

Item No. 06

Court No. 1

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

Execution Application No. 13/2019 IN
Original Application No. 247/2017

Central Pollution Control Board

Applicant(s)

Versus

State of Andaman & Nicobar & Ors.

Respondent(s)

Date of hearing: 12.03.2019

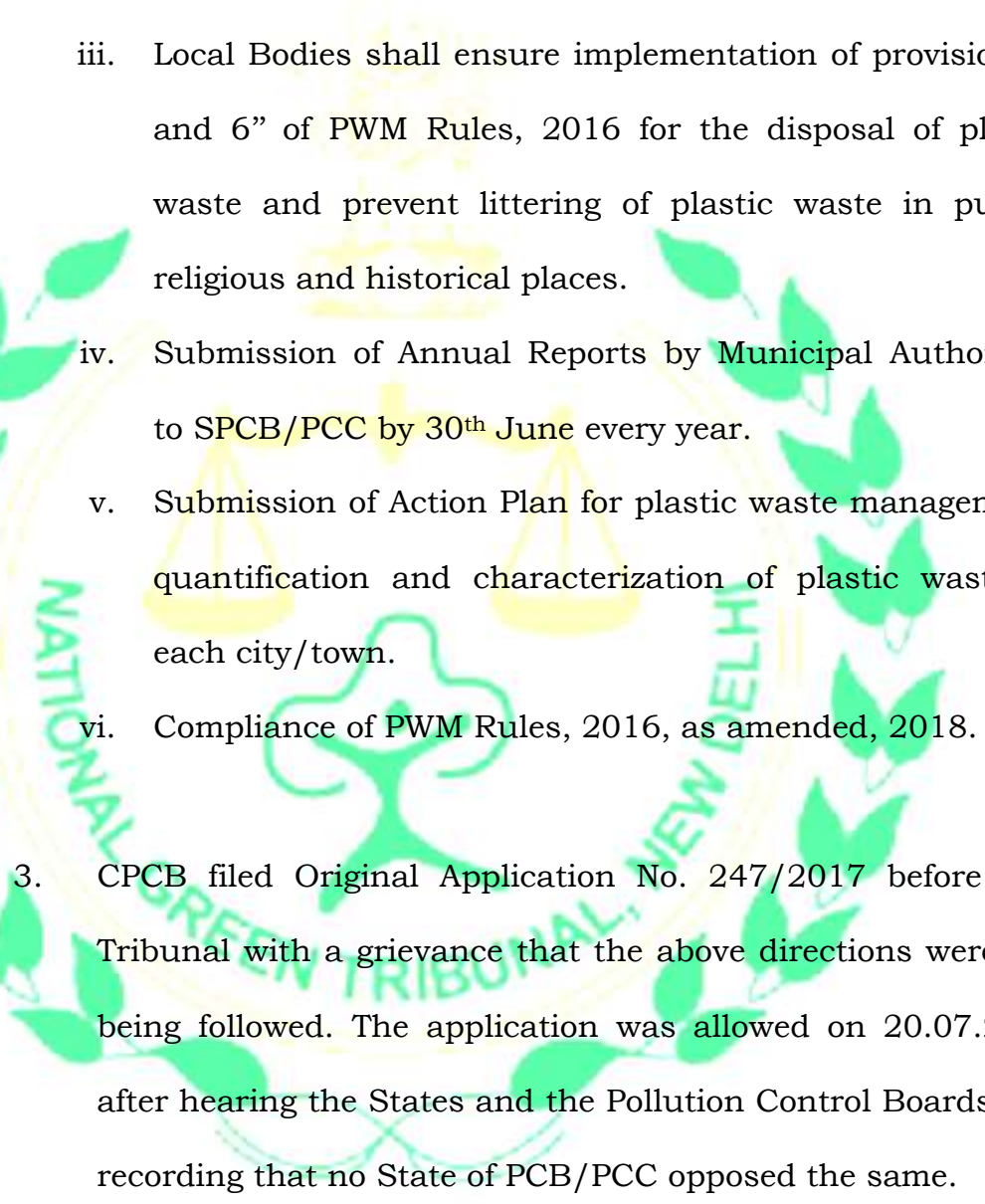
CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Rajkumar, Advocate for CPCB

For Respondent (s):

ORDER

1. This application seeks execution of order of the Tribunal dated 20.07.2018 on the subject matter of the proceedings is the implementation of Plastic Waste Management Rules, 2016 (PWM Rules, 2016).
2. Central Pollution Control Board (CPCB) issued directions on 30.06.2016 which include the following:
 - i. Implementation of '50µm' thickness norms for carrybags manufacturing and closing of unregistered plastic manufacturing and recycling of plastic carrybags and granules units as per provisions of PWM Rules, 2016.

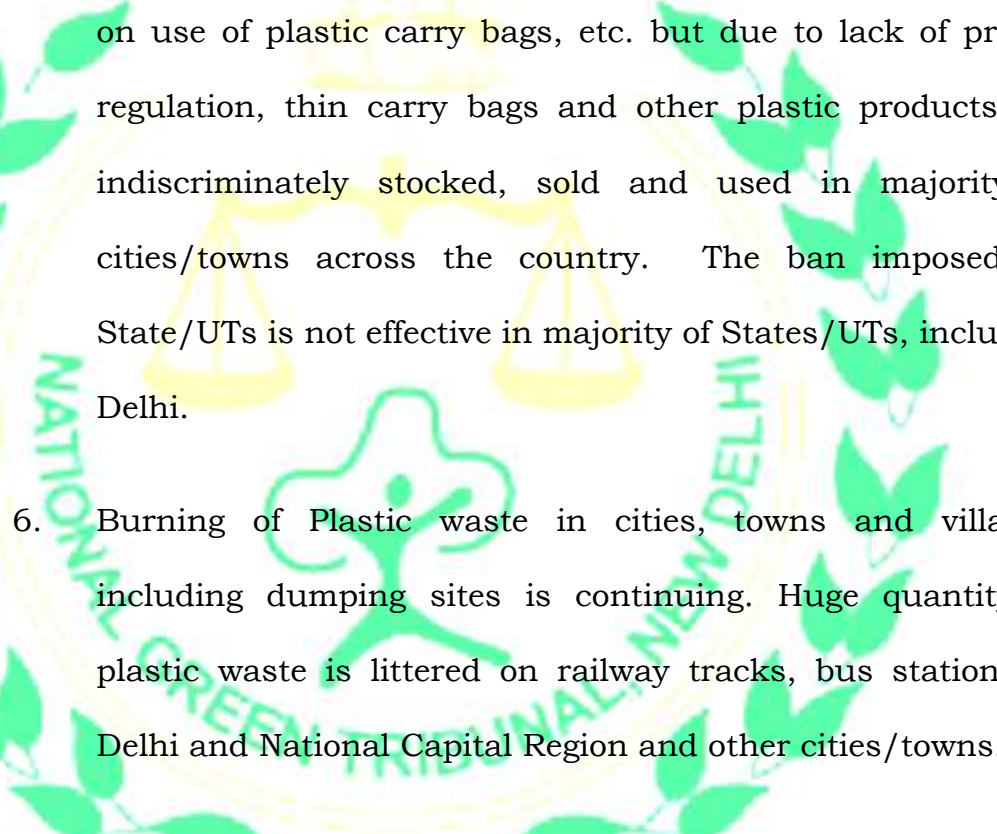
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- ii. Urban Development Departments shall constitute Squads for vigilance purpose and ensure ban on stocking, distribution, selling and use of any carrybag <math>< 50\mu\text{m}</math> thickness and plastic sachets/pouches usage for packing, storing or selling of gutkha, tobacco and pan masala.
 - iii. Local Bodies shall ensure implementation of provision “5 and 6” of PWM Rules, 2016 for the disposal of plastic waste and prevent littering of plastic waste in public, religious and historical places.
 - iv. Submission of Annual Reports by Municipal Authorities to SPCB/PCC by 30th June every year.
 - v. Submission of Action Plan for plastic waste management, quantification and characterization of plastic waste in each city/town.
 - vi. Compliance of PWM Rules, 2016, as amended, 2018.
3. CPCB filed Original Application No. 247/2017 before this Tribunal with a grievance that the above directions were not being followed. The application was allowed on 20.07.2018 after hearing the States and the Pollution Control Boards and recording that no State of PCB/PCC opposed the same.
 4. The grievance now is that there is no due implementation of the Rules. Only 10 Urban Development Departments, 12 SPCBs and 4 PCCs have submitted partial information which

is also not full compliance. The status of compliance is as follows:

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- i. *That based on the information submitted by UDDs & SPCBs/PCCs, there are 1020 unregistered manufacturing/recycling units are running in non-conforming & residential areas, which are mainly located in the States/UTs such as Bihar, Gujrat, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Manipur, Punjab, Uttar Pradesh, Uttarakhand, West Bengal Remaining States/UTs line Andhra Pradesh, Arunachal Pradesh, Assam, Chandigarh, Chhattisgarh, Daman Diu & Dadra Nagar Haveli, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Lakshadweep, Mizoram, Rajasthan, Tamil Nadu, Telangana & Tripura have not complied with the directions.*
 - ii. *That the States/UTs like Andhra Pradesh, Bihar, Chandigarh, Daman Diu & Dadra Nagar Haveli, Delhi, Goa, Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Manipur, Mizoram, Odisha, Tripura, Uttar Pradesh & West Bengal have not regulated the manufacturing & usage of thin plastic carrybags (<50µm), hence indiscriminately manufactured, stocked, sold & used in violation of PMW Rules, 2016, as amended, 2018.*
 - iii. *That the States/UTs like Andhra Pradesh, Assam, Bihar, Chhatisgarh, Daman Diu & Dadra Nagar Haveli, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Maharashtra, Manipur, Mizoram, Nagaland, Punjab, Rajasthan, Tripura, Uttar Pradesh,*

Uttarakhand have not been provided the detailed information about collection & segregation mechanism, characterization & quantification of plastic waste generation in Cities, Towns & Villages and disposal of plastic waste as per provision “5, 6 & 7” of PMW Rules, 2016, as amended, 2018.

- iv. That as per, Rule 17 (3), SPCBs/PCCs are required to submit Annual Reports on implementation of PWM Rules, 2016, as amended, 2018 for the year (2017-18). Out of 35 SPCBs/PCCs, only 15 SPCBs/PCCs such as Arunachal Pradesh, Bihar, Chandigarh, Gujarat, Jammu & Kashmir, Punjab, Tripura, Uttar Pradesh, Uttarakhand have submitted partial information in Form-VI for implementation of PMW Rules, 2016, as amended, 2018.
- v. That except few States/UTs such as Andhra Pradesh, Puducherry, Sikkim & West Bengal, the remaining States/UTs & SPCBs/PCCs have failed to submit the Action Plan for implementation of various provisions of PMW Rules 2016, as amended, 2018 for setting-up of plastic waste management system for collection, segregation & disposal of plastic waste in the cities/towns & villages and registration of plastic units. Due to this widespread littering, choking of drains, open burning of plastic waste, etc. has been continued.
- vi. That the information submitted by SPCBs/PCCs and UDDs in OA No. 247/2017A is unsatisfactory & thus its clear-cut violation of PWM Rules, 2016, as amended, 2018.”

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5. Though 22 States viz. Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Chattisgarh, Daman and Diu, Dadra Nagar Haveli, Delhi (subjudice), Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Lakshadweep, Madhya Pradesh, Maharashtra, Nagaland, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and Uttarakhand have imposed complete ban on use of plastic carry bags, etc. but due to lack of proper regulation, thin carry bags and other plastic products are indiscriminately stocked, sold and used in majority of cities/towns across the country. The ban imposed by State/UTs is not effective in majority of States/UTs, including Delhi.
6. Burning of Plastic waste in cities, towns and villages, including dumping sites is continuing. Huge quantity of plastic waste is littered on railway tracks, bus stations in Delhi and National Capital Region and other cities/towns.
7. We may note that vide order dated 16.01.2019 in O.A. No. 606/2018, this Tribunal has directed the Chief Secretaries of all the States/UTs to monitor the compliance of environmental norms which specifically includes Plastic Waste Management Rules, 2016 and furnish report to this Tribunal by personal appearance. During interaction with the Chief Secretaries of five States who have already appeared

before this Tribunal i.e. Himachal Pradesh, Haryana, Punjab, Uttrakhand and Delhi, the compliance has not been found to be adequate. They have been required to continue to monitor the compliance on monthly basis and furnish quarterly report to this Tribunal and also appear again in person after six months.

8. Since there can be no objection to Rules being carried out and none was raised after notice was earlier served to all States/UTs, PCBs/PCCs, there is no reason to issue fresh notice in the present application for execution. Conditional order giving time for compliance with proposed coercive steps for non-compliance can be passed. This is also the course adopted in respect of compliance of BMW Rules by all the States/UTs in the order passed today in *Shailesh Singh vs. Sheela Hospital & Trauma Centre, Shahjhanpur & Ors*, O.A. No. 710/2017.

9. Accordingly, we direct all the States and Union Territories to ensure that reports in terms of Rule 13 are furnished to the CPCB positively within one month or 30th April, 2019, for the period the reports are due as per rules and not filed so far. The CPCB may furnish a status report of compliance of PWM Rules after proper analysis to this Tribunal within one month thereafter by e-mail at ngt.filing@gmail.com. It is made clear that any failure in this regard will result in the defaulting States being required to pay compensation to be deposited with the CPCB at the rate of Rupees one Crore per month

after 01.05.2019. All the States may also prepare their respective action plans for compliance of Rules within one month and furnish the same to the Central Pollution Control Board by 30.04.2019. The CPCB may give its comments on the said action plans to this Tribunal within one month thereafter by e-mail at ngt.filing@gmail.com.

List the matter for consideration of the reports on 15.7.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 12, 2019
Execution Application No. 13/2019 IN
Original Application No. 247/2017
AS