

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Reserved on: February 17, 2017
Pronounced on: March 16, 2017

Writ Petition (PIL) No.80 of 2012

Sai Nath Seva Mandal

..... **Petitioner**

Versus

State of Uttarakhand & others

... **Respondents**

Mr. Rajeev Singh Bisht, Advocate, for the petitioner.

Mr. B.S. Negi, Dy. Advocate General, for the State of Uttarakhand.

Mr. Devesh Bishnoi, Advocate, for respondent no.5.

Mr. Anurag Bisaria, Advocate holding brief of Mr. Aman Rab, Advocate, for respondent no.6.

Mr. Sanjay Bhatt, Standing Counsel, for the Union of India.

Mr. D. Barthwal, Advocate, for respondent no.11.

Coram: Hon'ble Rajiv Sharma , J.

Hon'ble Sudhanshu Dhulia, J.

Per: Hon'ble Rajiv Sharma , J.

The present petition has been filed by the petitioner society *pro bono publico*. The Society i.e. 'Shri Sai Nath Seva Mandal' is registered under the provisions of the Societies Registration Act, 1860. It is involved in espousing social causes.

2. Petitioner has made a startling revelation in the petition that the municipal waste generated in Kashipur city is being dumped directly in Dhela river near the Sai Temple situated on the Moradabad Road in Kashipur town. It also emanates foul gases which are detrimental to the health of the people residing in the vicinity of the river. The society has made several representations to the respondent no.5 i.e. Nagar Palika Parishad, Kashipur. However, respondent no.5 is remiss in discharge of its statutory duties.

3. According to the petitioner, the respondents have violated the various provisions of the Environmental and Municipal Laws. The State Government has also, as per the averments made in the petition, sanctioned a sum of Rs.35 lakhs to the respondent no.5 under the Thirteenth Five Year Plan but the same has not been utilized by the respondent no.5. Petitioner has sought a direction to the respondent no.5 to stop dumping of municipal waste in Dhela River and also to remove the same.

4. This Court took cognizance of the matter and directed the respondent no.5 to take all remedial measures. The Court also arrayed the Secretary, Department of Irrigation, Government of Uttarakhand, Dehradun as well as the Executive Engineer, Department of Irrigation, Kashipur Division, District U.S. Nagar, as respondent nos.9 and 10 respectively. Since the municipal waste was dumped near the bridge and also directly into the river, the National Highways Authority of India, through its Project Director, was added as respondent no.11.

5. Respondent nos.9 and 10, in their affidavits, have stated that the steps were being taken to remove the garbage. It is stated that the stone pitching work was undertaken including construction of spurs. A sum of Rs.16.04 lakh was spent, however, the petitioner has brought to the notice of this Court that the pitching work washed away within a period of one year. This Court took a serious view of the matter and directed the respondent nos.9 and 10 to do the needful. Respondent nos.9 and 10 have undertaken to restore the work and

not to make any payment for the restoration work to the contractor.

6. Dumping of municipal waste near the bridge has also resulted in weakness of bridge. Respondent no.5, in the affidavit, has stated that further dumping of municipal waste was stopped in the river and a new site was chosen for dumping. In the month of October, 2013, the Department of Irrigation had prepared the project for flood protection and anti-erosion work along both banks of Dhela river and Phika river (Tributary of Ram Ganga River) in Ramnagar, Kashipur and Jaspur Blocks of Districts Nainital and U.S. Nagar. It was sent to Ganga Flood Control Commission, Ministry of Water Resources, Government of India. The Ganga Flood Control Commission on 18.9.2012 raised some objections in the project which was removed by the Irrigation Department on 10.12.2013 and 4.1.2014.

7. Respondent no.5 has filed its detailed affidavit stating therein that the proposal for Solid Waste Management was sent to the State Government for its approval and allotment of land. The Nagar Palika had also sent a proposal to respondent no.2 for allotment of an alternative land out of the ceiling limits of Escort Farms at Kashipur. The Palika had also submitted a proposal for modernization of the Solid Waste Treatment Plant and allowed grant of money in order to undertake the solid waste management effectively. However, the same is pending with respondent no.2.

8. Now, as far as the spending the amount of Rs.35 lakh by the Palika is concerned, a very vague and sketchy reply has been filed, by stating, that the Nagar Palika has utilized the money by buying equipments relating to the waste management and material for street lighting.

9. Respondent no.6- State Pollution Control Board has also filed its reply. According to the averments made in the reply, the respondent no.6 had served the Nagar Palika, Kashipur with a notice under the Environment Protection Act, 1986 and the Board has already initiated the prosecution against the Nagar Palika, Kashipur in the designated Court of J.M. (CBI) Dehradun for the statutory violation of the provisions of the Environment Protection Act.

10. This Court, on 29.5.2015, had directed the first respondent to file an affidavit as to what extent the Waste Disposal Management Rules of 1999 have been implemented. Further, how many local authorities are having the facility in compliance with the Rules and what is the amount, which has been allocated by the Government, so far, for that purpose.

11. In sequel to the order dated 29.5.2015, respondent no.1 has filed its detailed reply at page No.207 of the paper book. According to the reply, under the JnNURM (Jawaharlal Nehru National Urban Renewal Mission Scheme) managed by the Department of Urban Development, Govt. of India, under the Municipal Solid Waste Management, the project of Rs.9.31 crore was sanctioned for Municipal Board, Nainital vide Gazette Notification dated 6.7.2013. Similarly, the project amounting to Rs.16.72 crores was sanctioned for the Municipal Corporation, Dehradun vide gazette notification dated 16.7.2010. The Government of India had sanctioned the scheme of Haldwani cluster amounting to Rs.34.88 crores, which includes the Solid Waste Management of the urban areas of Haldwani, Lalkuan, Bhimtal, Kichha and Rudrapur. It is further

stated that under the Special Plan Assistance (SPA), a sum of Rs.10.01 crore was sanctioned by the State Government for 29 cities of the State. Since the land is not available at some places out of the aforesaid 29 cities, therefore, the said Scheme could not be implemented in *toto*. It is further stated that on the basis of recommendations of 13th/14th Finance Commission, Rs.117.05 crores and Rs.37.71 crores have already been released to the local bodies of the State and this money can also be utilized for the solid waste management. It is further averred in the affidavit that under the scheme of 'NAMAMI GANGE', managed by the Ministry of Water Resources, River Development & Ganga Protection, Government of India, the Schemes of Rishikesh Cluster, Roorkee Cluster, Kashipur Cluster, Tehri City and Pauri City for Rs.230.08 crore have been prepared and sent to the State Project Management Group (SPMG), National Ganga River Basin Authority (NGRBA) Uttarakhand to sanction the amount. It has also come in the affidavit that a sum of Rs.50 Lacs has been released to the Municipal Corporation, Dehradun, a sum Rs.2 crores have been released to Municipal Corporation, Haridwar and Rs.7 lacs have been released to Municipal Board, Muni ki Reti.

12. In the subsequent affidavit filed by respondent no.5 it is deposed that the Palika has purchased three plots admeasuring 1.7180 hectares of land situated at village Kanchal Ghazi, Kashipur, District U.S. Nagar for disposal of solid waste.

13. This Court enlarged the scope of writ petition vide order dated 18.12.2015 whereby the State was directed to file a report relating to the progress of the

work in the matter of setting up of Solid Waste Management in terms of the rules including the allotment of funds, acquisition of land and construction of the requisite plant. In sequel to the order dated 18.12.2015, respondent no.1 has filed the affidavit. According to the averments made in the affidavit, the Ministry of Urban Development, Government of India under JNNURM scheme, the Nagar Nigam, Dehradun and Nagar Nigam, Haridwar were released a sum of Rs.150 lacs and Rs.300 lacs for completing the Solid Waste Management Scheme. It has also been averred in the affidavit that for the purpose of implementation of the Solid Waste Management Scheme, the Nagar Palika Parishad, Karnprayag has been released a sum of Rs.10 lacs, Nagar Panchayat, Gochar has been released a sum of Rs.10 lacs and Nagar Palika Parishad, Muni ki Reti has been released a sum of Rs.7 lacs under the said scheme. A committee was also constituted vide Government Order dated 18.02.2016 for demarcation/ transfer of the land for implementation of the scheme of the solid wastes headed by the Chief Secretary. The delay in implementation of Solid Waste Management Scheme in Districts Haridwar and Dehradun was caused due to the delay in environmental clearance by the Government of India. However, after the Environment clearance given by the Central Government, the tender process was initiated by the Nagar Nigam, Dehradun. It is also averred that the Government of India has also released a sum of Rs.16.10 crores under S.P.A. scheme for 26 cities regarding the Solid Waste Management Scheme.

14. The Court on 27.04.2016 further enlarged the scope of writ petition by directing all the District

Magistrates to provide prompt information in regard to the steps being taken and progress made in the matter for implementation of Waste Disposal Management Rules, 1999.

15. In sequel to the order dated 27.04.2016, the concerned District Magistrates have filed their respective affidavits giving therein the details of the steps taken by all the Municipalities, Nagar Panchayats and Corporations for scientific disposal of the municipal waste.

Affidavit of District Magistrate, Bageshwar

16. According to the averments made in the affidavit sworn by District Magistrate, Bageshwar, there are three local bodies namely Nagar Palika Parishad, Bageshwar, Nagar Panchayat, Kapkote and Zila Panchayat, Bageshwar. However, only Nagar Panchayat, Kapkote has its own demarcated land for its trenching ground while the other two local bodies have no such land. The proposal for transfer of land was made to the Nodal Officer, Forest Department for sanctioning the principal amount. Now, as far as the Nagar Panchayat, Kapkote is concerned, the land has been made available and the DPR is also made available for construction of the trenching ground. The disposal of municipal waste in other local bodies was being carried out by installing dustbins over identified spots and the municipal waste was being dumped at the temporary disposal spot. In relation to Zila Panchayat, Bageshwar, for trenching ground, the financial assistance was sought from the Government i.e. Secretary, Panchayati Raj, Uttarakhand. The same was not received and two reminders were also

sent for the same. The proposal was also sent on 09.03.2016 by the Zila Panchayat, Bageshwar for appointment of regular sweepers and garbage vehicle.

Affidavit of District Magistrate, Chamoli

17. According to the averments made in the affidavit sworn by District Magistrate, Chamoli, in Municipal Board Chamoli-Gopeshwar, house-to-house garbage collection scheme is being implemented. The garbage is lifted from the dustbins regularly. Burning of garbage is banned in the municipal area. The Municipal Board, Chamoli-Gopeshwar has framed its Municipal Solid Waste Management Sub-Rules.

18. In Municipal Board, Joshimath, the garbage is being collected from house-to-house and thereafter, it is transferred regularly. In Municipal Board, Gouchar also, garbage is collected from house-to-house basis and it is transported.

19. Now, as far as the Badrinath, Nandprayag, Pokhri, Karnprayag and Gairsain Panchayats are concerned, there is also house-to-house collection of Garbage. However, it is highlighted in the affidavit that there is no scheme for disposal of non-bio degradable waste. The bio-degradable waste is dumped in a pit for composting.

Affidavit of District Magistrate, Nainital

20. The District Magistrate, Nainital has also filed his affidavit. According to the affidavit, the population of Nainital is 41,461 (2011 census) whereas the floating population is about 3 to 4 lakh. Nainital city is divided into 13 Wards. The District Magistrate, Nainital has

demarcated the land measuring 0.73 hectare at Village Khurpatal. Nagar Palika Parishad has framed its bye-laws. The garbage was being dumped at Hanuman Garhi (about 1 kilometre from the city).

21. Now, as far as Nagar Panchayat, Kaladhungi is concerned, it has no land for disposal of organic garbage. The garbage was being disposed of in the vacant forest land. For regular trenching ground, a proposal for transfer of 0.264 hectare of land near Thapla has been sent to the Conservator of Forest.

22. In order to dispose the garbage in Nagar Palika Parishad, Ram Nagar, the land located at Village Puchari is being used. Nagar Palika applied for 0.955 hectare of land. The Parishad has framed the bye-laws and sent the same to Government for publication.

23. Now, as far as Nagar Nigam, Haldwani-Kathgodam is concerned, the DPR based on Cluster wise proposal has been sent to the Director, Urban Development Department, Dehradun. A sum of Rs.34.88 crores were sanctioned by the Government for Solid Waste Management out of which Rs.8.72 crores have been released. The Nagar Nigam, for the disposal of garbage with scientific method, got sanctioned 04 hectares of land from Forest Department vide letter dated 21.08.2015.

24. In Nagar Panchayat, Bhimtal, the garbage is collected on door-to-door basis. A sum of Rs.8.72 crores have been sanctioned for disposal of garbage.

25. In Nagar Palika Parishad, Bhowali, 1675 residential houses and 603 commercial shops are

covered under door-to-door collection of garbage. The Municipal Board, Bhowali is having the land measuring 0.27 hectare for trenching ground near Niglat and proposal for the transfer of land has been forwarded to the Forest Department.

26. In Nagar Panchayat, Lalkuan no land is available for disposal of garbage, however, in order to ensure the disposal of garbage, a proposal for allotment of 0.70 hectare forest land has been forwarded to the Forest Department.

Affidavit of D.M., Pauri Garhwal

27. In the affidavit sworn by D.M., Pauri Garhwal, in Pauri, house to house garbage collection scheme is being implemented. The Municipal Board, Pauri has no trenching ground. The land measuring 1.007 hectare situated in Mandakhal, Khirsu of reserve forest has been allotted for the disposal of Municipal Solid Waste.

28. In Municipal Board, Srinagar, for the construction of composting ground and for establishing necessary equipment of Solid Waste Management, the necessary DPR is being prepared and forwarded to the Government for the sanction of Rs.4.60 crores. The garbage is lifted and transported to the trenching ground.

29. In Municipal Board, Kotdwar, the DPR is being prepared by the Board for sanction of 01 hectare of the forest land for construction of trenching ground.

30. In Nagar Panchayat, Swargasharam-Jaunk and Municipal Board, Dugadda, it is highlighted that Gram Panchayat has no land for trenching ground but now, with the help of Revenue Department, for the

purpose of Khata No.16, Khasra No.723, the land was demarcated where the garbage, being generated from Swargasharam Jaunk, was dumped. The Municipal Board, Dugadda has no land for its trenching ground and for the construction of trenching ground, the land of forest department has been demarcated and the process for transfer of land is under process.

Affidavit of D.M., Pithoragarh

31. In the affidavit sworn by D.M., Pithoragarh, it is averred that the land measuring 0.750 hectare has been allotted to the Urban Development Department. Sixty dustbins have been installed by the Municipal Board, Pithoragarh. The garbage is dumped on day-to-day basis by the Board at a distance of 9 k.m. away within the ambit of Municipal Board, Pithoragarh at the place named as Vipul at Nainipatal.

32. In Municipal Board, Dharchula, Mohalla Swachata Samities were constituted. The land for disposal of garbage was identified and the DPR was being prepared.

33. In Nagar Panchayat, Berinag, the DPR was being prepared. In Nagar Panchayat, Gangolihat, the garbage was being disposed of through a vehicle hired by the Nagar Panchayat.

34. Nagar Panchayat, Didihat, generates about 5 ton of garbage per day. A proposal was sent to the State Government for sanctioning a sum of Rs.45 lacs out of which Rs.20 lacs have already been sanctioned. Nagar Panchayat, Didihat is not having any trenching ground, however, the land measuring 0.45 hectare, situated at

Thal Road near Timori band, has been selected for the purpose and the proposal for allotment of said land has been sent to the Government.

Affidavit of D.M., Rudraprayag

35. The D.M., Rudraprayag in his affidavit has stated that as far as Nagar Palika Parishad, Rudraprayag is concerned, 11 Mohalla Samities have been constituted which bring the garbage to the dustbin installed at the identified places. The garbage is lifted to the trenching ground regularly. Municipal Board has framed its Sub-Rules 2016. These have been sent to the State Government for notification. For disposal of garbage, the trenching ground land of Khasra No.109 measuring 0.303 hectare has been earmarked out of which 0.080 (4 Nali) land was allotted in the name of Municipal Board in addition to 0.601 hectare of land of Khata No.34, Khasra No.12 measuring 1.236 hectare in revenue area, Punad, Jhirmoli Nalsera Toak.

36. In Nagar Panchayat, Ukhimath, the dustbins have been provided. The Municipal Board, Ukhimath has framed the Sub-Rules 2016 which have been sent to the State Government for notification.

37. In Nagar Panchayat, Agastyamuni, the dustbins have been provided. The land has been provided for trenching.

38. Now, as far as Nagar Panchayat, Kedarnath is concerned, 25 daily wage sweepers have been deployed for house-to-house garbage collection. The DPR is being prepared by the Nagar Panchayat, Kedarnath.

Affidavit of D.M., U.S. Nagar

39. In the affidavit sworn by D.M., U.S. Nagar, it is averred that a sum of Rs.34.88 crores has been sanctioned for management of solid waste out of which Rs.8.72 crores have already been released. The garbage generated in Rudrapur is sent to Haldwani Recycling Plant. A proposal for utilization of vacant land behind A.N. Jha Inter College, Rudrapur has been sent to the Secretary, Urban Development Department, Government of Uttarakhand and the approval thereof is awaited.

40. So far as Municipal Board, Kashipur is concerned, for the composting/dumping work, from the head of 13th Finance Commission, about 04 acres of land has been purchased and for the construction of composting pit, dumping shed, watch room, water, light and for shunting work, the tender process is in progress.

41. For disposal of garbage, as far as Municipal Board, Jaspur is concerned, the Board is having only 0.58 acre of land over Khasra No.28. This land is situated in a populated area.

42. Municipal Board, Bazpur is not having any land for trenching ground and the purchase of land is proposed.

43. Now, as far as Municipal Board, Gadarpur is concerned, no land is available with the Board and a demand for the same has been raised with the State Government.

44. So far as the Municipal Board, Kiccha is concerned, a proposal has been finalized for choosing suitable site for disposal of garbage.

45. In Municipal Board, Sitarganj, the disposal of garbage is being carried out at a site having 0.449 hectare of land.

46. For Khatima Municipal Board, the proposal has been sent to the concerned DFO on 17.10.2015. The garbage is being dumped shockingly in the forest land.

47. In Nagar Panchayat, Shaktigarh, no land is available for disposal of garbage. The garbage is being dumped in the forest land by excavating pits. In Dineshpur Nagar Panchayat also, no land is available for the disposal of garbage. The demand has been raised for allotment of 01 hectare of land for trenching ground.

48. In Nagar Panchayat, Sultanpur Patti, no land is available for trenching. Thus, DPRs have been prepared.

49. In Nagar Panchayat, Kelakhera, 08 Mohalla Swachata Samitis have been constituted. The garbage is being dumped in forest land.

50. In Nagar Panchayat, Mahuakhera, the Municipal Solid Waste Scheme is in force and the work of construction of trenching ground is about to complete.

Affidavit of District Magistrate, Uttarkashi

51. In the affidavit filed by D.M., Uttarkashi, it is stated that there are two Nagar Palika Parishads i.e. Uttarkashi and Badkote & four Nagar Panchayats namely Chinyasaur, Purola, Gangotri and Naugaon. There was a proposal for installation of Plant at the sanitary land.

Affidavit of District Magistrate, Almora

52. In the affidavit sworn by D.M., Almora, it is averred that for the disposal of garbage, a proposal for allotment of 0.9 hectare forest land for construction of trenching ground has been sent to the Government. A request has also been made for allotment of necessary funds.

53. Now, as far as Municipal Board, Ranikhet-Chiliyanaula is concerned, the proposal has been mooted for demarcation of land for trenching ground.

54. In Nagar Panchayat, Dwarahat for disposal of garbage over the land measuring 10 Nali for the plantation of Hydraulic Compactor Machine platform measuring area 10 X 20 has been constructed by the concerned local body.

Affidavit of District Magistrate, Champawat

55. The D.M., Champawat has deposed in his affidavit that the construction of trenching ground is in process at Champawat. The garbage collected at Tanakpur is disposed of at the sanitary land. Similarly in Nagar Panchayat, Lohaghat, the process for demarcation of land has been undertaken for trenching. In Nagar Panchayat, Banbasa, the process for transfer of land is undergoing.

Affidavit of District Magistrate, Haridwar

56. The D.M., Haridwar in his affidavit has stated that the Nagar Nigam, Haridwar has made appropriate arrangements for collection of waste from 30 municipal wards. The Nagar Nigam, Haridwar has 20 hectares of

land at Sarai village for setting up the compost plant and the development of engineering landfill site as per the MoEF guidelines. The Environment clearance for setting up the compost plants and the development of engineering landfill site has been granted on 18.05.2015. The No Objection Certificate has been obtained by the Nagar Nigam Haridwar and the process for setting up the compost plant has been initiated. The Government has taken a decision for the disposal of Municipal Solid Waste by installing a Waste to Energy Plant at village Salier Ibrahimpur Deh for Roorkee town. The land measuring 10 acre was transferred to SIDCUL. The proposal has been sent to the Revenue Department as well as Forest Department for providing grant.

57. As far as Municipal Board, Sivalik Nagar is concerned, it has no land for trenching ground. Similarly, Municipal Corporation, Manglore has no land for its trenching ground. A proposal has been sent to the Revenue Department. The land has been hired for the disposal of Municipal Solid Waste at village Jainpur, Jhajherari.

58. In Nagar Panchayats, Laksar and Lundaura, the municipal waste is collected regularly. The same is disposed of at the sanitary land.

59. In Nagar Panchayat, Jhabrera, in order to ensure the disposal of garbage, a demand has been made for allotment of land for trenching ground, since no land is available for the municipal waste. A sum of Rs.55.22 lacs has been granted by the Urban Development Department and as soon as the land is allotted, the permanent disposal plant shall be established.

60. In Nagar Panchayat, Bhagwanpur, no budget for disposal of Solid Waste has been allotted by the Government. Similarly, Nagar Panchayat, Piran Kaliyar is also a newly constituted body and no budget for the disposal of solid waste has been allotted by the Government.

Affidavit of District Magistrate, Tehri

61. In the affidavit of D.M., Tehri, it is stated that there are three Municipal Boards and three Nagar Panchayats in the District. The municipal waste is dumped in sanitary land after removing the polythene from the waste. Steps have been taken to acquire the forest land. In Nagar Panchayat, Gaja steps have been taken for demarcation of land for trenching.

Affidavit of District Magistrate, Dehradun

62. In the affidavit of D.M., Dehradun, it is stated that the dustbins have been installed at identified places. The waste is dumped at the sanitary land after removing the polythene. In Municipal Board, Mussoorie as well as all other municipalities, the garbage collected from the city is disposed of at the sanitary land.

63. After filing of affidavits by all the District Magistrates of the State, this Court directed the respondent no.1 to file a detailed affidavit giving the position with reference to each of the districts for which separate affidavits were filed by the District Magistrates. It was also directed to explain as to what steps were taken by the first respondent, both, by way of release of funds and giving sanction for the proposed lands. He was also directed to indicate within what time the Waste

Management Rules would be implemented in all the districts.

64. In sequel to order dated 20.10.2016, respondent no.1 has filed his detailed affidavit. In his affidavit, the Joint Secretary, Urban Development Department, Government of Uttarakhand has stated that under the JnNURM projects of the Urban Development Department, Government of India, the schemes for implementation of Municipal Solid Waste Management & Handling Rules prepared by Nagar Nigam, Dehradun, Haridwar & Nagar Palika Parishad, Nainital were sanctioned. In addition to this, under the Swach Bharat Mission, Rs.150 lacs have been released to Nagar Nigam, Dehradun and Rs.300 lacs were released to Nagar Nigam, Haridwar. It is averred in the affidavit that under Swach Bharat Mission, 9 local bodies namely Karnprayag, Muni ki Reti, Gauchar, Jaspur, Uttarkashi, Almora, Joshimath, Pokhri and Purola have been released a sum of Rs.100 lacs for implementation of the Municipal Solid Waste Management & Handling Rules. A committee has been constituted at the level of Chief Secretary to remove the difficulties in making availability of land for trenching ground in local bodies under the Municipal Solid Waste Management & Handling Rules. Out of 91 local bodies, the land has been made available for trenching in 30 local bodies. In 12 local bodies, the process for transfer of land is in its final stage, and in the remaining bodies, the process for making the land available, in coordination with the District Magistrates and Forest Department, was underway. The permission from the Ministry of Environment has been obtained for scientific disposal of municipal waste at Dehradun. The tender process was

completed at Haridwar for construction of trenching ground. In Haldwani cluster, which includes Lalkuan, Bheental, Kichha and Rudrapur for the implementation of Municipal Solid Waste Management & Handling Rules, a sum of Rs.34.88 crores has been sanctioned by the Government of India in respect of approved schemes. Under the 'NAMAMI GANGE' scheme of Water Resources, River Development and Ganga Conservation of Government of India, the Central Government, for Kashipur cluster (Kashipur, Jaspur, Ramnagar, Mahukhera and Bazpur), has sanctioned a sum of Rs.30.68 crore. For Roorkee cluster (Roorkee, Manglore, Jhabrera, Laksar, Landhaura and Bhagwanpur), a sum of Rs.66.88 crores has been sanctioned. Likewise, for Pauri and Tehri clusters, a sum of Rs.11.39 crores and Rs.37.38 crores respectively have been sanctioned by the Government of India. Similarly, a sum of Rs.16.10 crore has been sanctioned for taking steps for implementation of the Municipal Solid Waste Management & Handling Rules in respect of 26 urban bodies out of which Rs.9.41 crore has already been released and the total work entailing cost of Rs.5.21 crore has been completed. As many as 19 local bodies have already notified the User Charges Bye-Laws, while 11 local bodies are in the process of notifying the User Charges Bye-Laws. The State level, State Urban Municipal Waste Management Plan has been prepared. A sum of Rs.786 crore is required for implementation of the scheme qua 81 local bodies.

65. What emerges from the affidavits filed by the District Magistrates is that no scientific method has been evolved, till date, for disposal of the municipal waste.

Shockingly, the urban waste is also being dumped in the forest land. A number of local bodies have no land available with them for landfill trenching ground. Only 30 local bodies have the trenching/landfill grounds. For 12 local bodies, the matter is under process. The matter for remaining local bodies are in progress. It is thus, evident that in most of the local bodies, the land is not available for scientific disposal of the municipal waste.

66. The Central Government has framed the Solid Waste Management Rules, 2016 (*hereinafter to be referred as 'the Rules of 2016'*). These Rules were notified on 8.2.2016. Under Rule 2, these Rules have been made applicable to every urban local body, outgrowths in urban agglomerations, census towns as declared by the Registrar General and Census Commissioner of India, notified areas, notified industrial townships, areas under the control of Indian Railways, airports, airbases, Ports and harbours, defence establishments, special economic zones, State and Central government organisations, places of pilgrims, religious and historical importance as may be notified by respective State government from time to time and to every domestic, institutional, commercial and any other non residential solid waste generator situated in the areas except industrial waste, hazardous waste, hazardous chemicals, bio medical wastes, e-waste, lead acid batteries and radio-active waste, that are covered under separate rules framed under the Environment (Protection) Act, 1986.

67. For the sake of convenience, Rules 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19 and 20 of the Rules of 2016 are reproduced as under: -

4. Duties of waste generators.- (1) Every waste generator shall,- (a) segregate and store the waste generated by them in three separate streams namely bio-degradable, non biodegradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time; (b) wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material as instructed by the local authorities and shall place the same in the bin meant for dry waste or non- bio-degradable waste; (c) store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016; and (d) store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time. (2) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies. (3) All waste generators shall pay such user fee for solid waste management, as specified in the bye-laws of the local bodies. (4) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body. (5) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the local body. (6) All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local

body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body. (7) All gated communities and institutions with more than 5,000 sqm area shall, within one year from the date of notification of these rules and in partnership with the local body, ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorized recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body. (8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

5. Duties of Ministry of Environment, Forest and Climate Change.- (1) The Ministry of Environment, Forest and Climate Change shall be responsible for over all monitoring the implementation of these rules in the country. It shall constitute a Central Monitoring Committee under the Chairmanship of Secretary, Ministry of Environment, Forest and Climate Change comprising officer not below the rank of Joint Secretary or Advisor from the following namely,- 1)

Ministry of Urban Development 2) Ministry of Rural Development 3) Ministry of Chemicals and Fertilizers 4) Ministry of Agriculture 5) Central Pollution Control Board 6) Three State Pollution Control Boards or Pollution Control Committees by rotation 7) Urban Development Departments of three State Governments by rotation 8) Rural Development Departments from two State Governments by rotation 9) Three Urban Local bodies by rotation 10) Two census towns by rotation 11) FICCI, CII 12) Two subject experts

2. This Central Monitoring Committee shall meet at least once in a year to monitor and review the implementation of these rules. The Ministry of Environment, Forest and Climate Change may co-opt other experts, if needed. The Committee shall be renewed every three years.

6. Duties of Ministry of Urban Development.- (1) The Ministry of Urban Development shall coordinate with State Governments and Union territory Administrations to,- (a) take periodic review of the measures taken by the states and local bodies for improving solid waste management practices and execution of solid waste management projects funded by the Ministry and external agencies at least once in a year and give advice on taking corrective measures; (b) formulate national policy and strategy on solid waste management including policy on waste to energy in consultation with stakeholders within six months from the date of notification of these rules; (c) facilitate States and Union Territories in formulation of state policy and strategy on solid management based on national solid waste management policy and national urban sanitation policy; (d) promote research and development in solid waste management sector and disseminate information to States and local bodies; (e) undertake training and capacity building of local bodies and other stakeholders; and (f) provide technical guidelines and project finance to states, Union territories and local bodies on solid waste management to facilitate meeting timelines and standards.

7. Duties of Department of Fertilisers, Ministry of Chemicals and Fertilisers.-

(1) The Department of Fertilisers through appropriate mechanisms shall,- (a) provide market development assistance on city compost; and (b) ensure promotion of co-marketing of compost with chemical fertilisers in the ratio of 3 to 4 bags: 6 to 7 bags by the fertiliser companies to the extent compost is made available for marketing to the companies.

8. Duties of Ministry of Agriculture, Government of India-

The Ministry of Agriculture through appropriate mechanisms shall,- (a) provide flexibility in Fertiliser Control Order for manufacturing and sale of compost; (b) propagate utilisation of compost on farm land; (c) set up laboratories to test quality of compost produced by local authorities or their authorised agencies; and (d) issue suitable guidelines for maintaining the quality of compost and ratio of use of compost visa-a-vis chemical fertilizers while applying compost to farmland.

9. Duties of the Ministry of Power.-

The Ministry of Power through appropriate mechanisms shall,- (a) decide tariff or charges for the power generated from the waste to energy plants based on solid waste. (b) compulsory purchase power generated from such waste to energy plants by distribution company. 10. Duties of Ministry of New and Renewable Energy Sources- The Ministry of New and Renewable Energy Sources through appropriate mechanisms shall,- (a) facilitate infrastructure creation for waste to energy plants; and (b) provide appropriate subsidy or incentives for such waste to energy plants.

11. Duties of the Secretary-in-charge, Urban Development in the States and Union territories-

(1) The Secretary, Urban Development Department in the State or Union territory through the Commissioner or Director of Municipal Administration or Director of local bodies shall,- (a) prepare a state policy and solid waste management strategy for the state or the union territory in consultation with stakeholders including representative of waste pickers, self help group and

similar groups working in the field of waste management consistent with these rules, national policy on solid waste management and national urban sanitation policy of the ministry of urban development, in a period not later than one year from the date of notification of these rules; (b) while preparing State policy and strategy on solid waste management, lay emphasis on waste reduction, reuse, recycling, recovery and optimum utilisation of various components of solid waste to ensure minimisation of waste going to the landfill and minimise impact of solid waste on human health and environment; (c) state policies and strategies should acknowledge the primary role played by the informal sector of waste pickers, waste collectors and recycling industry in reducing waste and provide broad guidelines regarding integration of waste picker or informal waste collectors in the waste management system. (d) ensure implementation of provisions of these rules by all local authorities; (e) direct the town planning department of the State to ensure that master plan of every city in the State or Union territory provisions for setting up of solid waste processing and disposal facilities except for the cities who are members of common waste processing facility or regional sanitary landfill for a group of cities; and (f) ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department; (h) direct the town planning department of the State and local bodies to ensure that a separate space for segregation, storage, decentralised processing of solid waste is demarcated in the development plan for group housing or commercial, institutional or any other non-residential complex exceeding 200 dwelling or having a plot area exceeding 5,000 square meters; (i) direct the developers of Special Economic Zone, Industrial Estate, Industrial Park to earmark at least five percent of the total area of the plot or minimum five plots or

sheds for recovery and recycling facility. (j) facilitate establishment of common regional sanitary land fill for a group of cities and towns falling within a distance of 50 km (or more) from the regional facility on a cost sharing basis and ensure professional management of such sanitary landfills; (k) arrange for capacity building of local bodies in managing solid waste, segregation and transportation or processing of such waste at source; (l) notify buffer zone for the solid waste processing and disposal facilities of more than five tons per day in consultation with the State Pollution Control Board; and (m) start a scheme on registration of waste pickers and waste dealers.

12. Duties of District Magistrate or District Collector or Deputy Commissioner.- The District Magistrate or District Collector or as the case may be , the Deputy Commissioner shall, - (a) facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban Development Department within one year from the date of notification of these rules; (b) review the performance of local bodies, at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or Director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development.

13. Duties of the Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union territory- (1) The Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union territory shall have the same duties as the Secretary-in-charge, Urban Development in the States and Union territories, for the areas which are covered under these rules and are under their jurisdictions.

14. Duties of Central Pollution Control Board-The Central Pollution Control Board shall, (a) co-ordinate with the State Pollution Control Boards and the Pollution Control

Committees for implementation of these rules and adherence to the prescribed standards by local authorities; (b) formulate the standards for ground water, ambient air, noise pollution, leachate in respect of all solid waste processing and disposal facilities; (c) review environmental standards and norms prescribed for solid waste processing facilities or treatment technologies and update them as and when required; (d) review through State Pollution Control Boards or Pollution Control Committees, at least once in a year, the implementation of prescribed environmental standards for solid waste processing facilities or treatment technologies and compile the data monitored by them; (e) review the proposals of State Pollution Control Boards or Pollution Control Committees on use of any new technologies for processing, recycling and treatment of solid waste and prescribe performance standards, emission norms for the same within 6 months; (f) monitor through State Pollution Control Boards or Pollution Control Committees the implementation of these rules by local bodies; (g) prepare an annual report on implementation of these rules on the basis of reports received from State Pollution Control Boards and Committees and submit to the Ministry of Environment, Forest and Climate Change and the report shall also be put in public domain; (h) publish guidelines for maintaining buffer zone restricting any residential, commercial or any other construction activity from the outer boundary of the waste processing and disposal facilities for different sizes of facilities handling more than five tons per day of solid waste; (i) publish guidelines, from time to time, on environmental aspects of processing and disposal of solid waste to enable local bodies to comply with the provisions of these rules; and (j) provide guidance to States or Union territories on inter-state movement of waste.

15. Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations- The local authorities and Panchayats shall,- (a) prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification of state policy and strategy and submit a copy to

respective departments of State Government or Union territory Administration or agency authorised by the State Government or Union territory Administration; (b) arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location; (c) establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door to door collection of waste; (d) facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste; (e) frame bye-laws incorporating the provisions of these rules within one year from the date of notification of these rules and ensure timely implementation; (f) prescribe from time to time user fee as deemed appropriate and collect the fee from the waste generators on its own or through authorised agency; (g) direct waste generators not to litter i.e throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, fruit peel, wrappers, etc., or burn or burry waste on streets, open public spaces, drains, waste bodies and to segregate the waste at source as prescribed under these rules and hand over the segregated waste to authorised the waste pickers or waste collectors authorised by the local body; (h) setup material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials to enable informal or authorised waste pickers and waste collectors to separate recyclables from the waste and provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper, plastic, metal, glass, textile from the source of generation or from material recovery facilities; Bins for storage of bio-degradable wastes shall be painted green,

those for storage of recyclable wastes shall be printed white and those for storage of other wastes shall be printed black; (i) establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal. Such facility shall be established in a city or town in a manner that one centre is set up for the area of twenty square kilometers or part thereof and notify the timings of receiving domestic hazardous waste at such centres; (j) ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility or as may be directed by the State Pollution Control Board or the Pollution Control Committee; (k) direct street sweepers not to burn tree leaves collected from street sweeping and store them separately and handover to the waste collectors or agency authorised by local body; (l) provide training on solid waste management to waste-pickers and waste collectors; (m) collect waste from vegetable, fruit, flower, meat, poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions; (n) collect separately waste from sweeping of streets, lanes and by-lanes daily, or on alternate days or twice a week depending on the density of population, commercial activity and local situation; (o) set up covered secondary storage facility for temporary storage of street sweepings and silt removed from surface drains in cases where direct collection of such waste into transport vehicles is not convenient. Waste so collected shall be collected and disposed of at regular intervals as decided by the local body; (p) collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible; (q) transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste; (r) transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility; (s) transport construction and

demolition waste as per the provisions of the Construction and Demolition Waste management Rules, 2016; (t) involve communities in waste management and promotion of home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility; (u) phase out the use of chemical fertilizer in two years and use compost in all parks, gardens maintained by the local body and wherever possible in other places under its jurisdiction. Incentives may be provided to recycling initiatives by informal waste recycling sector. (v) facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralised processing to minimize transportation cost and environmental impacts such as a) bio-methanation, microbial composting, vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes; b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants or cement kilns; (w) undertake on their own or through any other agency construction, operation and maintenance of sanitary landfill and associated infrastructure as per Schedule 1 for disposal of residual wastes in a manner prescribed under these rules; (x) make adequate provision of funds for capital investments as well as operation and maintenance of solid waste management services in the annual budget ensuring that funds for discretionary functions of the local body have been allocated only after meeting the requirement of necessary funds for solid waste management and other obligatory functions of the local body as per these rules; (y) make an application in Form-I for grant of

authorisation for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tones per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case may be; (z) submit application for renewal of authorisation at least sixty days before the expiry of the validity of authorisation; (za) prepare and submit annual report in Form IV on or before the 30th April of the succeeding year to the Commissioner or Director, Municipal Administration or designated Officer; (zb) the annual report shall then be sent to the Secretary -in-Charge of the State Urban Development Department or village panchayat or rural development department and to the respective State Pollution Control Board or Pollution Control Committee by the 31st May of every year; (zc) educate workers including contract workers and supervisors for door to door collection of segregated waste and transporting the unmixed waste during primary and secondary transportation to processing or disposal facility; (zd) ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce; (ze) ensure that provisions for setting up of centers for collection, segregation and storage of segregated wastes, are incorporated in building plan while granting approval of building plan of a group housing society or market complex; and (zf) frame bye-laws and prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the bye laws framed; and (zg) create public awareness through information, education and communication campaign and educate the waste generators on the following; namely:- (i) not to litter; (ii) minimise generation of waste; (iii) reuse the waste to the extent possible; (iv) practice segregation of waste into bio-degradable, non-biodegradable (recyclable and combustible), sanitary waste and domestic hazardous wastes at source; (v) practice home composting, vermi-composting,

bio-gas generation or community level composting; (vi) wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners or a suitable wrapping as prescribed by the local body and place the same in the bin meant for nonbiodegradable waste; (vii) storage of segregated waste at source in different bins; (viii) handover segregated waste to waste pickers, waste collectors, recyclers or waste collection agencies; and (ix) pay monthly user fee or charges to waste collectors or local bodies or any other person authorised by the local body for sustainability of solid waste management. (zh) stop land filling or dumping of mixed waste soon after the timeline as specified in rule 23 for setting up and operationalisation of sanitary landfill is over; (zi) allow only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill and the sanitary landfill sites shall meet the specifications as given in Schedule-I, however, every effort shall be made to recycle or reuse the rejects to achieve the desired objective of zero waste going to landfill; (zj) investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of biomining and bio-remediation and wheresoever feasible, take necessary actions to bio-mine or bio-remediate the sites; (zk) in absence of the potential of bio-mining and bio-remediation of dumpsite, it shall be scientifically capped as per landfill capping norms to prevent further damage to the environment.

16. Duties of State Pollution Control Board or Pollution Control Committee.- (1) The State Pollution Control Board or Pollution Control Committee shall,- (a) enforce these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department; (b) monitor environmental standards and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites; (c) examine the proposal for authorisation and make

such inquiries as deemed fit, after the receipt of the application for the same in Form I from the local body or any other agency authorised by the local body; (d) while examining the proposal for authorisation, the requirement of consents under respective enactments and views of other agencies like the State Urban Development Department, the Town and Country Planning Department, District Planning Committee or Metropolitan Area Planning Committee, as may be applicable, Airport or Airbase Authority, the Ground Water Board, Railways, power distribution companies, highway department and other relevant agencies shall be taken into consideration and they shall be given four weeks time to give their views, if any; (e) issue authorisation within a period of sixty days in Form II to the local body or an operator of a facility or any other agency authorised by local body stipulating compliance criteria and environmental standards as specified in Schedules I and II including other conditions, as may be necessary; (f) synchronise the validity of said authorisation with the validity of the consents; (g) suspend or cancel the authorization issued under clause (a) any time, if the local body or operator of the facility fails to operate the facility as per the conditions stipulated: provided that no such authorization shall be suspended or cancelled without giving notice to the local body or operator, as the case may be; and (h) on receipt of application for renewal, renew the authorisation for next five years, after examining every application on merit and subject to the condition that the operator of the facility has fulfilled all the provisions of the rules, standards or conditions specified in the authorisation, consents or environment clearance. (2) The State Pollution Control Board or Pollution Control Committee shall, after giving reasonable opportunity of being heard to the applicant and for reasons thereof to be recorded in writing, refuse to grant or renew an authorisation. (3) In case of new technologies, where no standards have been prescribed by the Central Pollution Control Board, State Pollution Control Board or Pollution Control Committee, as the case may be, shall approach Central Pollution Control Board for getting

standards specified. (4) The State Pollution Control Board or the Pollution Control Committee, as the case may be, shall monitor the compliance of the standards as prescribed or laid down and treatment technology as approved and the conditions stipulated in the authorisation and the standards specified in Schedules I and II under these rules as and when deemed appropriate but not less than once in a year. (5) The State Pollution Control Board or the Pollution Control Committee may give directions to local bodies for safe handling and disposal of domestic hazardous waste deposited by the waste generators at hazardous waste deposition facilities. (6) The State Pollution Control Board or the Pollution Control Committee shall regulate Inter-State movement of waste.

19. Criteria for Duties regarding setting-up solid waste processing and treatment facility.- (1) The department in-charge of the allocation of land assignment shall be responsible for providing suitable land for setting up of the solid waste processing and treatment facilities and notify such sites by the State Government or Union territory Administration. (2) The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development. (3) The operator of the facility shall obtain necessary approvals from the State Pollution Control Board or Pollution Control Committee. (4) The State Pollution Control Board or Pollution Control Committee shall monitor the environment standards of the operation of the solid waste processing and treatment facilities. (5) The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time. (6) The operator of the solid waste processing and treatment facility shall submit annual

report in Form III each year by 30th April to the State Pollution Control Board or Pollution Committee and concerned local body.

20. Criteria and actions to be taken for solid waste management in hilly areas- In the hilly areas, the duties and responsibilities of the local authorities shall be the same as mentioned in rule 15 with additional clauses as under: (a) Construction of landfill on the hill shall be avoided. A transfer station at a suitable enclosed location shall be setup to collect residual waste from the processing facility and inert waste. A suitable land shall be identified in the plain areas down the hill within 25 kilometers for setting up sanitary landfill. The residual waste from the transfer station shall be disposed of at this sanitary landfill. (b) In case of non-availability of such land, efforts shall be made to set up regional sanitary landfill for the inert and residual waste. (c) Local body shall frame Bye-laws and prohibit citizen from littering wastes on the streets and give strict direction to the tourists not to dispose any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, any other plastic or paper waste on the streets or down the hills and instead direct to deposit such waste in the litter bins that shall be placed by the local body at all tourist destinations. (d) Local body shall arrange to convey the provisions of solid waste management under the bye-laws to all tourists visiting the hilly areas at the entry point in the town as well as through the hotels, guest houses or like where they stay and by putting suitable hoardings at tourist destinations. (e) Local body may levy solid waste management charge from the tourist at the entry point to make the solid waste management services sustainable. (f) The department in-charge of the allocation of land assignment shall identify and allot suitable space on the hills for setting up decentralised waste processing facilities. Local body shall set up such facilities. Step garden system may be adopted for optimum utilisation of hill space.”

68. It is evident from Rule 2 that the Rules of 2016 have been made applicable to every urban local body,

outgrowths in urban agglomerations, census towns as declared by the Registrar General and Census Commissioner of India, notified areas, notified industrial townships, areas under the control of Indian Railways, airports, airbases, Ports and harbours etc. Rule 4 imposes duties of waste generators. Every waste generator under Rule 4(1)(a) is required to segregate and store the waste generated by them in three separate streams namely bio-degradable, non biodegradable and domestic hazardous wastes in suitable bins and handover segregated wastes to the authorised waste pickers or waste collectors as per the direction or notification issued by the local authorities from time to time. Under Rule 4(1)(b), the waste generator is also required to wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material, as instructed by the local authorities. It is required to place the same in the bin meant for dry waste or non-bio-degradable waste. Under Rule 4(1)(c), the waste generator is required to separately store the construction and demolition waste, as and when generated, in his own premises and to dispose of the same as per the Construction and Demolition Waste Management Rules, 2016. Under sub-rule (1)(d) of Rule 4, the waste generator is required to store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of the same as per the directions of the local body issued from time to time.

69. Sub-rule (4) of Rule 4 of the Rules of 2016 provides that no person shall organise an event or

gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body. As per sub-rule (5) of Rule 4, every street vendor is required to keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc. Sub-rule (6) of Rule 4 provides that all resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. Similarly, under sub-rule (8) of Rule 4, all hotels and restaurants, within one year from the date of notification of these rules and in partnership with the local body, are required to ensure segregation of waste at source as prescribed in these rules and facilitate collection of segregated waste in separate streams. Sub-rule (1) of Rule 11 provides that the Secretary, Urban Development Department in the State or Union territory through the Commissioner or Director of Municipal Administration or Director of local bodies, is required to prepare a state policy and solid waste management strategy for the state or the union territory in consultation with stakeholders including representative of waste pickers, self help group and similar groups working in the field of waste management.

However, while preparing State policy and strategy on solid waste management, the emphasis must be on the waste reduction, reuse, recycling, recovery and optimum utilisation of various components of solid waste. The Secretary, Urban Development of the State is also required to ensure implementation of provisions of the Rules by all local bodies. He is supposed to direct the Town Planning Department of the State to ensure that the master plan of every city in the State or Union territory provisions for setting up of solid waste processing and disposal facilities except for the cities which are the members of common waste processing facility or regional sanitary landfill for a group of cities. The Secretary is also required to ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plans. Similarly, under Rule 12 of the Rules, the District Magistrate or District Collector or as the case may be, the Deputy Commissioner, is required to facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban Development Department within one year from the date of notification. The duties of Central Pollution Control Board and State Pollution Control Board are provided under Rule 14 of the Rules, as quoted, hereinabove. Rule 15 of the Rules lays down the duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations. The local authorities and Panchayats are required to prepare a solid waste management plan

as per the state policy and strategy on solid waste management within six months from the date of notification of state policy and strategy and submit a copy to respective departments of State Government or Union territory. They are also required to arrange door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises etc. They are also supposed to frame bye-laws incorporating the provisions of the Rules within one year from the date of notification of these Rules and also to create public awareness among the citizens of the State. Under Rule 16 of the Rules, the duties of State Pollution Control Board or Pollution Control Committee have been prescribed. There is a separate rule i.e. Rule 20 dealing with the criteria and actions to be taken for solid waste management in hilly areas.

70. However, the fact of the matter is that despite the notification of these Rules on 8.4.2016, nothing concrete has been undertaken by the State agencies including the Panchayati Raj institutions. The garbage is thrown all over the public places. The garbage is neither segregated nor stored as per the provisions of these Rules at the source. However, it is made clear that when the petition was instituted, the Municipal Solid Waste (Management & Handling) Rules, 2000 were in vogue but later on, these were superseded by the Solid Waste Management Rules, 2016 notified on 8.4.2016.

71. Now, as far as the Nagar Nigam, Dehradun is concerned, the N.O.C. has been obtained from the Ministry of Environment & Forests. A sum of Rs.150 lakh has been sanctioned for Nagar Nigam, Dehradun

and a sum of Rs.300 lakh has been sanctioned for Nagar Nigam, Haridwar and the tenders have also been issued. A sum of Rs.100 lakh has been released for implementation of Municipal Solid Waste Management & Handling Rules for 9 local bodies, namely, Karnprayag, Muni ki Reti, Gauchar, Jaspur, Uttarkashi, Almora, Joshimath, Pokhri and Purola. A sum of Rs.30.68 crore has been sanctioned by the Govt. of India for Kashipur Cluster, Rs.66.88 crore for Roorkee Cluster, Rs.11.39 crore for Pauri Cluster and a sum of Rs.37.38 crore for Tehri Cluster has been sanctioned. Under the Special Assistant Project sponsored by the Central Government, a sum of Rs.16.10 crore has been sanctioned for taking steps for implementation of the Municipal Solid Waste Management & Handling Rules in respect of 26 urban bodies out of which Rs.9.41 crore has already been spent. It has also come on record that the municipal waste is discharged in open or dumped in rivers/rivulets.

72. The Central Government has framed the Rules called as Bio-Medical Waste Management Rules, 2016 (*hereinafter to be referred as the 'Rules of 2016'*). These Rules have come into force w.e.f. 28.3.2016. Rule 3 of the Rules is the dictionary clause. The duties of operator of a common bio-medical waste treatment and disposal facility are provided under Rule 5 of the Rules of 2016. The duties of authorities are provided under Rule 6.

73. Rule 4 of the Rules, which defines the duties of the Occupier, reads as under: -

“4. Duties of the Occupier.- It shall be the duty of every occupier to-

(a) take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

(b) make a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables or inadvertent scattering or spillage by animals and the bio-medical waste from such place or premises shall be directly transported in the manner as prescribed in these rules to the common bio-medical waste treatment facility or for the appropriate treatment and disposal, as the case may be, in the manner as prescribed in Schedule I;

(c) pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilisation on-site in the manner as prescribed by the World Health Organisation (WHO) or National AIDs Control Organisation (NACO) guidelines and then sent to the common bio-medical waste treatment facility for final disposal;

(d) phase out use of chlorinated plastic bags, gloves and blood bags within two years from the date of notification of these rules;

(e) dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules made under the relevant laws and amended from time to time;

(f) not to give treated bio-medical waste with municipal solid waste;

(g) provide training to all its health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programmes conducted, number of personnel trained and number of personnel not undergone any training shall be provided in the Annual Report;

(h) immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of bio-medical waste, in the manner as prescribed in the National Immunisation Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time;

(i) establish a Bar- Code System for bags or containers containing bio-medical waste to be sent out of the premises or place for any purpose within one year from the date of the notification of these rules;

(j) ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralisation prior to mixing with other effluent generated from health care facilities;

(k) ensure treatment and disposal of liquid waste in accordance with the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); 5

(l) ensure occupational safety of all its health care workers and others involved in handling of biomedical waste by providing appropriate and adequate personal protective equipments;

(m) conduct health check up at the time of induction and at least once in a year for all its health care workers and others involved in handling of bio- medical waste and maintain the records for the same;

(n) maintain and update on day to day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I;

(o) report major accidents including accidents caused by fire hazards, blasts during handling of biomedical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority and also along with the annual report;

(p) make available the annual report on its web-site and all the health care facilities shall make own website within two years from the date of notification of these rules;

(q) inform the prescribed authority immediately in case the operator of a facility does not collect the bio-medical waste within the intended time or as per the agreed time;

(r) establish a system to review and monitor the activities related to bio-medical waste management, either through an existing committee or by forming a new committee and the Committee shall meet once in every six months and the record of the minutes of the meetings of this committee shall be submitted along with the annual report to the prescribed authority and the healthcare establishments having less than thirty beds shall designate a qualified person to review and monitor the activities relating to bio-medical waste management within that establishment and submit the annual report;

(s) maintain all record for operation of incineration, hydro or autoclaving etc., for a period of five years;

(t) existing incinerators to achieve the standards for treatment and disposal of bio-medical waste as specified in Schedule II for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.”

74. It is thus, evident that the occupier has to take as many as 20 steps to ensure scientific disposal of

medical waste including making a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste; to dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules; not to give treated bio-medical waste with municipal solid waste and to impart training to all health workers etc.

75. Now, as far as the respondent no.5 is concerned, the land has been purchased by the Nagar Palika and the garbage dumped in River Dhela has been retrieved. The bye-laws have been framed and sent to the State Government for its notification by few local bodies.

76. The Municipal bodies/Nagar Panchayats are required to dispose all the waste garbage in a scientific method to avoid contamination of all rivers and seepage of harmful chemicals in the underground water. The non-scientific disposal of garbage also causes air pollution which degrades the quality of air and public health. Every citizen has a fundamental right to get clean and fresh air under Article 21 of the Constitution of India. The statutory authorities are remiss in discharge of their duties. The municipal laws require scientific disposal of garbage. The garbage is required to be collected, stored, segregated and transported and disposed of in a scientific manner in landfills. It is the responsibility of the respondent no.6 also to ensure that the provisions of Environmental Protection Act, 1986 and the Rules, framed thereunder, are followed in letter and spirit. It is the duty of the Secretary, Executive Officers, Municipality/Panchyati Raj Institutions to ensure that

the Solid Waste Management Rules, 2016 are implemented in letter and spirit.

77. The Uttar Pradesh Municipalities Act, 1916 provides for disposal of solid waste. Sections 267 to 286 of the said Act deal with sanitation and prevention of disease. Section 30 of the Act empowers the State Government to dissolve a municipality and the consequences of dissolution are provided under Section 31-A of the Act.

78. Similarly, the Uttar Pradesh Municipal Corporation Act, 1959, under Chapter XV, provides for the Sanitary Provisions. Under Section 385 of the said Act, the duties of the Municipal Commissioner have been provided for cleansing of all streets and the removal of sweeping therefrom. The Municipal Commissioner can also issue the directions under Section 386 to regular the disposal of rubbish removed through a private agency. The State Government is empowered under Section 538 of the Act of 1959 to dissolve a Corporation in case of incompetency, persistent default or excess or abuse of power.

79. Under the Uttarakhand Panchayat Raj Act, 2016, it is the duty of the Gram Panchayats under Section 23 to maintain cleanliness. Similar duty is also cast upon the Zila Panchayats under the Act.

80. According to the Status Report on Municipal Solid Waste Management, as per the Survey conducted by the Central Pollution Control Board between the years 2009-2012, 1,27,486 TPD (Tons per day) municipal solid waste is generated in the country during 2011-12, out of which, 89,334 TPD (70%) of MSW has been collected and

15,881 TPD (12.45%) is processed or treated. We have also gone through the report and papers available on record that in Dehradun, 220 tonnes of municipal solid waste is generated. The State Pollution Control Board has also not supplied certain information as per the Annexure "C" of the Status Report to Central Pollution Control Board.

81. According to the norms laid down by the Municipal Solid Waste Management Manual published by the Ministry of Urban Development, it is essential to segregate the wastes into wet waste (kitchen waste) and dry waste (recyclable waste and others). It is also provided therein that the street cleaning is a fundamental service ensuring clean and hygienic urban conditions. The workers undertaking cleaning of municipal waste should be provided with uniforms, shoes, gloves and other implements etc. for their safe and easy working. Planning for street cleaning should be evolved according to the norms. The character of street and frequency of sweeping is as follows: -

Class	Character of Street	Frequency of Sweeping
A.	City centre- shopping areas	Daily/twice, depending on need
B.	Market areas	Daily
C.	Minor streets	Daily
D.	Sub-urban shopping streets	Daily
E.	Residential streets	Daily
F.	Roads and streets having no households/establishments on either sides	Once a week

82. The workers who are sweeping the roads at nights should be provided with adequate protection equipments. Proper uniforms which have reflectors be provided with ID cards. They should also be provided with the brooms with sufficiently long handle and the

length of the broom should be 80-85 cms. and the weight of the broom should not be more than 1 kilogram. There should be proper disposal of solid waste in landfills. The municipal solid waste is also required to be treated by composting or by incineration and/or by deploying the Bio-methanation process as well as Pyrolysis methodology.

83. Their Lordships of Hon. Supreme Court in (1996) 2 SCC Page 594 in the case of '*Dr. B.L. Wadehra v. Union of India & others*' have held that the residences have constitutional as well as statutory right to live in a clean city. The authorities concerned have a mandatory duty to collect and dispose of the garbage/waste generated from various sources in the city. Non-availability of funds, inadequacy or inefficiency of staff, insufficiency of machinery etc. cannot be pleaded as grounds for non-performance of the statutory obligations.

84. The essential objective of all provisions relating to waste disposal must be the protection of human health and the environment against harmful effects caused by the collection, transport, treatment, storage and tipping of waste.

85. The zenith of civilization can only be gauged how clean the cities and towns are. Every citizen has a fundamental as well as human right to clean and hygienic environment. Every citizen, at the same time, has a fundamental duty to maintain the cleanliness in and around his abode. There are more persons indulging in littering, dumping of garbage at public places vis-à-vis the persons employed to clean up the mess. We must keep and maintain the dignity of the workers employed to clean the cities and towns. The Court can take judicial

notice of the fact that the government/public properties, walls, religious places, educational institutions, offices, sign boards, signage, are disfigured/defaced by unscrupulous persons by pasting the posters/pamphlets on them. Pasting of posters/pamphlets destroys the aesthetic values of cities and towns. Stringent law is required to be made to prohibit the persons from defacing/disfiguring the public property(s) including government or private place or building, monument, statue, post, wall, fence, tree or contrivance visible to a person being in, or passing along, any public place.

86. An endeavour should be made to protect the natural environment and protect the health and safety of people and also remove aesthetical unpleasant sight and smell related to solid waste management.

87. The municipal governance has failed to provide green and clean environment to its citizens. According to Brookings Institution, India's per capita spending of \$17 on urban infrastructure is just 14% of China's \$116, according to the 2010 McKinsey Global Institute report. The local bodies are required to improve municipal governance and ensure efficient service delivery. According to the 14th Finance Commission report, the municipal revenue accounted for a little more than 1% of the GDP in India in 2012-13. It is much less than emerging economics such as Brazil and South Africa, where it was 5% and 6%.

88. Every citizen has a legitimate expectation and right to sue the elected representatives, officers/officials of the Municipal Corporation, Municipalities and Panchayati Raj Institutions, individually and by way of

collective action claiming damages/compensation on the principle of accountability in case these officers remain remiss in discharge of their statutory duties cast upon them by the Municipalities Act, Municipal Corporation Act and Panchayati Raj Act.

89. Accordingly, the present petition is allowed. The following mandatory directions are hereby issued to the respondents for proper management of solid waste: -

- A. We direct that all the streets, public premises such as parks etc. shall be surface cleaned on daily basis, including on Sundays and Public holidays by Municipal Corporations, Nagar Panchayats, Municipal Councils and Panchayati Raj Institutions.
- B. All the Officers of the municipal corporations, municipal bodies, Nagar Panchayats, Panchayati Raj Institutions shall ensure that no garbage, rubbish, filth etc. is deposited by any person in any street or public place. The Magistrates appointed under Sections 20/21 of the Code of Civil Procedure and under Section 487 of the U.P. Municipal Corporation Act, 1959 are authorized to impose and levy fines for violation of statutory provisions of Municipal Solid Waste Management Rules, 2016, U.P. Municipal Corporation Act, 1959, U.P. Municipalities Act, 1916 as well as U.K. Panchayati Raj Institutions, in addition to the officers already appointed to do so, as mentioned hereinabove.
- C. All the workers deployed for cleaning the streets and removal of garbage including bio-degradable medical waste should be provided with necessary

equipments including uniforms, shoes, gloves and other implements etc. for winters and summers separately and also proper uniforms which have reflectors and be provided with ID cards also.

- D. All the streets and roads falling within the municipal areas, municipal corporation/Panchayati Raj institutions should be surface cleaned in the morning.
- E. The State Government is directed to take decision on all the proposals sent to it by the Municipal Bodies for managing the Solid Waste in their territorial jurisdiction within four weeks from today.
- F. The Municipal Corporation/Municipal bodies, throughout the State, may consider to provide two dustbins (for collection of dry and wet bio-medical waste), free-of-cost, to all the households in the Municipal area, depending on their financial health.
- G. The Nagar Nigam, Dehradun and Nagar Nigam, Haridwar are directed to complete the tender process relating to solid waste management, if not already completed, within eight weeks from today and thereafter to implement the Solid Waste Management Scheme.
- H. The Principal Secretary, Urban Development of the State of Uttarakhand is directed to prepare the State policy and strategy on solid waste management for the entire State in consultation with the stakeholders within a period of three months from today.

- I. The Town Planning Department of the State of Uttarakhand through Secretary, Town Planning is directed to ensure that the Master Plan of every city in the State is having the provision for setting up of solid waste processing and disposal facilities.
- J. The Principal Secretary, Urban Development of the State of Uttarakhand is directed to ensure identification and allocation of suitable land to the local bodies within three months from today for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plan.
- K. The Town Planning Department through its Secretary and all the local bodies throughout the State of Uttarakhand are directed to ensure that a separate place for segregation, storage, decentralized processing of solid waste is demarcated in the development plan for group housing or commercial, institutional or any other non-residential building exceeding 200 dwellings.
- L. All the District Magistrates in the State of Uttarakhand, in coordination with the Secretary, Urban Development, are directed to ensure identification and allocation of suitable land, as per Clause 11(f) of the Rules of 2016, for setting up of solid waste processing and disposal facilities.
- M. The Secretary Panchayats/Rural Development of the State of Uttarakhand is directed to prepare a State Policy and Solid Waste Management Strategy for the entire State in consultation with

stakeholders within a period of three months from today.

- N. All the local bodies and Village Panchayats, throughout the State of Uttarakhand, are directed to prepare the Solid Waste Management Plans as per the State Policy and Solid Waste Management Strategy and submit the same to the respective departments of the State. These shall be processed by the State and the final decision shall be taken within six months.
- O. All the local bodies including Village Panchayats are directed to ensure door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential institutions.
- P. There shall be a general direction to all the Waste Generators, throughout the State of Uttarakhand, not to litter i.e. throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, fruit peel, wrappers, etc., or burn or bury waste on streets, open public spaces, drains, waste bodies and to segregate the waste at source. The local bodies must also consider imposing heavy fine on the violators of the order.
- Q. The local authorities and Village Panchayats are further directed to set up material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials.

- R. The municipal authorities and Gram Panchayats are further directed to establish waste deposition centres for domestic hazardous waste.
- S. The local authorities and Gram Panchayats are directed to ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility.
- T. All the local bodies of the State are directed to ensure that the Sweepers, throughout the State, do not burn leaves collected from street sweeping and with a further direction to store them separately and handover the same to the waste collectors or agency authorised by the local body.
- U. All the local bodies are directed to transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant. They are further directed to transport non-bio-degradable waste to the respective processing facilities.
- V. All the local bodies of the State are hereby directed to construct, operate and maintain the solid waste processing facilities either individually or through any agency within six months.
- W. All the local bodies are directed to construct, operate and maintain the sanitary landfills as per the norms laid down in Schedule-I of the Rules of 2016.
- X. The Principal Secretary(s), Urban Development Department, Gram Panchayat and Rural Development are directed to create public

awareness through information, education and communication campaign and educate the waste generators by educating the citizens (i) not to litter (ii) minimise generation of waste (iii) reuse the waste to the extent possible (iv) practice segregation of waste into bio-degradable, non-biodegradable (v) practice home composting, vermin-composting (vi) wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners (vii) storage of segregated waste at source in different bins. The general public be also directed to handover segregated waste to the waste pickers, waste collectors, recyclers or waste collection agencies.

- Y. There shall be a direction to respondent no.6-Uttarakhand Environment Protection & Pollution Control Board to ensure due compliance of the Solid Waste Management Rules, 2016 as per Rule 16 of the Rules.
- Z. All the District Magistrates, throughout the State of Uttarakhand, shall be held personally responsible for providing suitable land for setting up of solid waste management facilities within their jurisdiction.
- AA. All the local bodies are directed to put suitable hoardings at tourist destinations to appraise local as well as tourists not to dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs etc. on the streets or into water bodies or down the hills.

- BB. There shall be a direction to the local authorities i.e. Municipalities, Municipal Corporations and Panchayat Raj Institutions not to dump the garbage in the river streams/rivulets and forest areas forthwith. The respective District Magistrates shall ensure the compliance of this order at the pains of contempt.
- CC. The State Government may consider taking steps under Section 30 of the U.P. Municipalities Act, 1916 against the municipal bodies and under Section 538 of the U.P. Municipal Corporations Act, 1959 against the Municipal Corporations, in case they do not comply with the directions contained in the judgment.
- DD. All the municipal authorities, throughout the State of Uttarakhand, are directed to ensure that the bio medical waste is disposed of strictly as per the provisions of Bio Medical Waste Management Rules, 2016. The authorities mentioned in these rules shall be personally responsible for following the mandate of Rules in letter and spirit, failing which contempt proceedings may be initiated against them.
- EE. There shall also be a direction to all the municipal authorities to ensure that there is no mixing of bio-medical waste with other municipal solid waste.
- FF. The State of Uttarakhand is directed to appoint Magistrates, within six months from today, under Section 20 and/or Section 21 of the Code of Criminal Procedure for ensuring compliance of the

provisions of the U.P. (Uttarakhand) Municipalities Act, 1916, U.P. (Uttarakhand) Municipal Corporation Act and Zila Panchayat Act, 2016 and to try the offences specified therefor in relation to littering and causing nuisance, sanitation and public health.

GG. All the Municipalities, Municipal Corporations, Panchayats and other statutory authorities, throughout the State, are directed to regularly publish the names of concerned Superintendents of Sanitation, Medical Officers and Sanitary Officers and such equivalent officers who are responsible for cleaning the State of Uttarakhand who can be approached for any complaint/grievance by the citizens of the State together with their latest office and residential telephone numbers and addresses.

HH. The State Government is directed to ensure that the Municipal Corporations and Municipal bodies frame suitable bye-laws to prohibit the ugly practice of pasting posters/pamphlets on the government /public properties including walls, religious places, educational institutions, offices, sign boards, signage etc., within a period of three months from today. The State Government is directed to ensure that the action is taken under suitable provisions of law including the U.P. Police Act against those persons who deface/disfigure the aesthetic values of the cities/towns or property by pasting the posters/pamphlets on public/governments properties.

- II. It is also made clear that in order to make the cities liveable, all the Municipal Commissioners, Additional Commissioners, Deputy Commissioners, Executive Officers, Elected Members of the Municipalities, Municipal Corporations and Panchayati Raj Institutions would be personally responsible to ensure that no garbage is visible within their territorial jurisdiction.
- JJ. All the Municipalities, Municipal Corporations and Panchayati Raj Institutions are directed that no *Safai Karamchari* shall be forced to get into a manhole without providing him with the necessary equipment including Oxygen Cylinder. It is also directed that as and when any Safai Karamchari enters in a manhole, a duly qualified doctor must be present on the spot to handle any emergency. This direction has been issued taking into consideration the noxious gases emitting from the manholes which are life threatening.
- KK. All the Municipalities, Municipal Corporations and Panchayati Raj Institutions are directed to consider granting one month salary as Bonus to the *Safai Karamcharis* taking into consideration the arduous and hazardous duties being discharged by them.
- LL. Copy of this judgment be sent forthwith to the Chief Secretary, State of Uttarakhand, Secretary, Urban Development, Secretary, Rural Development, Secretary, Uttarakhand Pollution Control Board as well as to the Comptroller & Auditor General of India for implementation of the direction in letter and spirit.

(Sudhanshu Dhulia, J.)

(Rajiv Sharma, J.)

16.03.2017