

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 199 of 2014

And

Original Application No. 61 of 2017

(Earlier OA No. 199 of 2014)

And

Original Application No. 281 of 2016

(M.A. No. 1007/2016)

IN THE MATTER OF:

ALMITRA H. PATEL & ANR. APPLICANTS

VERSUS

UNION OF INDIA & ORS..... ..RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT
- DEPARTMENT OF URBAN DEVELOPMENT,
STATE OF MAHARASHTRA

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SHIBANI GHOSH CHOWDHURY
ADVOCATE ON BEHALF OF
STATE OF MAHARASHTRA,
URBAN DEVELOPMENT DEPARTMENT (RESPONDENT)

C-202, SECTOR-26, NOIDA 201301
Ph No. 9871437801; Email: shibanighosh83@gmail.com

NEW DELHI
February 2017

**BEFORE THE NATIONAL GREEN TRIBUNAL
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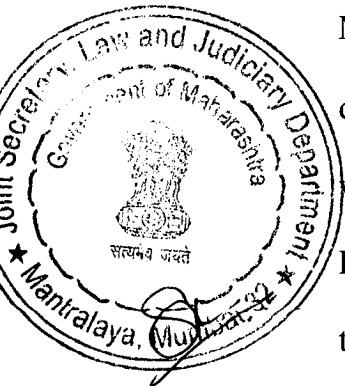
IN THE MATTER OF:

**ALMITRA H. PATEL & ANR. APPLICANTS
VERSUS
UNION OF INDIA & ORS..... ..RESPONDENTS**

**Affidavit on behalf of Respondent Urban Development
Department, State of Maharashtra**

I, Smt. Manisha Mhaiskar, Principal Secretary, Urban Development Department, Government of Maharashtra, Mumbai 400032, do hereby state on solemn affirmation that I am filing this Affidavit before this Hon'ble Tribunal in the aforesaid matter in response to the show cause notice issued by this Hon'ble Tribunal vide its order dated 12th January, 2017 and 20th January 2017

1. I say and submit that the State Government is committed towards scientific Management of Municipal Solid Waste and way back vide its circular dated 15th June, 1979 had issued instructions to the local authorities that while framing proposals of Development Plans under Maharashtra Regional and Town Planning Act, 1966, the Planning Standards as given therein should be taken into consideration which provides for allocation of land etc. Appendix-A to the said Circular at point no. 9 says that adequate



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sites for the proposals mentioned there under should be provided depending upon the needs of towns. The list of such proposals also includes the sites for compost pits. Accordingly it is mandatory for the cities and towns in the State to reserve sites for Solid Waste Management. Copy of the Circular dated 15 June 1979 is annexed herewith and marked as **Annexure-I**.

2. I further say and submit that the State is having regulations for treatment, recycling and reuse of wastewater for Municipal Corporations. These regulations are applicable for all residential layouts of size 10,000 sq. mtr. or more, group housing / apartment buildings, industrial, commercial buildings etc. There are also provisions for penalty for violations of these regulations. Some 'A' and 'B' class Municipal Corporations already have bye laws or guidelines for treatment and recycling/reuse of wastewater.

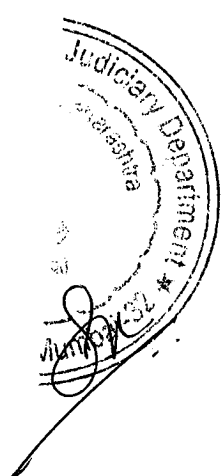
3. I say and submit that in case of residential layouts having areas admeasuring 4000 sq. mtr. or more, a separate space for wastewater treatment and recycling plant is required to be shown. Such directives have already been issued to all planning authorities in the state, whereas for Nagpur and Greater Mumbai Municipal Corporations such regulations have been approved.

4. I say and submit that presently the State is in the process of preparation of State Policy on Solid Waste Management in accordance with the provisions of the Solid Waste Management Rules 2016. . Following are the main focus areas:

4.1 Segregation of waste at source in three categories as per Solid Waste Management Rules 2016 – Biodegradable, Non-biodegradable and domestic hazardous.



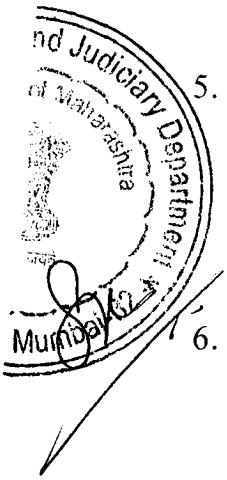
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- 4.2 Recycling and recovery of materials through promoting material recovery facilities in city.
- 4.3 Decentralized treatment of organic waste in hotels, gardens, vegetable markets etc.
- 4.4 100% segregated collection and transportation of waste to treatment facility
- 4.5 100% scientific treatment of waste through composting, vermicomposting, bio-methanization etc. followed by scientific land filling
- 4.6 Involvement of rag pickers and community for achieving maximum level of segregation at source and material recovery from waste.
- 4.7 Ban on plastic less than 50 Micron to reduce the quantity of non-recyclable plastics.
- 4.8 Committee under chairmanship of District Magistrate for identification of suitable clusters of Urban Local Bodies and land for the cluster level treatment facilities.

5. I say and submit that the State has also identified appropriate clusters of Urban Local Bodies for implementation of Waste to Energy projects for inorganic fraction of waste.

6. I further say and submit that the State has created a separate Directorate "Swachh Maharashtra Mission (Urban)" for implementation of Swachh Bharat Mission in Maharashtra with necessary infrastructure and support from national and international agencies. Swachh Maharashtra Mission is supporting and providing guidance to all Urban Local Bodies in the state for implementation of Solid Waste Management projects. Under Swachh Bharat Mission each Urban Local Body will have to prepare and



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implement Solid Waste Management Detailed Project Report. The Detailed Project Reports to be prepared under Swachh Bharat Mission will be in line with Solid Waste Management Rules 2016 and as per the Swachh Bharat Mission guidelines. Following actions have already been taken by the State for effective implementation of Solid Waste Management under Swachh Bharat Mission:

- 6.1 To ensure that all provisions of Solid Waste Management Rules 2016 are incorporated in Detailed Project Report, state has appointed empanelled consultants for each division of the state to prepare Solid Waste Management Detailed Project Reports.
- 6.2 German International Cooperation (GIZ) is supporting Swachh Maharashtra Mission for quality control of Solid Waste Management Detailed Project Report through capacity building, preliminary review of Detailed Project Reports etc.
- 6.3 To ensure that all Solid Waste Management Detailed Project Reports are in line with Solid Waste Management Rules 2016 State has appointed Maharashtra Jeevan Pradhikaran (MJP) for Technical Sanction of Solid Waste Management Detailed Project Reports prepared by Urban Local Bodies
- 6.4 State has also appointed National Environmental Engineering Research Institute (NEERI) for appraisal of Detailed Project Reports (DPR) to ensure quality of DPR and to check that all provisions of Solid Waste Management Rules 2016 are considered during DPR preparation.
- 6.5 Each Urban Local Body will get 49% grant of total DPR cost under Swachh Bharat Mission. To ensure that the Urban Local Bodies have sufficient funds for implementation the State has further directed the Urban Local Bodies to use grants available



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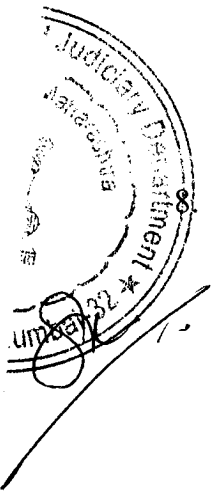
under the 14th Finance Commission for implementation of Solid Waste Management projects.

6.6 Solid Waste Management Detailed Project Reports prepared under Swachh Bharat Mission will be approved by state provided all the requisite provisions of Solid Waste Management Rules 2016 have been considered and incorporated in DPRs. To ensure this all Urban Local Bodies have been instructed to consider Solid Waste Management Rules 2016 before planning and implementation of any Solid Waste Management projects in their cities and also lay emphasis on improving current practices of Solid Waste Management in line with Solid Waste Management Rules 2016.

7. I say and submit that in order to promote and encourage Urban Local Bodies, the State has developed a brand (HARIT Maha City Compost) for marketing compost generated from organic waste in Urban Local Bodies. The brand is developed to encourage Urban Local Bodies for production of quality compost and support them in marketing the same. This will in turn ensure scientific treatment of organic waste generated in Urban Local Bodies.

I say and submit that the State therefore has a well laid down process for approval of city Development plans, which mandatorily has to provide for Collection, Processing and Disposal of Municipal Solid Waste in accordance with the prevalent law.

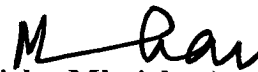
9. I further say and submit that the State is committed towards Scientific Disposal of Municipal Solid Waste Management as per the Doctrine of sustainable development in its true spirit as directed by the Hon. Tribunal in its order dated 12th January 2017 and assures this Hon. Tribunal of diligently following its directives.



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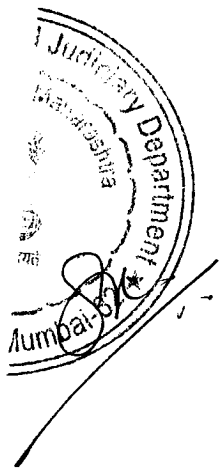
10. I say and submit that the contents of this Affidavit are true and correct to the best of my knowledge and belief. Annexure filed is true copy of its respective original.

DEPONENT



**(Manisha Mhaiskar)
Principal Secretary,
Urban Development Department**

**Place: Mumbai
Date: 31st January, 2017**



VERIFICATION


I, Smt. Manisha Mhaiskar, Occupation, Govt. service, at present working as Principal Secretary, Urban Development Department, Mantralaya, Mumbai, do hereby state on solemn affirmation that the contents of this affidavit are on the basis of the office record and information which I believe to be true and correct. Hence it is verified on this 31st day of January, 2017 at Mumbai.

DEPONENT


(Manisha Mhaiskar)
Principal Secretary,
Urban Development Department



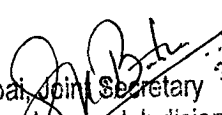
Identified By .


31.1.2017
(Sudhakar Bobade)
DY. Secy. U.D.D.



SOLEMNLY AFFIRMED
BEFORE ME BY THE DEPONENT
SHRI SMT. MANISHA MHAISKAR
TO WHOM I PERSONALLY KNOW,




Mumbai Joint Secretary 31-1-17
Law and Judiciary Department
Dated Oath Officer Appointed
under oaths Act, 1969

**Maharashtra Regional and Town Planning Act, 1966;
Instructions about the manner of preparation and presentation of development
Plans- Planning Standards.**

**GOVERNMENT OF MAHARASHTRA
Urban Development and Public Health Department.
Circular No. TPS 3674/18773 U.5
Mantralaya, Bombay - 400032, Dated 15th June 1979**

CIRCULAR OF GOVERNMENT

Development Plans under the provisions of the Maharashtra Regional and Town Planning Act, 1966 are being prepared by the Local Authorities taking into consideration the Planning Standards prescribed in the Government circular, Urban Development and Public Health Department No. TPS 3664-N dated 23rd March 1965. A large number of Development Plans has been prepared and the experience gained by their implementation during the last few years indicates that these Planning Standards need to be revised. Government has, therefore, considered the question of revision of Planning Standards to make the Development Plans more pragmatic and realistic, and is pleased to direct that the Planning Standards shown in Annexure "C" to the Government Circular Urban Development and Public Health Department No. TPS 3664-N dated 23rd March, 1965, should be revised and should be as shown in Appendix "A" to this Circular. These revised Planning Standards should hereafter be generally adopted by the local authorities, as far as possible, while framing proposals for Development Plans under the Maharashtra Regional and Town Planning Act, 1966 and while scrutinizing such plans already prepared. Similarly, these standards should be taken into consideration while implementing proposals of sanction development plans.

By order and in the name of the Governor of Maharashtra

Sd/

R.B.DONALD

Deputy Secretary to Government

To:

All Divisional Commissioners.

The Metropolitan Commissioner, Bombay Metropolitan Region Development Authority,
Bombay.

The Director of Town Planning, Maharashtra State, Pune

All Collectors of the Districts

All Presidents of Municipal Councils.

The Municipal Commissioner, Bombay Municipal Corporation of Greater Bombay.

The Municipal Commissioner, Pune Municipal Corporation, Pune.

The Municipal Commissioner, Sholapur Municipal Corporation, Sholapur.

The Municipal Commissioner, Kolhapur Municipal Corporation, Kolhapur;

The Municipal Commissioner, Nagpur Municipal Corporation, Nagpur

The Chief Director of Information and Public Relation, Bomnbay

All Deputy Director of Town Planning

All Assistant Director of town Planning

All Town Planners

APPENDIX -A

PREPARATION OF DEVELOPMENT PLANS

PLANNING STANDARDS

- 1) Open Spaces: In every Development Plan provision shall be made for public parks, playgrounds and miscellaneous open spaces in addition to playgrounds attached to schools is also regional or national parks, nature reserves, places of scenic beauty, lakes and other water bodies. The standards for providing such open spaces should be as under:
 - i. Reservation of land for the purposes of playgrounds and gardens should be made at the rate of 0.4 and 0.2 hectare per 1000 population respectively of the total population of the town and such reservations should be so distributed that they are located as far as possible within a distance of 0.80 K.M to 1.20 K.M from the residential population in a neighbourhood unit.
 - ii. Within a Gaothan, provision of open space should be made at the rate of 0.1 Ha. Per 1000 population of the projected population for the gaothan area, in the form of air lungs and totlets. This should be in addition to thereservations made under (i) above.
 - iii. Positive use of open spaces reserved in Residential. layouts, buildings for recreational purposes may be permitted to the extent of not more than 1/10th of total area of such reservation. K.G. Schools may also be permitted in such open spaces.

These reservations should be made in addition to the open spaces available within layouts of private lands.

- 2) Education: The school going population should be calculated at 15% of total population for primary schools and 7.5% of total population for secondary schools.
 - i. Primary Schools: one site should be provided for an average size school of 400 to 500 pupils.

Reservation of a plot for a primary school building should be on the basis of 5.sq.m per student, provided that in smaller towns where only ground floor structures are expected to be built for schools, the reservation may be at the rate of 10 Sq. M per student. Preferably, every primary school should have its attached playground, which should be provided at the rate of 3.Sq.M per student.
 - ii. Secondary Schools: One site should be provided for an average size school of 750 to 1000 pupils.

Reservation of a plot for a secondary school building should be made on the basis of 4 Sq.M per student. Every Secondary School should have the independent playground either attached within easy walking distance not more than 0.8 Km away. Such playground reservation should be made at the rate of 11 Sq. M per student.
- 3) Health & Medical Facilities : Reservation of a plot for dispensary and maternity home should be made at the rate of 0.25 ha. Per 10,000 population.
- 4) Vegetable Market: Reservation of plot for vegetable market should be made at the rate of 0.2 ha. Per 10,000 population.
- 5) Library: Neighbourhood library sites should be provided at the rate of 0.05 ha. Per 10,000 population.
- 6) Town Hall: Site for Town Hall should be reserved as far as possible not smaller than 0.5 ha. This should be combined with a central library.
- 7) Circulation Pattern: The existing standards should continue to apply. However, road proposals to be included in the Development plan should cover

only the primary distributors and local distributors. As far as possible, widening of roads in existing developed area should be proposed by way of regular line Of street under the Maharashtra Municipalities Act 1965. Where the existing roads are required to be widened immediately to a width of 15 M and above, such proposals should be supported by traffic volume survey and these proposals should be shown by firm lines.

- 8) Parking: Provision for parking of private and public vehicles should be made specially in the vicinity of railway stations, S. T. Stands, Cinema Theatres, Markets, concentrated shopping centres and other traffic generators, at the rate of 25 sq. m per P.C.U depending upon size and habits of communities.
- 9) Adequate sites for the following proposals should be provided for depending upon the needs of the towns
 1. Burial and Cremation Grounds
 2. Compost pits
 3. Slaughter Houses
 4. Fire Brigade and allied services.
 5. Multi purpose halls, community centres, theatres and cinema
 6. Cultural Centres
 7. Swimming pools and gymnasium
