

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

M.A.No. 575/2014 and M.A.No. 576/2014

in

Original Application No. 111/2013

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. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : **Dr. Subhash C. Pandey**
Respondent No. 1 : **Shri Asad Ullah Khan, Adv.**
Respondent No. 2 : **Shri Sachin K.Verma, Adv.**
Respondent No. 3 &
CECB : **Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.**
Respondent No. 10:
State of Chhattisgarh : **Shri Sunil Shrivastav, Advocate**
RSPCB : **Shri S.S. Chauhan, Adv. with
Shri Sandeep Singh, Adv.**
MoEF : **Shri Om S. Srivastav, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 3 1st October, 2014	<p>In response to our order dated 08.05.2014, the replies of the Planning Commission as well as Ministry of Urban Development, Government of India have been filed. The MoUD in their response have indicated that while the Municipal Solid Wastes (Management and Handling) Rules, 2000 are under review, the Ministry from time to time issued Advisories and guidelines as well as in terms of the directions issued by the Hon'ble Supreme Court, prepared policy for promoting Integrated Plant Nutrient Management using City Compost in May 2000. Again on the recommendations of the Committee on Solid Waste Management for Class-I cities in terms of the directions of the Hon'ble Supreme Court and Advisory Group in the form of Technology Advisory Group on Solid Waste Management was constituted which submitted its report in May, 2005 and was circulated to all the States and Union Territories.</p>

It has also been submitted that the Ministry of Urban Development, GoI has issued an advisory to all the State Government to formulate Detailed Project Report with regard to sewage and solid waste management. The MoUD, GoI has prepared and issued toolkit on PPP on MSW Management in the year 2010. On 22.03.2010 another advisory was issued to all the States to undertake a review of the situation with regard to 'Recycling Industry' for solid waste management system and forming a program for recycling sector with reference of the JNNURM and UIDSSMT. A guideline note was again circulated by the Ministry of Urban Development, Govt. of India in 2011. Recently, further Advisories were issued to Chief Secretaries of all the States indicating technical options for Municipal Solid Waste Management under letter dated 31.10.2013. In May, 2014 reports of the Task Force on waste management was brought out by the Planning Commission and the said report included recommendations as well. We would accordingly direct all the three States i.e. Chhattisgarh, Madhya Pradesh and Rajasthan to submit their response on what action the respective States have undertaken for such Advisories, etc. being sent by the MoUD, GoI.

During the course of hearing it was suggested by the Learned Counsel that among the more plausible remedies available in major towns as was indicated in the report of the project of the Planning Commission also there is option of utilising waste and sewage. The States shall submit their response as to what steps, after looking into the aforesaid suggestions were taken by the aforesaid States and whether any further steps have also been taken for getting the response from the industries in this behalf as it was submitted that it is more viable option under the PPP model for the private sectors. It was also submitted that the respective States have not only looked

at it from the point of view of commercial aspect but from a point of view of overcoming and mitigating the problem of MSW disposal by combating the same through commercialisation.

The Planning Commission in their response to our notice, has submitted its further reply stating that additional allocation financial for all the 3 aforesaid of the States was considered on merit basis and the amount of allocations made from 2011-2012 to 2013-2014 to all the 3 aforesaid States was indicated in their replies.

It has been submitted that none of the State Government even sought any additional assistance under any of the projects for overcoming the problem of pollution created as a result of generation of huge quantity of Municipal Solid Waste and poor disposal due to lack of funds. The respective State Governments accordingly shall submit their response on the aforesaid and file affidavits through their Standing Counsels as it appears that the problem created as a result of poor Municipal Solid Waste management was never given the priority by the respective State Governments.

M.A.No. 575/2014

Learned Counsel for the State of Rajasthan has submitted M.A.No. 575/2014 stating therein that the Compliance Report as directed is under preparation, however due to all the officers of the concerned department being involved with the *Swachh Bharat Abhiyan* at present, time for submitting the compliance report may be extended. The prayer is allowed. Three weeks time, as prayed for, is allowed and the M.A.No. 575/2014 is disposed of.

While we are granting additional period of three weeks, the respective States shall submit the response in addition to the directions

which have been highlighted hereinabove in our order.

The respective State Governments shall also submit their response on the issues as to whether all the Municipalities have been provided with the land for establishing landfill sites and whether the municipalities have approached the SEIAAs and PCBs for requisite EC/authorization of the same in accordance with the Rules.

M.A.No. 576/2014

The Respondent No. 2 has submitted M.A.No. 576/2014 by way of compliance with regard to taking on record the documents filed alongwith the same. The aforesaid M.A. is allowed. The documents are ordered to be taken on record. The M.A.No. 576/2014 is disposed of.

The Counsel for the State of Chhattisgarh has also submitted its reply. The same is ordered to be taken on record.

List on 10th November, 2014.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)