

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Application No. 199 of 2014

IN THE MATTER OF:

ALMITRA H. PATEL

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

WITH

Affidavit on behalf of the State of Meghalaya pursuant to judgment pronounced on 22.12.2016 and order dated 7<sup>th</sup> Feb. 2017 passed by this Hon'ble Tribunal

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Advocate for the State of Meghalaya : Ms. Aprajita Mukherjee

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DATE: 20-02-2017.

Filed By

(MS. APRAJITA MUKHERJEE)  
ADVOCATE FOR THE  
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**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Application No.199 of 2014**

**Almitra H. Patel & Anr**

**Vs.**

**Union of India & Ors.**

**IN THE MATTER OF :**

Affidavit on behalf of State of Meghalaya  
pursuant to Judgment pronounced on  
22.12.2016 and Order dated 07,February  
2017 passed by this Hon'ble Tribunal.

I, Shri. E. Kharmalki, aged about 52 years, son of (L)Shri  
.A.L.Shabong, resident of Nongrim Hills, Shillong, do hereby  
solemnly affirm and declare as follows :-

1. That I am the Joint Secretary to the Government of Meghalaya,  
Urban Affairs Department and as such I am competent to affirm  
this affidavit on behalf of the State of Meghalaya. I know all about  
the facts and circumstances of the case out of which the afore  
mentioned case arises. I have been duly authorised to affirm this  
affidavit on behalf of the State of Meghalaya.



**JOINT SECRETARY  
URBAN AFFAIRS DEPARTMENT  
GOVERNMENT OF MEGHALAYA**

2. That I beg to state that this Hon'ble Tribunal while adjudicating this instant case was pleased to pass the Judgment pronounced on 22.12.2016 and Order dated 07, February, 2017 the contents of which are self explanatory.

In view of the directions contained in the aforesaid judgment and order, the deponent make the followings submissions:-

3. That in respect of directions no.1, directions no.2 and directions no.3 in paragraph 43, the Deponent begs to state that for the State to enforce and implement the Solid Waste Management Rules, 2016 in all respects and without any further delay, an Action Plan has been prepared for all urban areas of the State relating to Solid Waste Management as per the Timeline prescribed in the Solid Waste Management Rules, 2016. The District Administration and the Autonomous District Councils will have to comply with these directions and the Solid Waste Management Rules 2016 for areas under their jurisdiction. Directions for compliance issued vide letter no. UAU.9/2015/473 dated 16.02.17.

**(Copies of the Action Plan is annexed at Annexure I and copy of the letter for compliance is annexed at Annexure II.)**

4. With regard to directions no. 4, no.5 and 6 of paragraph 43, passed by this Hon'ble Tribunal, the Deponent begs to state that this is being noted and will be complied with within the time frame granted by the Hon'ble Tribunal. The state government has also issued guidelines for management of solid waste for Shillong in

accordance with the Solid Waste Management Rules 2016 and similar guidelines shall be issued for the other towns in the State.

**(Copy of the Office Memorandum on Guidelines annexed at Annexure III.)**

5. With regard to directions no. 7 and 11 of Paragraph 43, the Deponent begs to state that the State Government did make an attempt to set-up a Waste to Energy Plant for Shillong and an Expression of Interest was floated for the purpose. However looking at the nature and quantum of the waste generated in the city, the technology was not found economically viable. However the direction given by the Hon'ble Tribunal is noted and the matter will be explored further.

6. With regard to direction No. 8 of paragraph 43, the Deponent begs to state that in the case of the Capital City of Shillong the site where the compost plant and Sanitary Landfill which is under construction at the Shillong Municipal Board's Disposal Site at Riakhwan, Marten has a provision for a buffer of respectively 15 meters and 40 meters from the Highway and 5 meters and 3 meters from the Riakhwan Reserved Forest. It may also be mentioned that as the landfill is located next to the reserved forest adequate buffer is already available from the nearest habitation. Steps will be taken to ensure adequate buffer and green belts are provided to the identified landfills and processing sites in the other towns.

With regard to direction no. 10 of paragraph 43, the Deponent begs to state that the Government in the Forest and Environment



Department has issued necessary directions to the concerned departments namely Commerce and Industries, Urban Affairs Departments and State Pollution Control Board vide letter no ENV.26/2014/780 dated 17/02/17.

**(Copy of the letter is annexed at Annexure IV)**

7. With regard to on no. 12 of paragraph 43, the Deponent submits that the provision of making the tipping fee relatable to the efficient and regular functioning of the plant will be incorporated as and when the processing facilities/plants are operated within the timelines specified under the SWM Rules 2016.
8. With regard to direction no.13 of paragraph 43, instructions and directions is issued by the Govt. to the respective Urban Local Bodies who are operating the disposal facilities, to comply with the rules vide letter no. UAU.9/2015/471 dated 16.02.2017 and monitoring will be undertaken by the State Level Advisory Committee which is being constituted under Rule 23 of the SWM Rules 2016.

**(Copy of the Letter is annexed at Annexure V)**

9. With regard to direction no. 14 of paragraph 43, the Deponent submits that instructions were issued to the ULB's to start the process of bio-stabilisation of waste within the six months period granted by the Hon'ble Tribunal vide letter No. UAU.9/2015/471 dated 16.02.2017. In the case of the Capital City of Shillong waste is already being segregated at source with an average of 70%



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compliance by the waste generators. Part of the segregated Bio-degradable waste is being processed into compost at the Indigenous Composting Unit at Marten which was commissioned in October 2016 under Swachh Bharat Mission funding. Works on a 170 TPD compost plant under ADB-MOUD funded North Eastern Region Capital Cities Development and Investment Programme has already commenced in February 2017. Steps are also being taken to set up de-centralised composting units in other towns of the state.

**(Copy of the Letter is annexed at Annexure V)**

10. With regard to direction no. 15 of paragraph 43, the Deponent submits that the direction that landfill shall be used only for depositing of inert waste and rejects shall be complied with.

11. With regards to direction no. 16 of paragraph 43 the Deponent submits that all departments of the state which are involved in construction activities have been communicated to use inert wastes in filling up of appropriate areas and embankments and to include this stipulation in their future contracts. This will be monitored by the State Level Advisory Committee under the Rules.

12. With regard to direction no. 17 of paragraph 43, the Deponent submits that directions in this regard were issued by the State Government to the concerned agencies vide letters no.



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ENV.26/2014/779 dated 17/02/17 and no. ENV.26/2014/781 dated 17/02/17.

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**(Copies of the Letters is annexed at Annexure VI and Annexure VII)**

13. With regard direction 19 of paragraph 43, the Deponents begs to state that the same is taken note of and shall be complied with accordingly.

14. With regard to direction no. 20 of paragraph 43, the Deponent submits that instructions to the respective Urban Local Bodies were issued vide letter no. ENV.26/2014/778 dated 17/02/17 and the Urban Local Bodies in return have also notified for the general information through newspapers advertisements regarding the prohibition of open burning of waste. The State Level Advisory Committee shall also monitor the compliance to this direction.

**(Copy of the Letter is annexed at Annexure VIII and Press Clippings at Annexure IX)**

15. With regard to direction no. 21 of paragraph 43, Deponent submits that the direction shall be complied with as and when the plants are operated in accordance with the rules.

16. With regard directions no. 24 and 26 of paragraph 43, the Deponent submits that the same is duly taken note of and acknowledged.

17. With regard direction no. 25 and 27 of paragraph 43 the Deponent submits that action is being taken to generate public awareness



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Public Relations Dept has been directed to publish the directions of the Hon'ble Tribunal and the Rules in local state languages vide letter no. UAU.9/2015/472 dated 14.02.2017.

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**(Copy of the Letter is annexed at Annexure X)**

18. With regard to direction no. 28 of paragraph 43, the Deponent submits that the State Level Advisory Committee is being constituted and monitoring of the compliance to the SWM Rules and the Directions of the Hon'ble Tribunal will be parts of the Committee's Term of Reference.
19. That I further submit that this affidavit may kindly be taken up on record and the same may kindly form part and parcel of the affidavit filed earlier on behalf of the State of Meghalaya in the aforementioned petition.
20. However notwithstanding the above if at any stage of this judicial proceeding any further information with regard to this subject matter in question is sought for by this Tribunal the same shall be furnished by affidavit by the state without any delay
21. That this affidavit is filed bonafide and for the end of justice which may kindly be taken on record
22. I thus pray accordingly.



**Deponent**

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URBAN AFFAIRS DEPARTMENT  
GOVERNMENT OF MEGHALAYA

## Verification

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I, the deponent above named do hereby verify that the contents of paragraphs 1 to 22 of this affidavit are true to my knowledge based on the records of the case maintained in the Department and the rest are my humble submissions and prayer before this Hon'ble Court and nothing material has been concealed there from and no part thereof is false.

  
Deponent  
JOINT SECRETARY  
URBAN AFFAIRS DEPARTMENT  
GOVERNMENT OF MEGHALAYA

Solemnly affirmed before me at New Delhi on this the 20<sup>th</sup> day,  
February, 2017

**ACTION PLAN FOR  
IMPLEMENTATION OF SOLID  
WASTE MANAGEMENT RULES  
2016 AND THE DIRECTIONS OF  
THE HON'BLE NATIONAL GREEN  
TRIBUNAL CONTAINED IN  
FINAL JUDGEMENT DATED  
22.12.2016 IN OA.199 OF 2014.**

**Action Plan: SWM Rules 2016**

Activities	Responsible Agency	Action	Timeline
<b>A. Preparation of Policy and Plans:</b>			
1. State Policy and Strategy on Solid Waste Management – Rule 11 (a)	State Government	Finalize the State Policy by June 2017	June 2017
2. Preparation of ULB level Solid Waste Management Plan – Rule 15 (a)	ULB's and Town Committees	Finalized ULB level Plans by December 2017	December 2017
3. Constitution of State Level Advisory Committee – Rule 23	State Government	SLAC to be constituted by March 2017.	March 2017

<b>B. Community Awareness, Outreach and IEC</b>			
Community consultations, awareness, mobilization and participation.			
All Towns	Govt./Respective ULB's	Publish the obligations under the SWM Rules and NGT Directions in local and official languages of the State for generating awareness by <b>March 2017</b> . Conduct locality level meetings at regular intervals to solicit compliance with Rules and Directions of the NGT.	March 2017 and regularly thereafter.
Shillong Municipality	SMB/UAD	Intensive mobilization of the communities to participate in waste management, especially with regards to segregation and storage at source started in Shillong Municipality from 2012. About 70% of households in Shillong are now segregating at source. The process of community mobilization is ongoing to increase participation and compliance.	Ongoing
Shillong Urban Agglomeration	District Council / Deputy Commissioner/ UAD	Mobilization of communities outside Shillong Municipality and within Shillong Urban Agglomeration is being undertaken since 2015. As on date about 11 localities are ready to enter into an agreement with the State Govt. and the SMB for management of their solid waste in accordance with the SWM Rules 2016. Mobilization of the rest of SUA Area is expected to be completed by March 2018.	ongoing.
Other Towns	Deputy Commissioners /ULBs		Community awareness to be conducted

### C. Collection of waste:

#### Segregation of waste at source – Rule 4 1(a)

SMB	SMB/Waste generators	About 70 % of households within Shillong Municipality are segregating at source. At least 90% compliance is planned to be achieved by 2018.	2018
SUA and Other Towns	District Council / Deputy Commissioner/ULBs	Segregation at source was initiated in other towns under the Swachh Bharat Mission. Plan to achieve at least 70% Segregation at Source by households by the end of 2018 and full compliance by 2019 as per timelines given in Rule 22 of the SWM Rules 2016.	2019
Bulk Generators Rule 4 - (4), (6), (7) and (8)	ULB's/Waste Generators	All ULB's to issue instructions to all bulk generators like event organizers, function halls, markets, gated communities, hotels and restaurants for segregation and storage at source by March 2017. Full compliance by Dec 2017.	December 2017
Domestic Hazardous Waste		Domestic Hazardous Waste like fluorescent bulbs, tubes, batteries electronic items and such allied items to be collected by the Authorized Dealers of such items and they shall ensure proper disposal through the respective manufacturers as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. ULB's/Deputy Commissioners to Issue directions to Authorized Dealers by March 17 and to ensure full compliance by December 17.	December 2017.