste management suiting the climatic and topographical conditions. This involves reaffirmation of sewage management through septic tanks/soak pits and FSTPs in urban and rural hilly areas and carrying out processing of wet solid (degradable) waste by appropriate means including remediation of legacy waste. MoUD needs to coordinate this activity for which the State may also take initiative. MoUD may also assist such State for identifying execution of projects or identifying consulting agencies giving designs etc. and execution is done by State departments at local level.”

31. The above observations are by and large common to all States/UTs with few exceptions. Unless adequate waste processing facilities are set up, the legacy waste will keep mounting and occupy huge area of land. It is source of degradation of environment, threat to human health and has potential for fires and explosions. Quality of compost has to meet standards and rejects/residue emerging out from waste processing facilities needs to be properly routed to end users with due authorization. The Tribunal emphasized need for setting up of decentralized waste processing plants and standardizing plants for compost for rural areas and empaneling the service providers.

With regard to sewage management, the Tribunal noted that installed treatment capacities have not been fully utilised and treated sewage is discharged without putting to secondary uses. Tribunal flagged need for adopting low cost options like oxidation ponds for towns having

population less than one lakh and utilizing treated sewage for irrigation and pisciculture.

Tribunal concluded the proceedings with expectation of continuous monitoring by Administrative machinery, at National level, State level and District level as per District Environment Plans, with public participation. Central Ministries like MoHUA, MoEF&CC, MoJS, NMCG, MNRE have to synchronize their ongoing programs with State's efforts on solid and sewage management. The guidelines and manuals brought out by the Ministries need to be put into practice. Accordingly, States and UTs and Central Ministries need to refer orders²² of this Tribunal (in respect of all States/UTs) for compliance.

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- ²² 1. Orders dated [07.07.2022](#) and [01.12.2022](#) in OA No. 606/2018 (In respect of State of Kerala)
2. Orders dated [21.07.2022](#) and [17.11.2022](#) in OA No. 606/2018 (In respect of UT of Lakshadweep)
3. Orders dated [21.07.2022](#) and [17.11.2022](#) in OA No. 606/2018 (In respect of State of Tamil Nadu)
4. Orders dated [28.07.2022](#) and [24.11.2022](#) in OA No. 606/2018 (In respect of UT of Puducherry)
5. Orders dated [04.08.2022](#) and [17.11.2022](#) in OA No. 606/2018 (In respect of State of Andhra Pradesh)
6. Orders dated [18.08.2022](#) and [18.05.2023](#) in OA No. 606/2018 (In respect of UT of Chandigarh)
7. Orders dated [01.09.2022](#) and [21.12.2022](#) in OA No. 606/2018 (In respect of State of West Bengal)
8. Orders dated [08.09.2022](#) and [04.05.2023](#) in OA No. 606/2018 (In respect of Maharashtra)
9. Order dated [15.09.2022](#) in OA No. 606/2018 (In respect of State of Rajasthan)
10. Order dated [22.09.2022](#) in OA No. 606/2018 (In respect of State of Punjab)
11. Order dated [29.09.2022](#) in OA No. 606/2018 (In respect of UT of Andaman & Nicobar)
12. Order dated [29.09.2022](#) in OA No. 606/2018 (In respect of State of Telangana)
13. Order dated [13.10.2022](#) in OA No. 606/2018 (In respect of State of Karnataka)
14. Order dated [20.10.2022](#) in OA No. 606/2018 (In respect of State of J&K)
15. Order dated [03.11.2022](#) in OA No. 606/2018 (In respect of State of Sikkim)
16. Order dated [10.11.2022](#) in OA No. 606/2018 (In respect of State of Madhya Pradesh)
17. Order dated [24.11.2022](#) in OA No. 606/2018 (In respect of State of Arunachal Pradesh)
18. Order dated [24.11.2022](#) in OA No. 606/2018 (In respect of State of Nagaland)
19. Order dated [01.12.2022](#) in OA No. 606/2018 (In respect of State of Manipur)
20. Order dated [08.12.2022](#) in OA No. 606/2018 (In respect of State of Mizoram)
21. Order dated [22.12.2022](#) in OA No. 606/2018 (In respect of State of Meghalaya)
22. Order dated [19.01.2023](#) in OA No. 606/2018 (In respect of State of Jharkhand)
23. Order dated [27.01.2023](#) in OA No. 606/2018 (In respect of State of Assam)
24. Order dated [27.01.2023](#) in OA No. 606/2018 (In respect of State of Odisha)
25. Order dated [16.02.2023](#) in OA No. 606/2018 (In respect of UT of Delhi)
26. Order dated [23.02.2023](#) in OA No. 606/2018 (In respect of State of Gujarat)
27. Order dated [02.03.2023](#) in OA No. 606/2018 (In respect of State of Goa)
28. Order dated [16.03.2023](#) in OA No. 606/2018 (In respect of State of Himachal Pradesh)
29. Order dated [23.03.2023](#) in OA No. 606/2018 (In respect of State of Uttar Pradesh)
30. Order dated [31.03.2023](#) in OA No. 606/2018 (In respect of State of Chhattisgarh)
31. Order dated [06.04.2023](#) in OA No. 606/2018 (In respect of UT of Ladakh)
32. Order dated [13.04.2023](#) in OA No. 606/2018 (In respect of State of Tripura)
33. Order dated [20.04.2023](#) in OA No. 606/2018 (In respect of State of Haryana)
34. Order dated [04.05.2023](#) in OA No. 606/2018 (In respect of State of Bihar)
35. Order dated [11.05.2023](#) in OA No. 606/2018 (In respect of State of Uttarakhand)
36. Order dated [11.05.2023](#) in OA No. 606/2018 (In respect of UT of Dadra & Nagar Haveli & Daman Diu)

K. Further order of Hon'ble Supreme Court dated 20.3.2023

32. At this stage, we may also refer the recent order of the Hon'ble Supreme Court dated 20.03.2023 in M.A. No. 356 of 2023 in Writ Petition (Civil) No. 375 of 2012, *Paryavaran Suraksha Samiti vs. Union of India & Ors.* on the subject of extending timeline for setting up requisite sewage treatment plants and supplementary directions. As noted earlier vide judgment dated 22.02.2017, the Hon'ble Supreme Court fixed deadline of three years for commissioning such plants which expired on 22.02.2020. After such expiry, further three years have expired and still gaps have been continued. The State of UP approached Hon'ble Supreme Court for extension of time. Thereupon, It was observed by the Hon'ble Supreme Court that apart from setting up of STPs, maintenance and performance of such STPs was also required to be duly scrutinized and monitored. The issue is of utmost concern. Untreated sewage waste discharging to rivers and drains pollutes sources of water upon which survival of population and bio-diversity depends. Accordingly, the Hon'ble Supreme Court issued supplementary directions to that effect with the further observation that any extension of time could be considered by this Tribunal **on the basis of material placed before it showing bonafide steps taken to comply with the order of the Hon'ble Supreme Court and genuine hindrances, if any.** Relevant observations are quoted below:

“xxxxxx.....xxx

9. *Apart from the above, the mere setting up of STPs is not enough. The maintenance of the STPS and their performance and capacity to deal with sewage which is generated is another matter which has to be duly Scrutinized and monitored. The treatment of sewage which is generated in the villages, towns and cities is a matter of utmost concern. **Untreated sewage waste is discharged into rivers and naalas polluting the very sources of water upon which the survival of the population and bio diversity depends.***

10. While this Court had in its judgment laid down time lines for the construction of STPS and CETPS, **of equal importance is the need to ensure that:**
- (i) The CETPs with the requisite technology and capacity are duly commissioned;**
 - (ii) After the commissioning of the CETPS/STPS, they continue to remain operational;**
 - (iii) The CETPs/STPs are duly maintained and upgraded as the need may arise;**
 - (iv) There is due monitoring at the administrative level on a real time basis of the performance of the CETPS, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and**
 - (v) Entrustment to an authority which would be accountable for the due performance of the CETPs.**
11. **The above aspects are necessary to be borne in mind to supplement the directions of this Court. It is only if all other consequential steps are taken as adverted to above that the object and purpose of the order of this Court would be duly met.**
12. We accordingly permit the applicant to move the National Green Tribunal with an application in that regard. The National Green Tribunal shall duly monitor compliance with the directions including the time-lines which have been spelt out in the order of this Court. It would be open to the applicant to place on the record of the Tribunal all material to indicate the bonafide steps which were taken to comply with the order of this Court and, if there were any genuine hindrances in doing so, the nature of the hindrances. The Tribunal would be at liberty in the exercise of its discretion to consider any request for a further extension of time.
13. The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPS, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.”

L. Conclusion

33. In the light of above, way forward has to be in according high priority to the subject and strict monitoring and higher levels of the Administration in the States as well as in Central Government by constituting specialised monitoring cells fixing accountability for deviation from laid down timelines. As already noted, issue of solid waste management has been monitored from 1996 to 2014 by the Hon'ble Supreme Court and by this Tribunal for the last nine years. There are statutory Rules and policies like *swachh bharat* but action on the ground is inadequate. There are mountains of garbage generating methane and other gases which are source of diseases and deaths, apart from occupying huge valuable public resource. Our conclusion is that enacting laws and directions of Courts/Tribunals are not substitute for good governance and unless the Administration accords high priority of the subject, undesirable situation as found may not be remedied. Taking people on board and change of mindset is need of the hour. Similarly, not preventing sewage discharge into the sources of drinking water is offence under the criminal law as well as under the Water Act, 1974. Discharge of sewage into drains/rivers/water bodies results in scarcity of drinking water for all living beings apart from degradation of environment and damage to public health. Large number of persons suffer due to water pollution. The matter has been monitored by the Hon'ble Supreme Court in the context of pollution of Ganga and Yamuna for several decades and lastly passed order dated 22.2.2017 in Paryavaran Surakhsha fixing deadline which has been monitored by the Tribunal in the last six years. Gaps in compliance have been noted earlier. Water quality of large number of rivers (including Ganga and Yamuna), lakes, coastal areas and other

water bodies are receiving such pollution. This needs to be addressed on war footing, using indigenous technology wherever viable or such other technology but no drop of sewage can be allowed to be mixed in drinking water. Timelines are deviated without accountability. There is no justification for delay in remedial action having regard to adverse impact on biodiversity and citizens' right of access to drinking water. We need not repeat the steps for remedial action which are mentioned in detail in each of the orders of the subject passed separately for all the States and available on the website of this Tribunal. Meaningful implementation of citizens right to clean environment, which is part of right to life, and which is one of the significant facets of sustainable development cannot be wished away. Apart from concerned States/UTs who are responsible for executing plans for waste treatment under the Solid Waste Management Rules, 2016, Central Ministries – MoEF&CC, Urban Affairs, Rural Development, Chemicals and Fertilizers and Agriculture have also to play their role as pointed out in the orders of the Tribunal. With regard to liquid waste management also, the Central Government Ministries such as Jal Shakti, MoEF&CC, Urban Development also have role. We hope that the said Ministries of Central Government will perform their statutory obligation under the rules, apart from monitoring compliance by the concerned States/UTs. We expect the concerned Ministries of Central Government to file their respective action taken reports in the matter within three months with the Registrar General of this Tribunal 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. If found necessary, the Registrar General, NGT may place the matter before the bench for further directions.

34. Since the Tribunal has directed the Chief Secretaries of all the States/UTs to file further progress reports every six months to be taken up by the Tribunal for further consideration, if necessary, **the proceedings stand concluded for the time being, subject to compliance being further monitored, if necessary.**

35. We note that in terms of order of this Tribunal dated 31.05.2022 in OA No. 606/2018, Dr. A.B. Akolkar, former Member Secretary, CPCB has been engaged by CPCB to coordinate monitoring of compliance of waste management norms by the States/UTs on behalf of CPCB. Such engagement may be continued for one more year i.e. till May 31, 2024.

A copy of this order be forwarded to MoEF&CC, Ministries of Urban Affairs, Rural Development, Power, New and Renewable Energy, Chemicals and Fertilizers, Agriculture, Defence, Jal Shakti, CPCB, NMCG, CHPEEO of MoHUA, Chief Secretaries and State PCBs/PCCs of all States/UTs and Dr. A.B. Akolkar, former Member Secretary, CPCB by e-mail for compliance.

A copy of the order be also forwarded to all District Magistrates for monitoring of District Environment Plans in coordination with the concerned local bodies by e-mail for compliance.

A copy of this order be also forwarded to the Member Secretary, NALSA and Member Secretaries, State Legal Services Authorities.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 18, 2023
Original Application No. 606/2018
DV