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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 199 OF 2014**

IN THE MATTER OF:

ALMITRA H. PATEL & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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**WRITTEN SUBMISSIONS ON BEHALF OF THE STATE OF
MEGHALAYA**

Brief Facts:

The instant matter has been transferred from the Hon'ble Supreme Court of India vide the order dated 02.09.2014. This Original Application relates to collection, transportation and dumping/ dealing with the Municipal Solid Waste of permanent and temporary sites.

On 25.11.2014, this Hon'ble Tribunal had passed a detailed judgment in the case of *Capt. Mall Singh v. Punjab Pollution Control Board & Ors.* [Appeal No. 70 of 2012]. In this case, there was a model MSW Plan proposed by the State of Punjab which not only dealt with collection, transportation and disposal of municipal solid waste, but even utilization of waste for the purpose of generating power and bringing the municipal solid waste to minimum. In the said judgment, approval was also accorded to formation of clusters within the States to economize keeping in view the financial limitations of the State and their geographical situation.

The new MSW Rules were notified by the Ministry on 08.04.2016. Clause 15 of the said Rules provides for duties and responsibilities of

local authorities and village Panchayats of census towns and urban agglomerations. In addition to this, Clause 20 provides for criteria and actions to be taken for solid waste management in hilly areas.

This Hon'ble Tribunal was pleased to pass an order on 19.04.2016 in the instant matter, the relevant portion of which has been reproduced hereinbelow:

“We would hear all the matters together relating to:-

1. Waste to energy plant as a solution for dealing with Municipal Waste.
2. What is the status of the projects in the Punjab State which had proposed eight clusters for dealing with Municipal Waste and whether such projects could be adopted by other States particularly in hilly area, where there is serious limitation with regard to availability of land and even financial resources.”

SUBMISSIONS

Meghalaya is essentially a hilly State characterized by undulating terrain and large-scale unbuildable areas. Urbanization in the State has maintained a steady pace with a total of 22 urban settlements as per 2011 Census. The urban settlements are characterized by the core capital city of Shillong and rest of the towns are much smaller in size (varying from Class II to Class V). Spread of the towns are also quite considerable above 30-35 kms in radius from each other, thus putting enormous pressure on transportation infrastructure.

A number of Municipal Boards have been constituted throughout the state of Meghalaya as per the provisions of the Meghalaya Municipal Act, 1973. These municipal boards undertake the work of water supply, sanitation, solid waste management, drainage, roads and bridges and street lights. The entire State of Meghalaya is divided into

eleven districts and these 11 districts are governed by 6 Municipal Boards namely:

- (i) Shillong Municipal Board (East Khasi Hills)
- (ii) Tura Municipal Board (West Garo Hills)
- (iii) Jowai Municipal Board (Jaintia Hills)
- (iv) Williamnagar Municipal Board (East Garo Hills)
- (v) Resubelpara Municipal Board (North Garo Hills)
- (vi) Baghmara Municipal Board (South Garo Hills)

Apart from the cities of Shillong and Tura, other towns in Meghalaya are small, with limited manpower and resources available with the local bodies. Therefore, the State Government and the municipal bodies are finding some difficulties in complying with the Rules in letter and spirit. However, all efforts are being made to ensure compliance with the Rules in these towns by identifying designated dumping places, financial assistance for augmentation of waste collection machinery, DPR preparation, construction of processing plants, disposal sites etc.

Urban problems are relatively of a smaller magnitude as compared to the major urban cities in the rest of the country, however, towns do face varied problems. Towns like Umpling, Nongkseh, Lawsotun, Mawpat, Umlyngka, etc. do not have any formal local bodies to manage their civic affairs. List of towns in the State along with Civic status of their local bodies is annexed herewith and marked as **Annexure A (Pg. 8 to 9)**.

Most of the areas of the State are classified as "Tribal Areas" as per Article 244 of the Constitution. Powers to make laws and rules on a number of subjects in such areas including that of village and town administration have been vested in the Autonomous District Councils. Although the Meghalaya Town and Country Planning Act, 1973 (Assam Town and Country Planning Act, 1959 as adopted by the State of Meghalaya) as well as the Meghalaya Municipal Act, 1973 (Assam Municipal Act, 1956 as adopted by the State of Meghalaya) are in force

in the entire State of Meghalaya, yet in many cases of institutional arrangements for civic administration, the same has come into conflict with the provisions of the Sixth Schedule of the Constitution of India. While Municipal Boards have been constituted in six towns under the provisions of the Municipal Act and a cantonment Board has been constituted under the Cantonment Act, yet towns such as Nongstein, Nongpoh and Mairang are managed by Town Committees constituted by the Autonomous District Councils.

Management of solid waste is perceived as a crucial service with great environmental implications. Every attempt is being made by the State to comply with the Municipal Solid Waste Rules. Primary objective of the State Government and the Municipal Boards is to upgrade the existing solid waste management services, to make them scientific and more efficient. The State endeavors to adopt new methods in compliance with the provisions of the Municipal Solid Wastes (Management and Handling) Rules.

Keeping the aforesaid factors in mind and the necessity to formulate a proper strategy and policy for solid waste management in all towns of the State, it is proposed to engage consultancy firms having Solid Waste Management expertise, to attain the following objectives:

1. To provide Long Term Plan (up to 2040) for addressing solid waste management issues by way of modernization of the system along with environment friendly waste processing methodologies.
2. Introduction of 2-bin system for house-to-house collection of waste for segregation of biodegradable and non-biodegradable wastes.
3. Introduction of separate collection system for recyclables from households and selling the same in local market, thereby generating the sizable revenue to the urban local body.
4. Introduction of smaller vehicles called satellite vehicles for house to house collection. These vehicles will bring the wastes to the established "Transfer Points", which will be located

within the area, thereby making more number of trips (at least 2-3 trips per day). This will increase collection efficiency. This arrangement will reduce the gap between amount of waste generated and amount of waste collected. It is expected that this arrangement will pave way for 90-95% of waste collection in the course of time.

5. Introduction of closed-body secondary collection vehicles like Refuse Compactor Trucks (folding cover type) for transporting waste from Transfer Stations to landfill sites.
6. State-wise elimination of masonry bins and introduction of EN-standard bins so that the garbage will not be visible to the public.
7. Supplying personal protective equipments to the conservancy staff and rag pickers.
8. Development of a comprehensive plan for establishment of biodegradable waste treatment facility such as a mechanical or vermin-compost plant and development of a scientifically designed sanitary landfill for accepting inert waste and compost rejects.
9. Exploration of feasibility of waste-to-energy plants.
10. Generation of revenue by collection of user charges through effective community awareness aimed towards sustainability of the system.

Response to the queries made by this Hon'ble Tribunal in the Order dated 19.04.2016

- Re Waste to energy plant

As stated above, due to limitations of space and also owing to physiological conditions in the State of Meghalaya, there are no waste to energy plants in the State. However, the State is making endeavors to ensure that the same is implemented throughout the State at the earliest.

- Re Cluster Model approach

Due to the physiological conditions prevailing in the State, i.e. undulating terrain, distance factor, etc. "Cluster Model" approach for disposal of solid wastes, is not feasible in the State. Physiological conditions do not support the establishment of treatment facilities and landfill sites for all the towns in the State. Site selection for MSW treatment and disposal facility is a major challenge for the State considering the availability of developable land and the complexity of institutional arrangement.

It is pertinent to mention here that in Shillong, the disposal site of the Shillong Municipal Board is at Marten, which is being used as a common waste disposal site (Cluster Model) for all towns covered in the Shillong Urban Agglomeration.

Keeping in mind the aforesaid constraints, a town-wise MSW Action Plan has been evolved along with the existing structure, and the same has been annexed herewith and marked as **Annexure B (Pages 10 to 11)**.

The following service level improvements may be achieved by the implementation of the aforesaid Plan:

- (i) Collection of waste at source will improve the environmental quality of the towns
- (ii) Segregation of wastes into biodegradable and non-biodegradable components at source will help better running of compost at source will help better running of compost plant and will improve the quality of compost and reduce the load at the disposal sites.
- (iii) Transportation of wastes through covered vehicles will prevent littering of streets and areas through which vehicles pass and will help in maintaining the general cleanliness.
- (iv) Regular community awareness for promoting garbage segregation at source (at household level) and zero littering on streets is very important in attaining success.

- (v) Compost from treatment plant will serve as a market product locally through community based organization and become a source of revenue generation, and in this process sustain the project viability.
- (vi) Imposition of user charges will help in the sustainability of the programme.




APRAJITA MUKHERJEE

Counsel for the State of Meghalaya


Dated: 07.05.2016

Ann. A

Table I. List and Civic Status of the urban centres in Meghalaya				
Sl. No	Name of Town	District	Civic Status of the local body	Town Classification
*01	Shillong Municipal Board	East Khasi Hills	Municipality	Class-I
*02	Shillong Cantonment	East Khasi Hills	Cantonment Board	Class-IV
*03	Mawlai	East Khasi Hills	Census Town	Class-II
*04	Madanryting	East Khasi Hills	Census Town	Class-III
*05	Nongthymmai	East Khasi Hills	Census Town	Class-III
*06	Nongmysong	East Khasi Hills	Census Town	Class-IV
*07	Pynthorumkhras	East Khasi Hills	Census Town	Class-III
08	Cherrapunjee	East Khasi Hills	Census Town	Class-IV
09	Nongstoin	West Khasi Hills	Town Committee	Class-III
10	Mairang	West Khasi Hills	Town Committee	Class-IV
11	Nongpoh	Ri-Bhoi	Town Committee	Class-IV
12	Jowai	Jaintia Hills	Municipality	Class-III
13	Tura	West Garo Hills	Municipality	Class-II
14	Williamnagar	East Garo Hills	Municipal Board	Class-III
15	Resubelpara	East Garo Hills	Municipal Board	Class-IV


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16	Baghmara	South Garo Hills	Municipal Board	Class-IV
*17	Nongkseh	East Khasi Hills	Census Town	Class-VI
*18	Umlyngka	East Khasi Hills	Census Town	Class-V
*19	Umpling	East Khasi Hills	Census Town	Class-V
*20	Mawpat	East Khasi Hills	Census Town	Class-V
*21	Lawsotun	East Khasi Hills	Census Town	Class-V
22	Umroi	East Khasi Hills	Census Town	Class-V


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Ann. B


MSW Action Plan

Sl. No.	Name of the Town	Population	Per Capita Waste Gen. (kg/day)	Waste Generation (MT/day)	Estimated Cost INR Lacs	Action Plan				Remains		
						Selection of Consultant	Preparation of DPR and Bid Documents	Bidding Process and Award of Contract	Execution of Land Fill Site		Completion and Commissioning of Project	
1	Shillong Urban Agglomeration	354759		121.00	3821	Completed	Completed	Bidding process and Award of Contract is complete for Landfill site Ph-1 (6500 Sqm). Bins, Garage cum workshop, Collection vehicles. Bidding process is complete for Landfill site (Ph-2).	(i) Phase-I (6500 sq emergent landfill site) Under Construction (ii) Phase-II (8500 sqm additional landfill site under tendering process) (iii) Long term landfill site. Land identified but environment clearance held up due to public objection	(i) Phase-I Sept 2015 (ii) Phase-II July 2018 (iii) Long term landfill site September 2020		
(i)	Shillong Municipal	143229	341	48.84	1543	Completed	Completed	DPR & Bid Docs are Completed for Bins, Collection vehicles, Landfill site (Ph-1 & 2). DPR for compost plant is being sent for MOUD's approval	DPR & Bid Docs are Completed for Bins, Collection vehicles. Considered in the DPR & Bid Docs & are Completed for Landfill sites (Ph-1 & 2) DPR for compost plant is being sent for MOUD's approval	Tendering under process		
(ii)	Outside Municipal	199600	341	68.06	2150	Completed	Completed	Considered in the DPR & Bid Docs for Landfill site (Ph-1 & 2) DPR for compost plant is being sent for MOUD's approval	Considered in the DPR & Bid Docs for Landfill site (Ph-1 & 2) DPR for compost plant is being sent for MOUD's approval	Completed		
(iii)	Shillong Cantonment	11930	341	4.07	128	Completed	Completed	Completed	Completed	Completed		
2	Tura	74,858		65.00	644	Completed	Completed	Completed	Completed	Completed		
3	Jowai	28,430	0.362	10.29	384	6 Months (September 15)	8 Months (May 16)	6 Months (November 16)	18 Months (May 18)	August 2018	Mongponi covering an area 5 bha or 6689.02m ²	Open Dumping
4	Resubekhara	19,595	0.362	7.09	265	6 Months (September 15)	8 Months (May 16)	6 Months (November 16)	18 Months (May 18)	August 2018	Old site is at Dohelkiclyre covering an area of 6690 sq m. New proposed site is Upper Balinghram (Samagr gate)	Open Dumping
5	Wahingga	24,651	0.362	8.91	332	6 Months (September 15)	8 Months (May 16)	6 Months (November 16)	18 Months (May 18)	August 2018		Open Dumping

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GOVT OF MIZORAM

6	Baghmara	13,131	0.362	4.75	177	6 Months (September 15)	6 Months (May 15)	6 Months (November 16)	12 Months (May 15)	August 2018	Damaderengue covering an area of 45 bigha or 60201.20m ²	Open Dumping
7	Nongpoh	17,055	0.362	6.17	230	Completed	Completed	Completed	Under progress	August 2015	Unshangling covering an area of 6.088 acres or 24636.62 sqm	15 ipd compost pit under construction
8	Nongstom	28,742	0.362	10.40	388	6 Months (September 15)	8 Months (May 15)	6 Months (November 16)	18 Months (May 18)	August 2018		Open dumping
9	Maizang	14,363	0.362	5.20	194	6 Months (September 15)	8 Months (May 15)	6 Months (November 16)	18 Months (May 18)	August 2018		Open dumping
10	Umroi (CT)	8,198	0.362	2.97	111	6 Months (September 15)	8 Months (May 15)	6 Months (November 16)	12 Months (November 17)	February 2018		Open dumping
11	Cherapunjee (CT)	11,722	0.362	4.24	158	6 Months (September 15)	8 Months (May 15)	6 Months (November 16)	18 Months (May 18)	August 2018		Open dumping
Total		5,95,540			6,703.90							

Note: Estimated Cost is based on the Per Capita Cost of Shillong City(INR 1077/-). An increase of 25 % is added due to smaller population (as compared to Shillong). The Per Capita Cost works out to be INR 1350/-. For Tura & Nongpoh it is considered as INR 860/capita as compost plants are under construction


 CHIEF OFFICER
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