

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 111/2013 (CZ)**

**Dr. Subhash C. Pandey Vs. Municipal Corporation, Bhopal & Ors.**

and

**Original Application No. 36/2014 (THC) (CZ)**

**Sarvajanik Jankalyan Parmarthik Nyas v. State of M.P. & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**PRESENT : (O.A. No. 111/20134)**

<b>Applicant :</b>	<b>Dr. Subhash C. Pandey</b>
<b>State of MP:</b>	<b>Shri Sachin K. Verma, Adv.</b>
<b>MPPCB :</b>	<b>Shri Sachin K. Verma, Adv. on behalf of Shri Purusahindra Kaurav, Adv.</b>
<b>Respondent No. 1 :</b>	<b>Shri Neel Choudhary, Adv. for Shri Vijay Kumar Choudhary, Adv. with Shri Sanjay Kumar, OIC</b>
<b>State of Raj./RSPCB :</b>	<b>Shri Sandeep Singh, Adv.</b>
<b>Respondent/MoEF :</b>	<b>Shri Om S. Shrivastav, Adv.</b>
<b>State of C.G. :</b>	<b>Shri S.S. Chouhan, Adv.</b>

**(O.A. No. 36/2014)**

<b>State of MP:</b>	<b>Shri Sachin K. Verma, Adv.</b>
<b>MPPCB :</b>	<b>Shri Sachin K. Verma, Adv. on behalf of Shri Purusahindra Kaurav, Adv.</b>
<b>BMC :</b>	<b>Shri Neel Choudhary, Adv. for Shri Vijay Choudhary, Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 38 &amp; 39 16<sup>th</sup> July, 2015</b>	<p>Shri Sachin K. Verma, Learned Counsel assisted by Dy. Director, Urban Development Departments submits that two clusters which have been envisaged at Katni &amp; Sagar which were to commence operation by 1<sup>st</sup> July, 2015 have not been able to do so and are scheduled to commence operation by 02.10.2015. So far as that is concerned we would expect that an awareness drive in the next 2 months of August &amp; September be carried out in the municipal areas which have been attached to the Katni &amp; Sagar clusters for disposal of Municipal Solid Waste (MSW) to create awareness among the citizens regarding segregation of MSW. It was also suggested and the Dy.</p>

Director, Urban Development Department has also agreed in principle that Government would consider in what manner, if possible, some incentive can be granted to every house hold where segregation of MSW is done which would make the task of the disposal of both bio-degradable and non bio-degradable MSW. Similar awareness drive among the local bodies and the elected representatives should also be carried out and the elected representatives to be expected to reach out in their respective wards for creating the aforesaid awareness. The Government in the Urban Development Department would consider issuing circulars and directions to the Chairman/CEO of the local bodies in this behalf and also take feedback periodically from every municipal body of the efforts made by each representative/local body.

We may add that under Article 51A(g) of the Constitution of India, it is the fundamental duty of every citizen to protect the environment. A people's representative has therefore a greater responsibility for carrying out the aforesaid mandate of the Constitution particularly since he takes an oath of assumption of office to uphold the Constitution and abide by it. It cannot be denied that every urban area or city is reeling under the problem of disposal of solid waste and most of it is domestic waste. If people are made to understand the importance of segregation and how it helps in disposal and recycling or reuse, the disposal of MSW as a whole becomes much more easier and better with benefits of sanitation and improvement of health of all citizens. A 'Councillor' has been defined to be a person who is legally a member of the

Corporation. Under the Act, the Corporation has a duty to sanitize and keep the city clean under Section 66 of the Madhya Pradesh Municipal Corporation Act, 1956. Thus, the Councillor who is an inseparable part of the Corporation also has to perform the same duties of the Corporation.

It has been submitted that the 2 clusters of Rewa, Satna & Bhopal the feasibility study is going on. So far as Bhopal is concerned we are informed that the site at *Adampur* has yet to be prepared and the details with regard to obtaining necessary permissions have so far not been finalised and at present they are awaiting the finalisation so far as the concessioner is concerned. We are not satisfied with the aforesaid approach and we would expect that the Municipal Authorities make sincere efforts in this behalf and not await the finalisation of the concessioner. In a given situation a concessioner may or may not be available and there is no guarantee that once the contract is awarded such concessioner or party would complete the task as envisaged under the contract. In the event of any of these eventualities including non availability of concessioner for various reasons, the responsibility under the Municipal Solid Waste Rules, 2000 for disposal of the MSW lies with the local authorities. Accordingly, we would expect the Municipal Corporation Bhopal to take requisite steps required for the aforesaid purposes. The progress made in this behalf shall be intimated on the next date. As regards the existing site at Bhanpura in Bhopal, we direct that reports with regard to water analysis within the parameters as stated in our earlier order dtd. 24<sup>th</sup> November, 2014 be made available for the aforesaid task.

The Bhopal Municipal Corporation (BMC) can take the assistance of the Central Ground Water Authority as well as the MPPCB, R.O. at Bhopal and also indicate whether such water from different sources is conducive for human consumption or not. In the event of any such source being found unfit/un-suitable for human consumption the same should be marked specifically as being unfit for human consumption. In such areas where such water is found to be un fit and the sole source for drinking water is the underground source, the Municipal Authorities and the Public Health & Engineering Department will take immediate steps for providing alternate portable water for the benefit of the residents of that area if not already available. The aforesaid task to be completed within a period of one month and the report be filed before this Tribunal on the next date.

Let the matters be listed on **17<sup>th</sup> August, 2015.**

.....JM  
**(DALIP SINGH)**

.....EM  
**(BIKRAM SINGH SAJWAN)**