

Compliance Of Municipal Solid Waste ... vs . on 30 November, 2021

Author: Adarsh Kumar Goel

Bench: Adarsh Kumar Goel

Item No. 03

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(By Video Conferencing)

Original Application No. 606/2018 (Main)
(With report dated 25.10.2021)

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: 30.11.2021

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

Respondent: Mr. Raj Kumar, Adv. for CPCB

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. Other related issues include pollution of 351 river stretches, 122 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. have also been dealt with earlier but we propose to limit the proceedings in the present matter to two issues of solid waste and sewage management.

2. The issue of Solid Waste Management was earlier dealt with and disposed of vide order dated 22.12.2016 requiring strict compliance of Solid Waste Management Rules, 2016 by all the States/UTs. However, in the course of later monitoring, it was found that all the States/UTs were

still non-compliant in the matter. Accordingly, after noting the status of non compliance, vide order dated 31.08.2018, the Tribunal constituted Monitoring Committees and thereafter in view of still continuing non-

compliances, vide order dated 16.01.2019, the Tribunal directed personal presence of Chief Secretaries of all States and UTs to explore remedial action after interaction with them. The Tribunal observed that large scale non-compliance of environmental norms was resulting in deaths and diseases and irreversible damage to the environment, without accountability for such failure. Violation of the Rules as well as orders of this Tribunal being criminal offence under the law of land, non-compliance had to be viewed sternly and remedied.

3. Directions of the Tribunal 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. The extracts from the said order 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 Kumari, 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."

4. National Legal Services Authority (NALSA) issued directions for compliance of the above observations to all the State Legal Services Authorities vide letter dated 07.05.2019 as follows:

" 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 O.A. No. 138/2016 order dated 27.08.2018 O.A. No. 138/2016 order dated 27.08.2018 O.A. No. 138/2016 order dated 27.08.2018 (2004)1 SCC 571 (2005)5 SCC 733 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.

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.* and *In Re: Noise Pollution* and Article 144 of the Constitution of India 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 States/UTs as may be shown from the reports furnished to this Tribunal by the Chief Secretaries or otherwise. On this aspect, CPCB, MoEF&CC and the Apex

Committee may furnish their views on the subject within one month at ngt.filing@gmail.com."

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."

5. In terms of order dated 16.1.2019, the Chief Secretaries of all the States/UTs appeared on different dates till 18.07.2019 and the Tribunal, after reviewing the status of noncompliance on most of the issues, directed further effective steps to be taken for compliance of the Rules and the environmental norms. The directions include 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. The Tribunal also directed filing of quarterly reports by the Chief Secretaries. Based on such reports, CPCB was to file consolidated status reports. The Chief Secretaries were to appear again after six months with updated status of compliance.

6. 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.

7. 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.

8. Accordingly, the Chief Secretaries of 18 States/UTs⁷ appeared 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 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 States/UTs Appeared Next date on 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 28.02.2020 03.11.2020 Meghalaya 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 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 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.

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.

9. 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.	Bihar	4.1.2021
2.	Odisha	6.1.2021
3.	Jharkhand	8.1.2021
4.	Assam	11.1.2021
5.	Delhi	14.1.2021
6.	Haryana	18.1.2021
7.	Ladakh	20.1.2021
8.	Gujarat	22.1.2021
9.	Goa	25.1.2021
10.	Daman and Diu	27.1.2021
11.	Dadar and Nagar Haveli	29.1.2021
12.	Himachal Pradesh	1.2.2021
13.	Uttarakhand	3.2.2021
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."

10. The matter was last considered on 14.12.2020 for further review.

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.

Relevant extracts from the said order are:

"8. In view of the grave situation faced by the country in the form of pandemic, but at the same time having regard to the necessity of continuous monitoring of the scientific management of waste in the interest of protection of environment and public health, we defer the appearances of the Chief Secretaries till further orders subject to the condition that the monitoring at the level of Chief Secretaries may continue, as directed earlier and quarterly compliance reports may be filed with the CPCB and CPCB may file a consolidated report every six months before this Tribunal. First such report may be filed by 30.06.2021 which may be put up for consideration on 28.07.2021.

9. The compensation in terms of earlier order be recovered and credited to a separate account with the Environment Department of the States/UTs to be used for restoration of environment in the concerned States/UTs. The deposit, instead of being made with the CPCB, may now be made to the said account.

10. We also direct that while by order dated 16.01.2019 and further orders passed, the Chief Secretaries were directed to give a consolidated report on the subject of waste management as well as remedial action for rejuvenation of 351 polluted river stretches, 122 non-attainment cities, 100 polluted industrial clusters, sand mining, etc., henceforth the present matter will primarily deal with the issues of solid waste management only, other issues being subject matter of separate proceedings.

11. We may note that in terms of the Solid Waste Management Rules, 2016, the 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 have to provide market development assistance for compost and promote marketing of such compost. 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. We hope all the authorities will now take necessary steps for meaningful compliances for protection of environment and public health."

11. Accordingly, we have taken up the matter for further review almost after one year. In terms of above order, report of CPCB dated 25.10.2021 has been filed to the effect that 32 States/UTs have given the compliance status as in March, 2021. The report is extracted as follows:-

"2.0 ACTION TAKEN BY CPCB:

In compliance to Directions issued, CPCB has taken following actions:

(i) CPCB issued direction under sec 5 of EPA, 1986 to all States/UTs for enforcement of provisions of SWM Rules, 2016 regarding bio-mining of legacy waste on 27-01-2021. Copy of Direction is enclosed at Annexure-I. A reminder letter dated 30-07-2021 was also sent to SPCBs/PCCs from which no response was received. Copy of reminder letter is enclosed at Annexure I-A.

(ii) CPCB formulated templates for assessment of Solid Waste Management (SWM), and forwarded to all Chief Secretaries and to all SPCBs/PCCs on 15-04-2021. Copy of

letter along with templates is enclosed at Annexure-II.

(iii) CPCB issued a letter on 23-08-2021 to all SPCBs/PCCs regarding specific information related to SWM in 43 million plus cities located in your jurisdiction along with state Capital.

Copy of letter along with templates is enclosed at Annexure- III.

(iv) As per Hon'ble NGT Directions, information on SWM has been received from 32 States/UTs (namely Andhra Pradesh, Andaman & Nicobar Islands, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Odisha, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand and West Bengal).

(v) Out of the aforementioned 32 States/UTs:

2 States/UTs (Delhi and Rajasthan) have submitted the information for the quarter July - September, 2021. 17 States/UTs (namely Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, J&K, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Telangana, Tripura, Uttar Pradesh, Uttarakhand and West Bengal) have submitted information for the quarter April - June, 2021. 10 States/UTs (namely Chandigarh, Goa, Gujarat, Haryana, Himachal Pradesh, Lakshadweep, Odisha, Puducherry, Sikkim, and Tamil Nadu) have submitted information for the quarter January-March, 2021.

(vi) 3 States/UTS (namely Daman Diu & Dadra Nagar Haveli, Jharkhand, and Manipur) have not submitted report in the matter till October 14, 2021.

(vii) Information received from States/UTs has been compiled and CPCB's observations on the same have been detailed in the subsequent sections.

3.0 SOLID WASTE MANAGEMENT STATUS 3.1 Information Status Information on SWM in prescribed format has been received from 29 States /UTs (namely 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). The overview of quarterly report submitted by 29 states/UTs is given in Table-1 below and State/UTs wise details as per the format provided by CPCB is enclosed at Annexure-IV.

3 States/UTs (namely Andaman & Nicobar Islands, Mizoram, and Punjab) have provided partial information and it is not in prescribed format for assessing SWM. The information provided by the states is not in order & the information as received from these 43 States/UTs is placed at Annexure

V. Table:1 Overview of quarterly report on SWM submitted by 29 States/UTs Sl. ITEM Status Remarks No. 1 Numbers of Information provided by 29 States/UTs Total No. of ULBs: 4186 ULBs (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) 2 Over all waste management status in Arunachal Pradesh 2(a) Quantity of MSW Information provided by 29 States/UTs Total Quantity of MSW generated (TPD) (Andhra Pradesh, Arunachal Pradesh, generated: 150858.951 Assam, Bihar, Chandigarh, Chhattisgarh, TPD Delhi, Goa, Gujarat, Haryana, Himachal Maximum waste Pradesh, J&K, Karnataka, Kerala, generation is in five (7) Lakshadweep, Madhya Pradesh, States/UTs (>10000 Maharashtra, Meghalaya, Nagaland, TPD)-

		Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)	Maharashtra Uttar Pradesh West Bengal Tamil Nadu Karnataka Delhi Telangana
2(b)	Quantity of MSW collected (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)	Total Quantit collected: 14 TPD 100% collecti reported in f (10) States/U Bihar Chandig Chhatti Delhi Gujarat Himacha Prade Odisha Puduche Telanga Uttarak
2(c)	Quantity of MSW segregated & transported (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	Total segregat transpo TPD 100% se transpo in foll States/ C

Pradesh, Uttarakhand, and West Bengal)

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

Total q
process
TPD
100% MS
process
two (2)
C
H

Pradesh, Uttarakhand, and West Bengal) 2(e) Quantity of MSW Information provided by 26 States/UTs Total Quantity of MSW disposed in secured (Andhra Pradesh, Arunachal Pradesh, disposed in secured land fill site (TPD) Assam, Bihar, Chandigarh, Chhattisgarh, land fill site:

Delhi, Goa, Gujarat, Haryana, Himachal 11772.4538 TPD Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Puducherry, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, and West Bengal) Information not provided by 3 State/UTs: (Odisha, Rajasthan, Uttarakhand) 2(f) Gap in Solid Waste Information provided by 29 States/UTs Gap in Solid Waste Management UTs (Andhra Pradesh, Arunachal Pradesh, Management:

(TPD) [2(a)- 2(d)- 2(e) Assam, Bihar, Chandigarh, Chhattisgarh, 44651.1792 TPD] 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)

3 Waste Collection 3(a) ULBs in which Information provided by 27 States/UTs Total no. of ULBs in waste door-to-door (Andhra Pradesh, Assam, Bihar, which D2D collection is collection is Chandigarh, Chhattisgarh, Delhi, Goa, implemented: 4032out implemented(N o.) Gujarat, Haryana, Himachal Pradesh, J&K, of 4106ULBs.

Karnataka, Kerala, Lakshadweep, Madhya 100% D2D collection Pradesh, Maharashtra, Meghalaya, reported in 19 Nagaland, Odisha, Puducherry, Rajasthan, States/UTs :

Sikkim, Tamil Nadu, Telangana, Tripura, Andhra Pradesh Uttar Pradesh, Uttarakhand, and West Assam Bengal) Bihar Information not provided by 2 States: Chandigarh (Arunachal Pradesh - 02 ULBs Jammu & Chhattisgarh

Kashmir - 78 ULBs) Delhi Goa Gujarat Lakshadweep Maharashtra Meghalaya Odisha Puducherry Rajasthan Sikkim Tamil Nadu Telangana Tripura Uttarakhand 3(b) ULBs in which Information provided by 26 States/UTs Total no. of ULBs in segregation of (Andhra Pradesh, Assam, Bihar, which segregation of waste is Chandigarh, Chhattisgarh, Delhi, Goa, waste is implemented:

implemented (No.) Gujarat, Haryana, Himachal Pradesh, J&K, 3565 out of 4015 ULBs Karnataka, Kerala, Lakshadweep, Madhya 100% compliance Pradesh, Maharashtra, Meghalaya, reported in Nagaland, Odisha, Puducherry, Rajasthan, Andhra Pradesh Sikkim, Tamil Nadu, Telangana, Tripura, Bihar Uttar Pradesh, Uttarakhand, and West Chandigarh Bengal) Chhattisgarh Delhi Information not provided by 3 Goa State/UTs: (Arunachal Pradesh - 02 ULBs, Lakshadweep Jammu & Kashmir - 77 ULBs, and Maharashtra Uttarakhand - 91 ULBs) Odisha Sikkim Tamil Nadu Telangana Tripura Karnataka and Uttar Pradesh have reported partial source segregation 3(c) ULBs in which Information provided by 25 States/UTs Total no. ULBs in which transportation of (Andhra Pradesh, Assam, Bihar, transportation of segregated waste is Chandigarh, Chhattisgarh, Delhi, Goa, segregated waste is implemented (No.) Gujarat, Haryana, Himachal Pradesh, J&K, implemented: 3531out Karnataka, Kerala, Lakshadweep, Madhya of 3901 ULBs Pradesh, Maharashtra, Meghalaya, 100% compliance Nagaland, Puducherry, Rajasthan, Sikkim, reported in Tamil Nadu, Telangana, Tripura, Uttar Andhra Pradesh Pradesh, Uttarakhand, and West Bengal) Bihar Partial information/ Information not in Chandigarh format provided by 4 State/UTs: Chhattisgarh (Arunachal Pradesh - 02 ULBs, Jammu & Delhi Kashmir - 77 ULBs, Odisha - 114 ULBs and Goa Uttarakhand - 91 ULBs) Lakshadweep Maharashtra Rajasthan Sikkim Tamil Nadu Telangana Tripura

4 Waste Processing 4(a) Material Recovery facilities 4(a) (i) Total Capacity (TPD) Information provided by 27 States/UTs Total capacity of MRF:

(Andhra Pradesh, Arunachal Pradesh, 31436.2 TPD Assam, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Maximum capacity in:

J&K, Karnataka, Kerala, Lakshadweep, Maharashtra: 9422 Madhya Pradesh, Maharashtra, Meghalaya, Gujarat: 3901.5 Nagaland, Odisha, Puducherry, Rajasthan, MP: 3136 Sikkim, Tamil Nadu, Telangana, Tripura, Telangana: 2214 Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 2 States (Bihar, Uttarakhand) 4(a) (ii) Number of MRFs Information provided by 29 States/UTs (Andhra Pradesh, Arunachal Pradesh, Number of MRFs:4519 Assam, Bihar, Chandigarh, Chhattisgarh, Tamil Nadu: 925 Delhi, Goa, Gujarat, Haryana, Himachal Maharashtra:

Lakshadweep, Madhya Pradesh, Haryana: 441 Maharashtra, Meghalaya, Nagaland, Chhattisgarh:

Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) 4(a) Number of ULBs Information provided by 28 States/UTs Number of ULBs

(iii) covered (Andhra Pradesh, Arunachal Pradesh, covered: 2719 out Assam, Bihar, Chandigarh, Chhattisgarh, of 3522 ULBs Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, All ULBs covered in Lakshadweep, Madhya Pradesh, Chandigarh, Maharashtra, Meghalaya, Nagaland, Chhattisgarh, Delhi, Odisha, Puducherry, Rajasthan, Sikkim, Goa, Tripura, Telangana, Tripura, Uttar Pradesh, Uttar Pradesh.

Uttarakhand, and West Bengal) Information not provided by 1 State (Tamil Nadu - 664 ULBs) 4(b) Recycling 4(b) (i) Total Capacity (TPD) Information provided by 23 States/UTs Total Capacity of (Andhra Pradesh, Arunachal Pradesh, Recycling plants:

Assam, Chhattisgarh, Delhi, Goa, Haryana, 10701.32 TPD J&K, Karnataka, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, and West Bengal) Information not provided by 6 State/UTs: (Bihar, Chandigarh, Gujarat, Himachal Pradesh, Kerala, Uttarakhand) 4(b) (ii) Number of recycling Information provided by 23 States/UTs Total number of plant (Andhra Pradesh, Arunachal Pradesh, recycling plant: 1688 Assam, Chhattisgarh, Delhi, Goa, Haryana, Max. in Madhya Karnataka, Kerala, Lakshadweep, Madhya Pradesh - 275 Pradesh, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 6 State/UTs: (Bihar, Chandigarh, Gujarat, Himachal Pradesh, J&K, Maharashtra) 4(b) Number of ULBs Information provided by 22 States/UTs Number of ULBs

(iii) covered (Andhra Pradesh, Arunachal Pradesh, covered: 1487 out of Assam, Chhattisgarh, Delhi, Goa, Haryana, 3774 ULBs J&K, Karnataka, Lakshadweep, Madhya Max. in Maharashtra:

Pradesh, Maharashtra, Meghalaya, 320 ULBs Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Telangana, Tripura, Uttarakhand, and West Bengal) Information not provided 7 by State/UTs: (Bihar, Chandigarh, Gujarat, Himachal Pradesh, Kerala, Tamil Nadu, Uttar Pradesh) 4(c) Composting 4(c) (i) Total Capacity (TPD) Information provided by 28 States/UTs Total Capacity of (Andhra Pradesh, Arunachal Pradesh, composting plants: Assam, Chandigarh, Chhattisgarh, Delhi, 55199.271 TPD Goa, Gujarat, Haryana, Himachal Pradesh, Gujarat, Maharashtra, J&K, Karnataka, Kerala, Lakshadweep, Karnataka, Tamil Nadu, Madhya Pradesh, Maharashtra, Meghalaya, U.P. have adequate Nagaland, Odisha, Puducherry,

Rajasthan, capacity. Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 1 State (Bihar) 4(c) (ii) Number of Information provided by 28 States/UTs Number of composting composting plants (Andhra Pradesh, Arunachal Pradesh, plants: 782075 Assam, Bihar, Chandigarh, Chhattisgarh, Max in Kerala -

Delhi, Goa, Gujarat, Haryana, Himachal 776543 (including Pradesh, J&K, Karnataka, Kerala, decentralized waste Lakshadweep, Maharashtra, Meghalaya, management facilities) Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 1 State (Madhya Pradesh) 4(c) (iii) Number of ULBs Information provided by 29 States/UTs Number of ULBs covered (Andhra Pradesh, Arunachal Pradesh, covered: 2932 out of Assam, Bihar, Chandigarh, Chhattisgarh, 4186 ULBs 100% Delhi, Goa, Gujarat, Haryana, Himachal ULBs covered in Pradesh, J&K, Karnataka, Kerala, Chhattisgarh and Tamil Lakshadweep, Madhya Pradesh, Nadu with adequate Maharashtra, Meghalaya, Nagaland, capacity (>2000 TPD) Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) 4(d) Biomethanation 4(d) (i) Total Capacity (TPD) Information provided by 26 States/UTs Total Capacity of (Andhra Pradesh, Arunachal Pradesh, Biomethanation plants:

Assam, Chandigarh, Chhattisgarh, Delhi, 2608.18 TPD Goa, Gujarat, Haryana, J&K, Karnataka, Max in Maharashtra - Kerala, Lakshadweep, Madhya Pradesh, 811 TPD Maharashtra, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 3 State/UTs: (Bihar, Himachal Pradesh and Odisha) 4(d) (ii) Number Information provided by 27 States/UTs Total number of (Andhra Pradesh, Arunachal Pradesh, Biomethanation plants:

Assam, Bihar, Chandigarh, Chhattisgarh, 76722 Delhi, Goa, Gujarat, Haryana, J&K, Max in Kerala- 76451. Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 2 State/UTs: (Himachal Pradesh - 54 and Odisha - 114) 4(d) Number of ULBs Information provided by 27 States/UTs Number of ULBs

(iii) covered (Andhra Pradesh, Arunachal Pradesh, covered: 278 out of Assam, Chandigarh, Chhattisgarh, Delhi, 3869 ULBs.

Goa, Gujarat, Haryana, J&K, Karnataka, 100% in Chandigarh, Kerala, Lakshadweep, Madhya Pradesh, Delhi, Kerala Maharashtra, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 2 State/UTs: (Bihar, Himachal Pradesh and Odisha) 4(e) RDF 4(e) (i) Total Capacity (TPD) Information provided by 24 States/UTs Total RDF Capacity:

(Andhra Pradesh, Arunachal Pradesh, 19431.645 TPD Assam, Chandigarh, Chhattisgarh, Goa, Max in Gujarat, Haryana, J&K, Karnataka, Kerala, Kerala - 10040 TPD Lakshadweep, Madhya Pradesh, Telangana - 2400 TPD Maharashtra, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, and West Bengal) Information not provided by 5 State/UTs: (Bihar, Delhi, Himachal Pradesh, Odisha, Uttarakhand) 4(e) (ii) Number of RDF Information provided by 24 States/UTs Total Number of RDF Plants (Andhra Pradesh, Arunachal Pradesh, Plants:807 Max in Assam, Chandigarh, Chhattisgarh, Goa, Haryana - 444 Gujarat, Haryana, J&K, Karnataka, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 5 State/UTs: (Bihar, Delhi, Himachal Pradesh, Kerala, Odisha) 4(e) (iii) Number of ULBs Information provided by 24 States/UTs Number of ULBs covered (Andhra Pradesh, Arunachal Pradesh, covered: 456 out of 3668 Assam, Chandigarh, Chhattisgarh, Delhi, ULBs Goa, Gujarat, Haryana, J&K, Karnataka, Maximum ULBs Kerala, Lakshadweep, Madhya Pradesh, covered in Chandigarh Maharashtra, Meghalaya, Nagaland, (100%) and Haryana Puducherry, Sikkim, Tamil Nadu, Telangana, (69%) Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 5 State/UTs: (Bihar, Delhi, Himachal Pradesh, Odisha, Rajasthan) 4(f) Waste to Energy Plants 4(f) (i) Total Capacity (TPD) Information provided by 25 States/UTs Total Capacity of WtE (Andhra Pradesh, Arunachal Pradesh, plants:16498.7 TPD Assam, Chhattisgarh, Delhi, Goa, Gujarat, Capacity by 2 States Haryana, Himachal Pradesh, J&K, provided in Mega Watt Karnataka, Kerala, Lakshadweep, Madhya (MW) Pradesh, Maharashtra, Meghalaya, HP - 2.75 MW Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana - Telangana, Tripura, Uttar Pradesh, 78.4 MW Uttarakhand, and West Bengal) Maximum in Delhi - Information not provided by 4 4550 TPD Gujarat - State/UTs: (Bihar, Chandigarh, Odisha, 5500 TPD Puducherry) 4(f) (ii) Number Information provided by 25 States/UTs Number of WtE plants:

Assam, Chhattisgarh, Delhi, Goa, Gujarat, Gujarat - 7 Haryana, Himachal Pradesh, J&K, Telangana-6 Karnataka, Kerala, Lakshadweep, Madhya Delhi - 3 Pradesh, Maharashtra, Meghalaya, Goa - 3 Nagaland, Rajasthan, Sikkim, Tamil Nadu, U.P.- 3 Telangana, Tripura, Uttar Pradesh, Andhra P - 2 Uttarakhand, and West Bengal) Haryana -2 Information not provided by 4 HP - 2 State/UTs: (Bihar, Chandigarh, Odisha, Delhi - 3 Puducherry) HP - 2 Andhra Pradesh -2 Assam - 1 M.P - 1 Maharashtra -1 Uttarakhand - 1 W.B. - 1 4(f) (iii) Number of ULBs Information provided by 25 States/UTs Number of ULBs covered (Andhra Pradesh, Arunachal Pradesh, covered: 78 out of 3924 Assam, Chhattisgarh, Delhi, Goa, Gujarat, ULBs Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Uttarakhand - 17 Pradesh, Maharashtra, Meghalaya, M.P-16 Nagaland, Rajasthan, Sikkim, Tamil Nadu, Delhi - 5 Telangana, Tripura, Uttar Pradesh, Andhra Pradesh -13 Uttarakhand, and West Bengal) Gujarat, Haryana, Information not provided by 4 Telangana -6 each State/UTs: (Bihar, Chandigarh, Odisha, Delhi - 5 Puducherry) U.P.

- 3 Goa, H.P. - 2 each Maharashtra, W.B. - 1 each

5 Waste Disposal 5(a) Landfill 5(a) (i) Total Capacity (T) Information provided by 23 States/UTs
Total Capacity of (Andhra Pradesh, Arunachal Pradesh, Landfill sites:

Assam, Chhattisgarh, Delhi, Goa, Gujarat, 14231532.5 Tons Haryana, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, and West Bengal) Information not provided by 6 State/UTs:

(Bihar , Chandigarh, Himachal Pradesh , Maharashtra , Odisha , Uttarakhand) 5(a) (ii) Number Information provided by 24 States/UTs Total Number of (Andhra Pradesh, Arunachal Pradesh, Landfills: 646 Assam, Chhattisgarh, Delhi, Goa, Gujarat, Max in Maharashtra -

Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 5 State/UTs: (Bihar, Chandigarh, Himachal Pradesh, Kerala, Odisha) 5(a) Number of ULBs Information provided by 24 States/UTs Number of ULBs

(iii) covered (Andhra Pradesh, Arunachal Pradesh, covered: 714 out of 3775 Assam, Chhattisgarh, Delhi, Goa, Gujarat, ULBs Haryana, J&K, Karnataka, Lakshadweep, Max in Maharashtra:

Madhya Pradesh, Maharashtra, Meghalaya, 382 Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 5 State/UTs: (Bihar, Chandigarh, Himachal Pradesh, Kerala, Odisha)

6 Legacy Waste management 6(a) Number of Information provided by 28 States/UTs Total Number of dumpsites (No.) (Andhra Pradesh, Arunachal Pradesh, dumpsites: 2129 Assam, Bihar, Chhattisgarh, Delhi, Goa, Max in MP: 378 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) 6(b) Quantity of Waste Information provided by 27 States/UTs Quantity of Waste dumped at (Andhra Pradesh, Arunachal Pradesh, dumped at dumpsites dumpsites (Tons) Assam, Bihar, Chhattisgarh, Delhi, Goa, (Tons): 185558287.3 Gujarat, Haryana, Himachal Pradesh, J&K, Tons Karnataka, Kerala, Lakshadweep, Max in Maharashtra - Maharashtra, Meghalaya, Nagaland, 41683186 Tonnes Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 2 State/UTs: (Chandigarh, Madhya Pradesh) 6(c) Number of Information provided by 25 States/UTs Number of dumpsites dumpsites cleared (Andhra Pradesh, Arunachal Pradesh, cleared (No.): 498 (No.) Assam, Bihar, Chhattisgarh, Delhi, Goa,

Gujarat, Haryana, Himachal Pradesh, J&K, Chhattisgarh- 160 Karnataka, Kerala, Lakshadweep, Madhya Maharashtra- 134 Pradesh, Maharashtra, Nagaland, Uttarakhand - 60 Rajasthan, Sikkim, Tamil Nadu, Telangana, M.P.-50 Tripura, Uttar Pradesh, Uttarakhand, and Tamil Nadu - 27 West Bengal) H.P-17 Information not provided by 4 Gujarat- 16 State/UTs: (Chandigarh, Meghalaya, Odisha, Puducherry) 6(d) Number of Information provided by 26 States/UTs Number of dumpsites in dumpsites in which (Andhra Pradesh, Arunachal Pradesh, which biomining has biomining has Assam, Bihar, Chhattisgarh, Delhi, Goa, commenced (No.): 496 commenced (No.) Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Tamil Nadu - 117 Pradesh, Maharashtra, Meghalaya, Maharashtra-76 M.P-73 Nagaland, Rajasthan, Sikkim, Tamil Nadu, West Bengal - 64 Telangana, Tripura, Uttar Pradesh, Telangana - 52 T.N-117 Uttarakhand, and West Bengal) Rajasthan - 23 Information not provided by 3 Haryana - 16 State/UTs: (Chandigarh, Odisha, Karnataka - 15 Puducherry) Uttarakhand - 12 HP - 10 6(e) Time frame for Information provided by 24 States/UTs Timeline exceeding clearing all (Andhra Pradesh, Arunachal Pradesh, December, 2022 in dumpsites Assam, Chhattisgarh, Delhi, Goa, Gujarat, following States/UTs:

Haryana, Himachal Pradesh, J&K, Delhi, Goa, J&K, Karnataka, Kerala, Lakshadweep, Madhya Karnataka, Puducherry Pradesh, Maharashtra, Odisha, Puducherry, and Tamil Nadu Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal) Information not provided by 5 State/UT:

(Bihar, Chandigarh, Meghalaya, Nagaland, Telangana)

7 Other Information 7(a) Information Information provided by 26 States/UTs Arunachal P - Not regarding (Andhra Pradesh, Arunachal Pradesh Bihar, initiated development of Chhattisgarh, Delhi (NDMC Area), Gujarat, model Goa, Himachal, Haryana, Jammu & Remaining 25 towns/cities/vill Kashmir, Karnataka, Kerala, Lakshadweep, States/UTs have ages Madhya Pradesh, Maharashtra, Nagaland identified model Odisha, Pondicherry, Rajasthan, Sikkim towns/cities/villages ,Tamil Nadu, Telangana, Tripura, Uttar and in process of Pradesh, Uttarakhand, West Bengal) making them compliant Information not provided by 3 with environment State/UTs: (Assam, Chandigarh norms.

Meghalaya,) 7(b) Creation of Information provided by 23 States/UTs Environment cell Environmental cell (Arunachal Pradesh, Bihar, Chhattisgarh, created in 16 Goa, Himachal, Haryana, Jammu & States/UTs. Status for Kashmir, Karnataka, Kerala, Lakshadweep, remaining States/UTs:

Madhya Pradesh, Meghalaya, Nagaland, Arunachal P - Not Odisha, Pondicherry, Rajasthan, Sikkim initiated Tamil Nadu, Telangana, Tripura, Uttar Bihar - partially Pradesh, Uttarakhand, West Bengal) complied Information not provided by 6 Delhi - under process State/UTs: (Andhra Pradesh, Assam, Lakshadweep - Chandigarh, Delhi, Gujarat, Maharashtra) Disengaged since Apr 1st, 2021 Madhya Pradesh Under Process Rajasthan-Under Process UP - UPPCB/envdept has enabled institutional mechanism 7(c) Standardization of Information provided by 24 States/UTs 15 States/UTs have rates for (Andhra Pradesh, Arunachal Pradesh

standardized rates for procurement of Assam, Chhattisgarh, Goa, Himachal, procurement of services services/equipment Haryana, Jammu & Kashmir, Karnataka, through GeM portal. (to do away with the Kerala, Lakshadweep, Madhya Pradesh Status for remaining tendering process) Maharashtra, Nagaland, Odisha, States/UTs is as per required for solid Pondicherry, Rajasthan, Sikkim, Tamil follows:

waste management Nadu, Telangana, Tripura, Uttar Pradesh, Andhra Pradesh - Nil
Uttarakhand, West Bengal) Arunachal P - Not Information not provided by 5
initiated State/UTs: (Bihar, Chandigarh, Delhi, HP - Centralized Legacy Gujarat,
Meghalaya) waste tender being done from DUD.

Kerala - Unit c
decentralized so
waste management
devices are appr
and published by
Government. Loca
bodies can purch
these directly f
accredited agenc
approved by Gove
without tender
procedures. All
waste management
services/
equipments/plant
procured through
competitive tend
process only
MP - under proce
Nagaland - An a
is charged from
household & comm
establishment as
sanitation fee f
management of so
waste generated.
Puducherry - it
adopted. No time
provided.
Rajasthan - Rate
Contract for MRF
equipments have
done. The MRF
machinery/equipm
are being provid
CM Budget
Announcement. Ra
Contract for Col
and transporatio
vehicles at stat

has been done. T
equipments
(Autotippers & Re
Compactors) are
provided under C
budget Announcem
U.P. - not esta

4.0 BIO-MINING OF LEGACY WASTE STATUS

Information on Bio-remediation in prescribed format as per Direction issued by CPCB has been received from 17 States /UTs (namely Arunachal Pradesh, Assam, Bihar, Chandigarh, Delhi, Himachal Pradesh, J&K, Kerala, Madhya Pradesh, Maharashtra, Mizoram, Odisha, Puducherry, Tamil Nadu, Telangana, Tripura, and West Bengal). The overview of report submitted by 17 states/UTs is given in Table-2 below and State/UTs wise details as per the format provided by CPCB is enclosed at Annexure-VI.

Table: 2 Overview of Bio-mining status submitted by 17 States/UTs S. State/U No of Quantity Is fresh If Yes, the Has remediation of No T Name ULB/D of Waste Waste still quantity Legacy Waste been . umpsi at being of Waste done (Y/N/Under te Dumpsit dumped at being consideration) e in dumpsite Dumped Tonnes (Yes/No) (TPD)

1. Arunach 31 57622 Yes -29 138.95 No - 31 dumpsites al dumpsites Pradesh No - 2 dumpsites

2. Assam 44 807890 Yes - 44 147.31 • No - 41 dumpsites dumpsites • Under construction -

03 (Dibrugarh M.B., Nagaon M.B., Silachar M.B.)

3. Bihar 141 2689748 Yes - 55 2769 • Yes - 3 dumpsites No dumpsites • - 118 dumpsites No - 86 • Work in progress - 20 dumpsites dumpsites

4. Chandig 1 4,00,000 No - 1 dumpsite Nil • Yes - 1 dumpsite arh

5. Delhi 3 2800000 Yes - 3 6500 • Under progress - 3 0 dumpsites dumpsites

6. Himachal Pradesh 12 176222 No - 12 Nil • Yes - 1 dumpsite Under consideration • progress - 9 dumpsites

7. Jammu & Kashmir 14 1278500 Yes - 12 659.2 • Yes - 8 dumpsites • Under consideration • progress - 1 dumpsite

8. Kerala 38 434163.8 Yes - 14 185.55 • Under consideration -

			2	dumpsites No - 21 dumpsites Partial/No information -		20 dumpsites • No - 5 dumpsites • progress - 1 No information dumpsites •
				3 dumpsites		
9.	Madhya Pradesh	378	1490823 2	No - 378 dumpsites	Nil	• Yes - 46 • No - 332 d
10.	Maharashtra	188	3195707 2.29	Yes - 73 dumpsites No - 115 dumpsites	4306.79	• Yes - 81 du • No - 70 dum • Under proce • Under consi 30 dumpsite
11.	Mizoram	1	56542.15	No - 1 dumpsite	Nil	• Under consi - 1 dumpsit
12.	Odisha	Information received from 01 MC	Nil	No information provided	No information provided	No - 1 du
13.	Puducherry	7	689349	Yes - 5 dumpsites No - 2 dumpsites	471.5	Yes - 1 dumpsite No - 1 dumpsite Under considera 5 dumpsites
14	Tamil Nadu	263	1835058 7.4	Yes - 6 dumpsites No - 244 dumpsites	19982	Yes - 111 dumpsites

				No information - 13 dumpsites		No - 48 dumpsites
						Under consideration 90 dumpsites
						No information - dumpsites
15.	Telangana	141	7116314	Yes - 124 dumpsites No - 17 dumpsites	2132	Yes - 2
						No - 18 Under consideration
16.	Tripura	Information received from 01 MC	6000	No - 1 dumpsite	Nil	Yes - 1 dumpsite
17.	West Bengal	92	10717898. 3	Yes - 88 dumpsites No - 4 dumpsites	10361.58	Under consideration dumpsites
TOTAL		1356	87402107 .2 Tonnes	Yes - 453 dumpsites No - 886 dumpsites No information - 17 dumpsites	47653.88 TPD	Yes - 255 dumpsites No - 665 dumpsites Under Progress/construction 44 dumpsites Under Consideration 366 dumpsites No information - 26

5.0 SOLID WASTE MANAGEMENT OF 43 MILLION PLUS CITIES STATUS

Information regarding specific information related to SWM in 43 million plus cities in prescribed format has been received from 20 cities in 9 States /UTs (namely Delhi, Haryana (Ghaziabad and Gurugram), J&K (Jammu and Srinagar), Kerala (Thiruvananthapuram), Maharashtra (Aurangabad, Greater Mumbai, Kalyan Dombivli, Nagpur Nashik, Navi Mumbai, Pimpri Chinchwad Pune, Thane and Vasai Virar MC), Mizoram (Aizawl), Puducherry, Rajasthan (Jaipur), Tripura (Agartala)). The overview of report submitted by 9 states/UTs is given in Table-3 below and city wise details as per the format provided by CPCB is enclosed at Annexure-VII.

Table: 3 Overview of city wise information on SWM submitted by 9 States/UT Sl. State City MSW Quantity Quantity of Gap in No. generat of MSW Solid ed processed MSW Waste (TPD) (TPD) disposed Managem in secured ent (TPD) land fill site (TPD) 4 Puducherry Puducherry 335.72 67.22 0 268.5 5 Maharashtra 6 Kerala Thiruvananthapuram 448 187.79 0 260.21 8 Tripura Agartala 224 156.1 11 56.9 9 Delhi Delhi 10981.3 4825.3 400 5756 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 Biomethanation 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. Supplementary report has been filed on 29.11.2021 giving information about six more cities.

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

"State-wise summary
Sl. No. of States
Number of ULBs
Quantity of MSW
Quantity of MSW
Quantity of MSW
Quantity of MSW
Quantity of SWM
Quantity of UTs
Quantity of GAP
Generated
Collected
Processed
Disposed in (TPD)
Secured land (TPD)
Fill site (TPD)

1. Andhra Pradesh 124 6898 6830 2180 257.5 4460.5

7. Delhi 5 11038.335 11038.335 5262.335 400 5776

8. Goa 14/ 226.67/ 218.67/ 196.67/ NIL 30/ 317(RLBs) 258(RLBs) 191(RLBs) 258(RLBs) 59(RLBs)

10. Haryana 89 5523 5287 2696 30 2797 approx. approx.

Pradesh

12. J&K 78 1389.1 1303.52 244 923.7 221.4

13. Karnataka 316 11085 10198 6817 1250 3018

15. Lakshadweep 0 35 10.48 10.48 Nil 24.52 p (10 Panchayats are existing) Pradesh

17. Maharashtra 396 ULBs 24410 23234 20319 1626 2465 + 07 CBs = 403

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

22. Rajasthan 196 6523 6450 2718 GAP 3805

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 310.23 functional in Dehradun and Haridwar only

29. West Bengal 125 13709 13356 2896 1187 9626 City-wise Summary Sl. City Quantity Quantity Quantity of GAP in No. of MSW of MSW MSW SWM UTs generated Processed disposed in (TPD) (TPD) secured land (TPD) fill site (TPD) 1 Agartala 224 156.1 11 56.9 4 Delhi 10981.258 4825.175 400* 5756.083 5 Faridabad 800 135 180 approx. 485 approx. approx. approx.

Dombivali 13 Navi 667 667 53 (inert) 0 Mumbai 45 Pondicherry 335.72 67.22 0 368.5 17 Thiruvananthapuram 448 187.79 0 360.21 hapuram 18 Vasai-Virar 620 Nil Nil 620 "

14. From the above, it is seen that there is still huge gap in waste generated and treated which needs to be bridged expeditiously as the statutory timelines have already expired. The remedial action needs to cover legacy waste also.

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. Though in terms of order dated 14.12.2020, data of Solid Waste alone has been given in the reports mentioned above, data of sewage is available in O.A. No. 593/2017, Paryavaran Suraksha Samiti & Anr. v.

Union of India & Ors. dealt with vide order dated 22.02.2021 based on 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', extracted in the said order which is reproduced below for ready reference: -

"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 Sewage Existing STP Capacity Gap in No. State Generation (capacity in Utilization Treatment at (in MLD) MLD and No.) (In MLD) present (in MLD) 515.85 (43 1 Andhra Pradesh

1463.20 473.77 (91%) 947.35 STPs) 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 Daman, Diu And Dadra 5 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 163.5 120.5 (65 STPs) 76.8 (64%) 43 Pradesh 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 91.12 (73%) 192 STPs) 15 Madhya 2183.65 618.23 (23 472.6 (76%) 1565.4 Pradesh STPs) 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 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 80% 482.5 STP) 24 Rajasthan 1551 999 (80 STPs) 694.5 (69%) 552 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%) -

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

17. The Tribunal observed:-

"24. We have given careful consideration to the data furnished by way of above reports and found that the progress achieved is insubstantial. We note discrepancy in the data in the current report compared to the data in the last report dated 15.09.2020. In the last report, the data of sewage generation was mentioned to be 53,396.84 MLD while in the current report it is mentioned as 48,000 MLD.

Explanation in the report is that the earlier information was incomplete and the current report gives the correct figure. It is seen that huge gap in generation and treatment of sewage continues. Capacity is said to be only 62% but the entire capacity is not utilised. Utilised capacity is only 44% as per data furnished by the CPCB in OA 95/2018, Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors, to be referred later. As per last report, 1831 industries were working without any ETP in violation of

law. 1123 ETPs were non functional. 62 CETPs and 530 STPs were non-compliant. Several projects are still at tender/DPR stage with no interim remediation arrangement. This statistic relates to the urban areas of the entire country, including the towns on the banks of rivers in question. No statistics have been given about the gap in generation and treatment of the sewage in rural areas. While the report mentions that the National FSSM Policy has been introduced in 2017 and some States have also issued their State Level Policies, the FSTPs operational are said to be only about 30 and in the offing about 400 which are hardly sufficient to address the huge gap. Credible database needs to be compiled in this regard and comprehensive action plan prepared to ensure that there is no gap in the waste generation and treatment. Execution of the action plan has to be planned having in mind the requirements of the urban and rural areas separately. The policy must include utilization of biosolids for using as composting need to be duly ensured. The observations and recommendations in the report on issues not expressly dealt with need to be duly followed.

To address the huge gap in generation and treatment of waste, requisite number of treatment plants need to be in place at the earliest, including modular STPs wherever necessary. The plants already set up need to be functional and compliant. The ongoing projects have to be completed within the stipulated timelines. Pending such treatment interim measures for phyto/bio-remediation needs to be taken to ensure compliance of the provisions of the Water Act prohibiting discharge of any contaminant in water bodies.

Thus, huge water pollution is taking place as per official data with no effective adverse action against polluters, though it is crime under the law of land in the same way as homicide and assault. Pollution is resulting in deaths and diseases but with no punishment and no protection to the victims posing serious threat to rule of law requiring protection of innocent and punishment of guilty by the State. Emergent and stringent measures are necessary for discharge of Constitutional duties by the States concerned otherwise it is tolerating and ignoring lawlessness. Repeated directions to shorten tendering/DPR procedures have remained uncomplied as also fixing accountability of officers responsible for the situation.

25. Thus, further action is required in mission-mode at all levels to discharge constitutional obligation of providing pollution free environment and also to protect public health. Scarce sources of drinking water and irrigation are required to be maintained free from contamination. This is basic constitutional obligation of the authorities under the Constitution being linked to 'Right to Life'. Without this being done in a meaningful manner, there can be no sustainable development. There is need for stringent enforcement by way of adverse measures, including recovery of compensation for continuing violation and adverse entries in the record of defaulting officers. Accountability for those who are entrusted the responsibility to comply with these directions must be fixed on the principle of good governance to enforce rule of law to protect rights of citizens.

26. We find that the river water quality has been analyzed without taking into account one of the major components of river pollution i.e. fecal coliform. The river water quality is declared 'fit for bathing' only with reference to BOD, without concern of the fecal coliform, which does not represent true picture and such course is thus against the law. This may be duly remedied. There is need for compiling an annual progress report in terms of improvement of water quality by reducing pollution

load. The progress should be evaluated depending on extent of reduction of pollution load, in comparison to the earlier period. Such annual progress report must be put in public domain and appropriate action taken for inadequate progress after finding out the persons responsible for such failure and other causes, if any. Adequate number of monitoring stations need to be installed in a time bound manner for the purpose of monitoring water quality.

27. One major step for monitoring is compiling data in transparent manner. The Tribunal has already directed, vide order dated 05.02.2021 in OA 95/2018, Aryavart Foundation v. M/s Vapi Enviro Ltd. & Ors., that National/State/District Environment Data Grids be established which will go a great way in compiling data and monitoring compliance. There is also need to take further steps for enhancing the utilization of treated waste water. The gap in generation of treated water and its utilization needs to be addressed expeditiously and monitored in terms of quantity and quality.

28. There is further need to re-engineer the administrative processes adopted and giving of the contracts, as earlier mentioned. The time consuming DPRs and approval processes in the administration needs to be avoided and speedy action taken based on model DPRs and laid down standards. It is a matter of regret that, as per official statistics, 56% of total generated sewage remains untreated and finds its way into the water bodies which is a crime under the law of the land for the last 47 years. This remains a constant threat to contamination of potable water. Similar is the position with regard to the water pollution from other sources, including industries and dumping of solid and other waste."

"29 to 36.....XXX.....XXX.....XXX

37. In view of the above, we are of opinion that the monitoring by the Tribunal cannot be unending and must now be taken over by the concerned authorities. The roadmap stands laid out. Action plans have been prepared for remediation of all the 351 identified polluted river stretches.

Gaps have been identified for ETPs/CETPs/STPs (including modular STPs wherever necessary). Timelines are clear. Sources of funding are clear in the Supreme Court order. HAM model is also available as per Govt. of India Policy mentioned in the report of the CMC. Alternative conventional methods of bio/phytoremediation are also available as mentioned in the report of the CMC. Existing treatment capacity is not fully utilised. New projects, already ongoing or those yet to commence need to be expedited. Consequences for delay in terms of compensation and administrative measures have been clearly mentioned. The river rejuvenation committees in the States/UTs, as per directions of the Chief Secretaries may perform their obligations accordingly which may be monitored by the Central Monitoring Committee, headed by Secretary, Jal Shakti, as directed earlier.

38. We find that the monitoring mechanism introduced as per directions of this Tribunal in the form of RRCs at the States level and CMC at the Central level is to an extent identical to the monitoring mechanism laid down under the River Ganga Rejuvenation, Protection and Management Authorities Notification 2016. However, mechanism under the 2016 notification being statutory and exhaustive, it will be better that the same is adopted for all the river stretches as issues involved are

common. The Empowered Task Force on river Ganga headed by Union Minister of Jal Shakti may exercise all powers and discharge all functions in relation to all the polluted river stretches in the same manner as the functions entrusted to it under the River Ganga 2016 order for control of pollution and rejuvenation of polluted river stretches. This is necessary so that the Nation/Central Monitoring Mechanism can be effective, in view of continuing failure of statutory mechanism under the Water Act for preventing pollution of water, resulting in pollution of almost all the rivers and water bodies in the country, posing serious threat to availability of potable water for drinking purposes as well as for safety of food chain. Hardly any accountability has been fixed for such serious failures. It will be open to the MoJS to issue any further appropriate statutory order to give effect to the above directions under the EP Act. The National/Central Mechanism may enforce the earlier directions of this Tribunal for collecting compensation for the failure to commence or complete the projects for setting up of sewage treatment equipments or taking steps for interim remediation measures. This is necessary for accountability for the failure to obey the law. The compensation so assessed may be deposited in a separate account to be used for rejuvenation of the polluted river stretches in the same manner as directed in the case of Ganga quoted above. As directed vide order dated 19.12.2018 in OA 673/2018, responsibility to pay compensation on behalf of the States/UTs will be of the Chief Secretaries. As per scheme of the NGT Act, every order of NGT is executable as a decree of Civil Court⁹. Further, failure to comply order of the NGT is an offence punishable with imprisonment upto three Section 25 of the NGT Act, 2010 read with Section 51 of the CPC providing for mode of execution which include civil imprisonment.

years or fine upto Rs. 10 crores with additional fine for continuing offence after conviction.¹⁰ If the offence is by a Government Department, Head of the Department is deemed to be guilty.¹¹ Cognizance of the offence can be taken by a Court on a complaint of Central Government or any other person who has given notice to the Central Government or its authorized representative. The complaint can be filed before a Court of Magistrate of first class. It is, thus, necessary in view of continuing violation of NGT order, requiring payment of compensation to reiterate the direction of responsibility for payment of compensation, to be of the Chief Secretaries and in default, their liability to be proceeded against for coercive measures for execution or by way of prosecution as per NGT Act, 2010.

39. Our directions are summed up as follows:

(i) In the light of observations in Para 38 above, MoJS may devise an appropriate mechanism for more effective monitoring of steps for control of pollution and rejuvenation of all polluted river stretches in the country. The said mechanism may be called "National River Rejuvenation Mechanism" (NRRM) or given any other suitable name. NRRM may also consider the observations with regard to setting up of National/State/District Environment Data Grid at appropriate levels as an effective monitoring strategy.

(ii) Chief Secretaries of all States/UTs and PCBs/PCCs must work in mission mode for strict compliance of timelines for commencing new projects, completing ongoing projects and adopting interim phyto/bio-remediation measures, failing which

compensation in terms of earlier orders be deposited with the MoJS, to be utilised in the respective States as per action plan to be approved by the NRRM. Other steps in terms of action plans for abatement of pollution and rejuvenation of rivers, including preventing discharge or dumping of liquid and solid waste, maintaining eflow, protecting floodplains, using treated sewage for secondary purposes, developing bio-

diversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc. be taken effectively. The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.

(iii) The Chief Secretaries of all States/UTs may personally monitor progress at least once every month and the NRRM every quarter.

(iv) Directions of this Tribunal in earlier order, the last being dated 21.9.2020 are reiterated.

(v) The NRRM and the Chief Secretaries of all the States/UTs may take into account the observations in Paras 24 to 38 above.

(vi) In view of discussion in para 38 above, it is made clear that accountability for failure to comply with the direction for payment of compensation will be of the concerned Chief Section 26 Section 28 Secretaries under Sections 25, 26, 28 and 30 of the NGT Act, 2010. The MoJS or any other aggrieved person will be free to take remedies by way of initiating prosecution or execution."

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,¹² 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
4.	Assam	28.04.2022
5.	Delhi	04.05.2022
6.	Haryana	06.05.2022
7.	Ladakh	10.05.2022

(2017) 5 SCC 326

8.	Gujarat	12.05.2022
9.	Goa	17.05.2022
10.	Daman and Diu	19.05.2022
11.	Dadar and Nagar Haveli	24.05.2022
12.	Himachal Pradesh	26.05.2022
13.	Uttarakhand	26.05.2022

13.	Chhattisgarh	31.05.2022
14.	Kerala	05.07.2022
15.	Tamil Nadu	07.07.2022
16.	Lakshadweep	12.07.2022
17.	Puducherry	14.07.2022
18.	Andhra Pradesh	19.07.2022
19.	Punjab	21.07.2022
20.	Chandigarh	26.07.2022
21.	Uttar Pradesh	28.07.2022
22.	West Bengal	02.08.2022
23.	Maharashtra	04.08.2022
24.	Rajasthan	10.08.2022
25.	Andaman & Nicobar	12.08.2022
26.	Telangana	16.08.2022
27.	Karnataka	18.08.2022
28.	Jammu & Kashmir	23.08.2022
29.	Sikkim	25.08.2022
30.	Madhya Pradesh	30.08.2022
31.	Arunachal Pradesh	01.09.2022
32.	Nagaland	06.09.2022
33.	Manipur	08.09.2022
34.	Mizoram	13.09.2022
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.

Adarsh Kumar Goel, CP Sudhir Agarwal, JM Dr. Nagin Nanda, EM November 30, 2021 Original Application No. 606/2018 SN