

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 199 OF 2014

IN THE MATTER OF:

Almitra Patel & Anr

.....Petitioner

VERSUS

Union of India & Ors

.....Respondents

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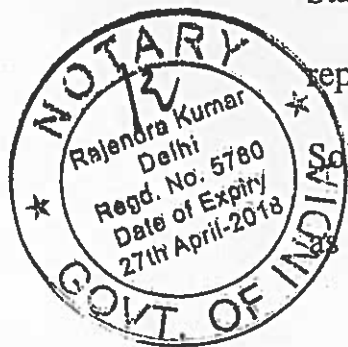
Union of India & OrsRespondents

**COUNTER AFFIDAVIT ON BEHALF OF STATE OF
NAGALAND IN COMPLIANCE OF ORDER DATED 20.3.2015**

I, Dr Maongwati Aier, IAS aged about 55 years, S/O Late Limatemsu Aier, having my office at Nagaland Civil Secretariat, Kohima, Nagaland, presently in New Delhi, do hereby solemnly affirm and state as under:-

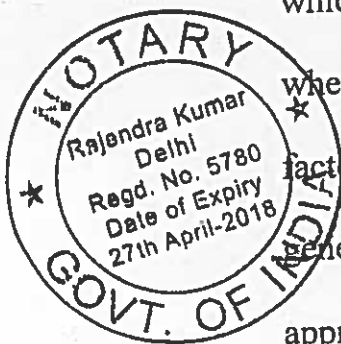
1. That I am the Secretary, Department of Municipal Affairs, Government of Nagaland which has been created as a separate department vide notification dated 03.06.2015 in pursuance to the Cabinet decision dated 25.02.2015 and therefore the Affidavit is being filed by the Deponent since the issue falls under the Department of Municipal Affairs. I state that I am familiar with the facts of the case and perusal of the contents of the Petition and based on official records, I am competent in my official capacity to affirm and swear this present affidavit.

2. That in compliance of the order dated 13.7.2015 the answering State is placing on record this instant affidavit stating the status report regarding collection, storage and disposal of Municipal Solid Waste in the entire State of Nagaland. It is stated that so far MSW Plant is concerned, the progress in the treatment plant in



Kohima is initiating in full swing and the installation of the machineries are in progress and the same is likely to commission by the end of this year .It is pertinent to state that the project has been taken up by the department with keen initiatives, however , as the department is now at the stage of streamlining the functions and the rules and byelaws of the subject matter are at the stgs of approval. As such, the project will be taken up in accordance with the Rules and Bye-Laws in the spirit of the instruction given by the Government of India.

3. It is stated that at present there are 3 Municipal Councils, 16 Town Councils and 6 census Towns in the State of Nagaland. It is stated that the 3 Municipal Councils constitute a population of 2,57,786 persons accounting for 45 % of the total urban population. That the approximate waste generation in these urban areas is about 286.00 metric tons per day. That in order to implement the Municipal Solid Wastes (Management and Handling) Rules, 2000, hereinafter referred to as '2000 Rules', the State has accorded highest priority to the three Municipal Councils as the generation of waste in the said Councils are more as compared to the other 16 town councils.
4. That in compliance of the direction of this Hon'ble Tribunal with regard to establishment of MSW following the cluster approach which is subject to necessary modification and alteration as and when required. It is stated that the State after studying various factors including population, topography, quantity of waste generation and ecological factors is considering for cluster approach as below:-

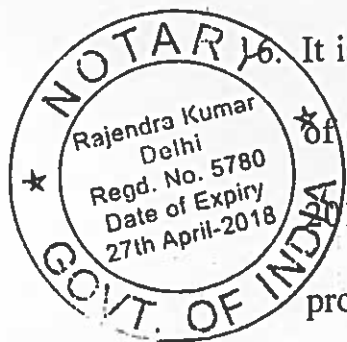


1. Chumukedims & Medziphema Town Councils.
2. Peren & Jalukie Town Councils.
3. Tuli & Changtongya Town Councils.
4. Wokha & Tseminyu Town Councils.

It is humbly stated that the following Towns shall be considered separately in view of the distance, quantity of waste generation and topographical inconveniences:-

1. Zunheboto.
2. Phek
3. Pfutsero
4. Kiphire
5. Tuensang
6. Longleng
7. Mon
8. Naginimora

5. It is stated that in so far as collection of MSW in segregated form at the first point of collection is concerned in the State capital, the Kohima Municipal Council (KMC) in collaboration with Nagaland Pollution Control Board and sponsored by Central Pollution Control Board has inaugurated Kohima Demo project in 2006 with the objective of setting up a system for waste collection, segregation, storage and transportation in accordance to 2000 Rules. Under this Demo project in order to encourage segregation at source, coloured bins were distributed at households level after conducting awareness programmes at each ward involving respective Panchayats, Youth organizations, Women groups and local NGO's.

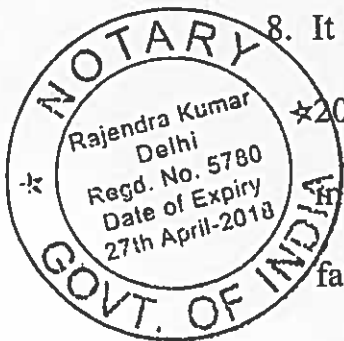


16. It is stated that Kohima Municipal Council introduced the process of decentralization of waste management within its jurisdiction in
11. In order to ensure proper collection of waste, under this programme the Municipal which is divided into 19 wards

constituted Sanitation Ward Committees for each ward to monitor and regulate waste collection and management. The Committees have been provided with vehicles for collection and transportation of waste. KMC has authorized these Sanitation Ward Committees to collect Rs.50 per household per month and the collected amount is utilized for maintenance of vehicle, fuel, salary /wages. This programme has proved to be very successful with the active participation of the stakeholders wherein every year award is given away to the best performing ward.

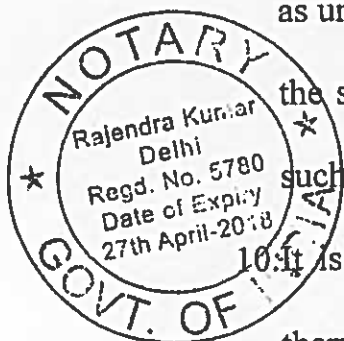
7. It is stated that the State is making every effort to ensure that there will be complete segregation of the waste at site into wet and dry waste. That the municipal waste treatment plant which is in progress for Kohima Municipality has made provision for segregation of dry waste and wet waste. That the project has also made provision of a recycling unit. This project is implemented on turnkey basis and has been awarded to M/s Ramkyenviro Engineers Limited, Hyderabad. That the major scope of the plant is development of a 50 tons per day compost plant and a sanitary landfill for a period of 15 years. It is stated that in the new upcoming establishment of municipal waste treatment plant, the State has made provision for green belt.

8. It is stated that under this Demo project which was initiated in 2006, a waste processing facility was also developed which included waste segregation centre, compost and vermin compost facility. At present, this facility functions as a demonstration site for vermin-compost is functioning successfully and the project has



been successful in introducing to the public at large the benefits of vermin-compost of MSW. It is humbly stated that apart from the 3 Municipal Councils, for the other parts of the State the waste generation is less than 50 TPD and hence as suggested by CPCB such towns could be managed by simple technological solutions like a small scale waste segregation and composting plant which was developed and functioning successfully under the Demo Project undertaken by the State Board. It is submitted that such an approach will be feasible and practicable as the generation of waste is mostly household waste and does not include large scale industrial waste.

9. It is stated that the segregation of waste into recyclable and non-recyclable waste at source was introduced and encouraged in the State capital Kohima through a demo project in collaboration with the Nagaland Pollution Control Board and sponsored by the Central Pollution Control Board. It is stated that the State in compliance of the direction of this Hon'ble Tribunal will frame a proper policy and framework to ensure that recyclable waste will be collected from the site and transported in accordance with law so that it can be provided to persons or firms authorized for handling recyclable plastic and allied waste. It is stated that so far as un-recyclable waste is concerned it will be studied as to whether the same can be used for the purpose of construction of roads or such allied activity.

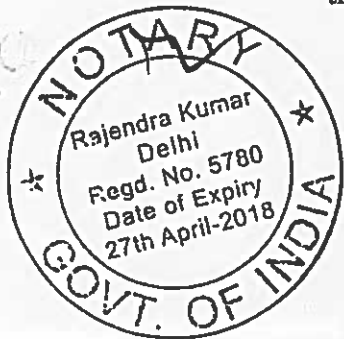


10. It is further stated that all efforts are being made for the use of thermo plastics in place of multi layer plastics. However, the

availability of thermo plastics is not consistent in the region due to poor supply and cost effectiveness. That the alternative use of multi layer plastic is being regulated from time to time to minimize its use in the State.

11. It is stated that at present there is policy as well as a draft Rule for regulating the activity of rag pickers. However, the State has kept the issue of issuing such a policy under consideration.

12. I say that the facts stated in the above paras are true and correct to the best of my knowledge and information.



[Signature]
DEPONENT

Verification

I, the deponent above named do hereby verify that the contents of the paras 1 to 12 of the above affidavit are true to the best of my knowledge and nothing material have been concealed there from.

Verified at New Delhi on this ...^{1st} day of August 2015.

WHEREAS THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT DELHI ON IDENTIFIED BY
01.08.2015 Rajendra Kumar
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE

[Signature]
IDENTIFY THE EXECUTANT/DEPONENT WHO WAS SIGNED IN THE PRESENCE OF

[Signature]
DEPONENT

ATTESTED

[Signature]
RAJENDRA KUMAR
NOTARY, DELHI-R-5780
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Pg./Sl. No. Ph. 9212491692
9899446269

RAJENDRA KUMAR, NOTARY, Reg No. 5780
F No.-5(486)
EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTARY
SUPREME COURT RULES, 2013
ORDER IX-7

[Signature]
08/08/15

01.08.2015