

20<sup>th</sup> APRIL 2015

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**PRINCIPAL SEAT AT NEW DELHI**

**ORIGINAL APPLICATION NO 199/2014**

**IN THE MATTER OF:**

**PETITIONERS**

Almitra H. Patel & Anr.

//VERSUS//

**RESPONDENTS**

Union of India & Ors

M.P.

**AFFIDAVIT**

I Rajeev Goswami, Aged about 52 S/o Sh. M. L Goswami Posted as Executive Engineer and working in the capacity of Superintending Engineer at Directorate of Urban Administration and Development Bhopal, do hereby solemnly affirm and state as under :-

1. That I am posted as Executive Engineer and working in the capacity of Superintending Engineer at Directorate of Urban Administration and Development Bhopal, and I am fully conversant with the facts and circumstances of the case, based on records, and I am competent to swear this affidavit.
2. That, this Hon'ble Tribunal vide its order dated 20/03/2015 issued various directions to the State Government, wherein this Hon'ble Tribunal directed the State Government to submit a comprehensive report addressing the issues and

directions highlighted by this Hon'ble Tribunal in the matters of People for Transparency though Kamal Anand v State of Punjab and Almitra H Patel v Union of India.

3. That, it is most humbly submitted that the Municipal Solid Waste Management is a technical issue and the same was lacking technical support at the Urban Local Body (hereinafter referred to as ULB) levels and hence, the State Government had been providing the technical assistance to the Urban local Bodies of the State of Madhya Pradesh and in consonance to the same, the State Government has formulated a policy wherein the cluster based approach for effective Solid Waste Management has been adopted.
4. That, it is pertinent to mention that the State Government has been striving hard for implementation of the said rules of 2000 since the year 2003, as stipulated in schedule I, by way of public awareness and other possible sources but due to the lack of the financial resources at the ULB and the State level, the same could not be implemented in totality. It is further pertinent to mention at this juncture that various ULBs are partially implementing the aforesaid rules whereby Door to Door collection is done and the disposal of the Municipal Solid Waste (hereinafter referred to as MSW) is done by way of composting and other available scientific means.
5. That, it is also submitted that, the small ULBs where the population is less than 2 lakh and where it is not feasible to contract a landfill site, the ULBs have been implementing the Door to Door collection, Segregation and Transportation but the disposal is being done by way of composting only.

The ULBs which are partially but effectively handling the municipal solid waste in the State of Madhya Pradesh are Municipal Councils of Sailana, Naamli, Rajgarh, Maheshwar, Budhani, Shahganj, Manavar, Ranapur, Seoni Malwa, Timarni and Piploda. It is pertinent to mention over here that the aforesaid 26 clusters shall be commissioned before the end of the year 2018 and thereafter, the State of Madhya Pradesh shall be fully compliant to the MSW rules 2000.

6. That, this Hon'ble Tribunal vide its judgment in the matter of Appeal No. 40 of 2012 has issued comprehensive guidelines for the implementation of the Municipal Solid waste ( Management and Handling) rules 2000. The Hon'ble Tribunal directed the State Governments to adopt the cluster based approaches implemented by the ULB of the State of Punjab.
7. That, it is most humbly submitted that, Madhya Pradesh is a state with a population of 72.5 million covering 9.5% of the total area of the country (308,000 Sq.). The urban population of the state is across 377 ULBs which has increased to 20 million in 2011 from 16.1 million in 2001, growing at a CAGR of ~2.2%. The high rate of urbanization has led to increased focus on urban infrastructure and municipal service delivery which has further led to increased investment requirement in the urban development. However, this rate of urbanization has resulted in generation of large quantities of Municipal Solid Waste in big cities as well as small towns.

- 8. That the solid waste management is being done in a piece meal approach. In some of the ULBs door to door collection is being done, in some the processing is being done and in some disposal is being done. But more than 90% of the population still lingers under poor waste management. Further there is no realization of user charges against the solid waste management services, leading to poor financial condition of the ULBs. Considering the current situation, there is an urgent need to provide healthy environment and cleaner cities to the citizens. Hence the scientific management of Municipal Solid Waste has become critical for the ULBs.
  
- 9. That, it is most humbly submitted that, Only 15 ULBs of the State of Madhya Pradesh have population greater than 2 lakhs while 317 ULBs have population less than 50,000. The scientific solid waste management in ULBs, with population less than 1 lakh, would be uneconomical and would result in huge financial burden on the ULBs. Most of these ULBs further lack the financial as well as the technical capacity to carry out the solid waste management. Hence there is a need of a regional approach to promote solid waste management in the state.

Population Range	Number of ULBs
<20,000	210
20,000 - 50,000	107
50,000 - 1,00,000	28
1,00,000 - 2,00,000	17
>2,00,000	15

10. That, the State Government is taking effective and comprehensive measures for the implementation of the MSW rules, wherein the State Government is implementing cluster approach for the disposal of the MSW at the Landfill site. The State Government has identified 26 clusters across the State, wherein the MSW shall be collected and be transported from the ULBs to the landfill site on the utility facility at the cluster. The State Government has presently taken steps for the implementation of the cluster approach at the Sagar and Katni clusters wherein the letter of award has already been issued to the concessioner.
11. That, the aforesaid cluster approach shall address the following issues:
- **Waste minimization and reduction at source**
  - **Door to door collection** of waste from all residential, commercial, institutional establishments in covered vehicles in compliance with MSW Rules 2000 and in accordance with SLB for MSW
  - **100% Segregation** of waste at source in accordance with SLB for MSW
  - **Covered Bins** for secondary collection in compliance with MSW Rules 2000
  - **Secondary collection and transportation** in covered vehicles in compliance with MSW Rules 2000
  - **Covered waste transfer/storage stations** in compliance with MSW Rules 2000 and CPCB/SPCB norms, if required.
  - **More than 80% Waste recovery/recycling** in accordance with SLB for MSW
  - **Scientific processing** in compliance with MSW Rules 2000 and CPCB/SPCB norms

- **Scientific disposal** of inert in compliance with MSW Rules 2000 and CPCB/SPCB norms
- **100% cost recovery of O &M expenses from user charges, and 90% collection efficiency of user charges** in accordance with SLB for MSW.

12. That, the State Government is taking all steps in its limited financial resources for the implementation of the MSW rules in its letter and spirit and the State Government has also prepared an action plan for Waste Management in the State of Madhya Pradesh, inculcating the site specific details, identifying the cluster, time bound action plan and fully providing for plan budget expenditure. The copy of the Madhya Pradesh Waste Management action has already been filed by the State Government in its compliance report dated 28/01/2015.

13. That, the State Government has adopted the Public Private Partnership (PPP) approach for the scientific and effective Municipal waste disposal. The concessioners have been called for the work of MSW disposal for different clusters so identified by the State government with the prerequisite condition that the Environmental Clearance for the Land so identified and the rehabilitation, if the need arises, shall be undertaken by the concessionaire itself. The technical conditions and the financial conditions laid down by the State Government very specifically lays down the responsibility of the concessionaire to acquire the EC and comply with all the Environmental norms so as to achieve the mandate of the Environmental (Protection) Act 1986 and other relevant enactments. The applicant

concessionaire there in has showed extensive interest in the comprehensive plan so prepared by the State Government.

14. That, in the above stated matrix of facts and circumstances, it is most humbly submitted that this Hon'ble Tribunal may graciously be pleased to take the submission in compliance on record and may issue any other direction in favour of the respondent.
15. That I have gone through the accompanying submissions and I say that the facts stated therein are true to my knowledge based on official records and the submissions made therein are based on legal advice which I received from the counsel and which I believe to be correct.

  
**DEPONENT**

**VERIFICATION**

I, Rajeev Goswami, above named deponent do hereby verify that contents of the above affidavit are true as per my knowledge and belief and as per the record maintained by the Respondent/State of Madhya Pradesh and nothing material has been concealed there from.

Verified at New Delhi on this 20<sup>th</sup> day of April, 2015.

  
**DEPONENT**