

THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 199 OF 2014

IN THE MATTER OF:-

Almitra H PatelPetitioners

versus

Union of India & Ors. ...Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE STATE OF SIKKIM

I, Govind Mohan, Principal Secretary and Principal Resident Commissioner, Government of Sikkim, Sikkim House, Chanakayapuri, New Delhi, do hereby solemnly affirm and state as under:

1. That the present affidavit is being filed by the State of Sikkim pursuant to orders passed by this Hon'ble Tribunal and on the basis of the instructions received from the Urban Development & Housing Department, Government of Sikkim, Gangtok. The present affidavit is in furtherance of the affidavits filed earlier in the present matter and the contents of the same are not being reiterated herein for the sake of brevity.
2. That the answering State has been very conscious of its responsibility towards protection of the environment and has taken various steps from time to time to preserve and protect the forest and environment in the State. By way of illustration, in the year 1998, the answering State imposed complete ban on the use of non-biodegradable materials like plastics, poly-bags etc.

In the same year, the answering State imposed ban on cattle grazing in the Reserve Forests with a view to regenerate forests. In the year 2003, the answering State imposed a complete ban on use of pesticides to make the entire State as an Organic Cultivation State.

3. That the answering State has been ranked as the cleanest State in the country with respect to the issue of sanitation in rural areas. It is the only State which has achieved open defecation free status in the country. According to a latest report Swachh Survekshan Gramin, 2016 released by the Ministry of Drinking Water and Sanitation, Sikkim scored the highest ranking of 98.2 per cent on a scale of 100 in the ranking given on the basis of percentage of households having sanitary toilets. According to the report, all four districts of the State have been ranked among top 10 districts of India in regard to all the four sanitation parameters of the survey among the shortlisted 75 best performing districts in rural India. The West Sikkim district, East Sikkim district, South Sikkim district and North Sikkim districts scored the ranking of 96.4, 93.7, 93.0 and 90.7 per cent respectively among the 53 best performing districts in plains states and 22 best performing districts in the northeast and special category states selected by the Ministry. The news reports in this regard dated 9.2.2014, 9.9.2016 and 14.9.2016 are annexed hereto and marked as **ANNEXURE R-1** (Colly).
4. That after the notification of the Solid Waste Management Rules, 2016 by the Central Government, the Ministry of Urban

Development and Housing Department, Government of Sikkim has taken steps to inform the Municipal Commissioner, Gangtok and the Municipal Commissioners across the State regarding the introduction of the Solid Waste Management Rules, 2016 and requested the Urban Local Bodies to act in accordance with the said Rules. A true copy of the said communication dated 8.4.2016 is annexed hereto and marked as **ANNEXURE R-2**.

5. That on 4.7.2016, pursuant to the enactment of the Solid Waste Management Rules, 2016 the State Pollution Control Board convened a meeting of all the concerned departments for awareness regarding implementation of the Solid Waste Management Rules, 2016. The said meeting was also attended by the PCE/Secretary, Urban Development & Housing Department. Furthermore, the Urban Development & Housing Department convened a stakeholders consultative meeting comprising of all the concerned departments as well as the implementation agencies inter alia the Zilla Adhyakshas, Rural Management & Development Department, Forest & Environment Department, Health Department, several NGOs etc. for the purpose of preparation of the State Waste Policy and to upraise the various stakeholders about their role in the implementation of the Solid Waste Management Rules, 2016.
6. That the Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016 are at tandem with the Sikkim Municipal Solid Waste Management Plan formulated in 2015

based upon which the Urban Local Body-wise detailed project reports have been prepared under Swachh Bharat Mission (Urban).

7. That in reply to the suggestions made by the Applicant, the answering State submits that it has already made Detailed Projects Reports for waste management in its urban local bodies as to how the Urban Local Bodies would manage their waste under the Swachh Bharat Mission (Urban). In these Detailed Projects Reports, Composting has been chosen as the most feasible option of waste management for a mountainous state like Sikkim and the main reasons for the same are as under:
- (i) Bio-stabilising is a waste processing option which is more of a waste remediation option for already mixed waste dump yards. In Sikkim, the only mixed waste dump yard is already being converted to a scientific landfill.
 - (ii) Biomethanation is not feasible in a small mountainous state like Sikkim. The idea was explored earlier by bringing experts from Kerala and was rejected. Pertinently, the firm Dodo Energy did trials of bio-gas equipment's brought from Kerala. It was successful in producing Biogas only in the low lying areas of Sikkim due to its high temperature and humidity requirements. Most of the areas of the Answering State are in higher elevation where Biogas would not be successful.

(iii) Further, Waste to Energy Plants are very expensive as per the budget under the SBM(U) and Answering State as a state does not produce the lower limit of waste in TPD required for operating a Waste to Energy Plant.

8. On topic wise comparison of the four different technologies suggested by the Applicant, the outcome would be as under:-
- i. Minimum waste required- Composting has an advantage over Waste to Energy as the Waste to Energy plant requires a minimum of 400 TPD of waste in comparison to the 76 TPD produced in the Sikkim.
 - ii. Types of waste input- All types of organic/wet waste can be composted whereas Waste to Energy plants take only Resource derived fuels and cannot take organic/wet waste and recyclables.
 - iii. Area required- Composting requires 1.5 ha/100 TPD in comparison to the 5 ha/400 TPD required by Waste to Energy plant.
 - iv. Operating cost per ton intake- Operating cost is Rs. 160/t waste in comparison to the Rs. 1000+/t of Waste to Energy plants. Additionally, the State is focusing more on Individual Household Composting rather than Community Composting. Operating cost for Individual Household Composting is nil or negligible.
 - v. Energy required is low for Community Composting and nil for Individual Household Composting.


- vi. **Pollution Load** - There is negligible odour from Composting at Individual Household Level. Even the leachate produced from Individual Household Composting can be re-used as a disinfectant.
 - vii. **Operating problems**- Low in comparison to Biomethanation and Waste to Energy.
 - viii. **Advantages**- Low tech in comparison to the other options. Also Individual Household Composting can be done at households after reading the basic instructions at the back of the composting bin.
 - ix. **Success rate**- It has a much better success rate in comparison to Biomethanation and Waste to Energy plants.
9. It is humbly submitted that Composting and more specifically Individual Household Composting is best suited for a mountainous state like Sikkim. This would reinforce the habit of source segregation of waste into wet/organic, dry/recyclable and inert waste. This segregation will ensure wet/organic waste is composted at household level and used in kitchen gardens. The dry/recyclable waste will be recycled by scrap dealers through the network of Community Collection Centers and Eco-Banks to be set up under Swachh Bharat Mission (Urban). Finally, only the inert waste will be sent to the landfill for disposal as directed by the Solid Waste Management Rules, 2016.

10. That the answering State vide Notification No. 25/Home/2016 dated 19.5.2016 has discouraged the use of packaged drinking water bottles in Government meetings and functions to reduce the generation of the plastic waste which adds to the burden of landfills and as an alternative suggested all the Departments to use water from large re-useable water dispensers or re-useable water bottles. A true copy of the Notification No. 25/Home/2016 dated 19.5.2016 is annexed herewith and marked as **ANNEXURE R-3**.

11. That the answering State vide Notification No. 26/Home/2016 dated 19.5.2016 has banned the use and sale of disposable items such as cups, plates, containers etc. made from Styrofoam throughout the State since these products are environmentally hazardous. A true copy of Notification No. 26/Home/2016 dated 19.5.2016 is annexed herewith and marked as **ANNEXURE R-4**.

VERIFICATION:

I, Govind Mohan, the above named deponent, do hereby verify that the contents of paras 1 to 11 of the above affidavit are true and correct to the best of my knowledge and belief as derived from the records, no part thereof is false and nothing material has been concealed therefrom and the Annexures are true copies of their respective originals.


DEPONENT
Govind Mohan, IAS
Principal Resident Commissioner
Government of Sikkim
Sikkim House, 12, Panchsheel Marg,
Chanakyapuri, New Delhi


DEPONENT

Verified at New Delhi on this the 19th day of September, 2016
Govind Mohan, IAS
Principal Resident Commissioner
Government of Sikkim
Sikkim House, 12, Panchsheel Marg,
Chanakyapuri, New Delhi

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Sikkim Is India's Cleanest State, Jharkhand Comes Last In Swachhta Survey

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| September 8, 2016

Q 5



Sikkim, the small north eastern hill state, is the cleanest in India, with Kerala coming in a close second, according to a Swachhta (cleanliness) survey conducted by the National Sample Survey Office (NSSO) on the condition of sanitation in rural areas of 26 states.

Chhattisgarh and neighbouring Jharkhand placed last in the survey, which was carried out last year.

"A survey on Swachhta status was conducted by NSSO during May-June 2015 covering 73,176 households in 3,788 villages across India," said the report called Swachh Survekshan – Gramin 2016.

Mizoram, Himachal Pradesh, Nagaland and Haryana were among the well performing states, while Odisha, Madhya Pradesh, Uttar Pradesh, Bihar and Rajasthan were among the states that did not fare well.

The percentage figures have been derived by multiplying "the percentage of households having sanitary toilets and the percentage of people using household/community toilets of the people having access to toilets," the survey report said.

Sikkim recorded 100 per cent in the category of people using household/community toilets and 98.2 per cent in the category of percentage of households having sanitary toilet. Kerala has been ranked second, followed by Mizoram in third place and Himachal Pradesh in the fourth.

According to the survey, Chhattisgarh has 21.2 percentage of households having sanitary toilet while Jharkhand has only 18.8 percent.

West Bengal ranked 12th while Jammu and Kashmir with 47.4 per cent of households having sanitary toilet ranked 17th.

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Sikkim cleanest, Jharkhand worst, shows NSSO survey

By Express News Service | Published: 09th September 2016 03:51 AM
Last Updated: 09th September 2016 04:54 AM

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NEW DELHI: Sikkim is the cleanest state in India and Jharkhand is the worst in terms of rural sanitation, as per the results of a survey conducted by the National Sample Survey Office (NSSO).

The findings were released by Rural Development Minister Narendra Singh Tomar in New Delhi on Thursday.

Apart from Sikkim, the states in the top ten cleanest list are Kerala, Mizoram, Himachal Pradesh, Nagaland, Haryana, Punjab, Uttarakhand, Manipur and Meghalaya.

Prime Minister Narendra Modi's Gujarat was ranked a middling 14th. The states that came the worse off were Chattisgarh, Odisha, Madhya Pradesh, Uttar Pradesh, Bihar, Rajasthan, Tamil Nadu, Karnataka and Jammu and Kashmir followed by Jharkhand.

The NSSO conducted the survey in May-June 2015 covering 73,176 households in 3,788 villages across the country. The ranking was given on the basis of the percentage of households having toilets, either household or community toilets.

Sikkim scored 98.2 per cent on a scale of 100 while Jharkhand, scored 17.7. According to the report, Sikkim has 99.9 per cent sanitation coverage, followed by Himachal Pradesh (97.11 per cent) and Kerala (96.35 per cent). Bihar is at the bottom with 25.16 per cent coverage.

Odisha (32.79 per cent), Jammu & Kashmir (33.35 per cent), Jharkhand (40.52 per cent), Telangana (42.13 per cent), Uttar Pradesh (44.15 per cent), Andhra Pradesh (47.14 per cent) and Madhya Pradesh (47.48 per cent) are among states that fared poorly.

The survey was done in two parts. In the first, 26 states were ranked on the basis of 2015 NSSO data; in the second part, 75 districts covering 70,000 households were ranked for cleanliness.

Sindhudurg in Maharashtra emerged as the cleanest district in the country.

The survey covered 53 districts located in the plains and 22 in hill states and the North-East.

Among the other cleanest districts in the plains were Nadia (West Bengal), Satara (Maharashtra), Midnapore East (West Bengal), and Kolhapur (Maharashtra).

Dungarpur, Pali and Ajmer in Rajasthan were found to be the laggards - all three ranked in the bottom five. As many as 13 out of the 53 districts chosen were from Gujarat. But three districts in PM's home state - Ahmedabad, Anand and Panchmahal -lagged on all four parameters.

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Sikkim cleanest state, Gujarat ranks 14th: NSSO sanitation survey

By PTI | Sep 09, 2016, 09.43 AM IST

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NEW DELHI: Sikkim has been adjudged the cleanest state while Jharkhand comes last in the list on the condition of sanitation in rural areas of 26 states in which Prime Minister Narendra Modi's home state Gujarat is ranked 14th.



According to latest report compiled by the Ministry on sanitation coverage, as on today, Sikkim has retained the top slot with 99.9 per cent sanitation coverage, followed by Himachal Pradesh (97.11 per cent) and Kerala (96.35 per cent).

The results of survey carried out last year by National Sample Survey Office (NSSO) was released today by Union Rural Development Minister Narendra Singh Tomar here,

It has listed Kerala, Mizoram, Himachal Pradesh, Nagaland, Haryana, Punjab, Uttarakhand, Manipur and Meghalaya among the top 10 states.

The states which fared poorly in the NSSO study include Chhattisgarh, Odisha, Madhya Pradesh, Uttar Pradesh, Bihar, Rajasthan, Tamil Nadu, Karnataka and Jammu and Kashmir. NDA major BJP is ruling or sharing power in five of the states that have been placed at the bottom of the list.

Maharashtra and Andhra Pradesh, where BJP is sharing power with other parties, have been placed at 15th and 16th positions respectively.

The NSSO conducted the survey in May-June 2015 covering 73,176 households in 3,788 villages across the country. The ranking given on the basis of percentage of households having sanitary toilets and using them (either household or community toilets).

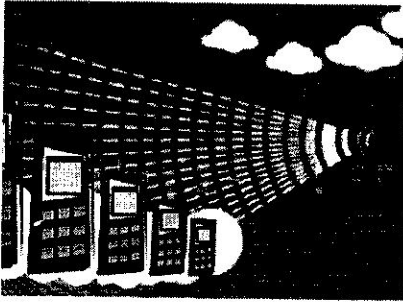
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Sikkim scored 98.2 per cent on a scale of 100. Kerala, Mizoram, Himachal Pradesh, Nagaland, Haryana, Punjab, Uttarakhand, Manipur and Meghalaya scored 96.4, 95.8,

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Jharkhand, Chhattisgarh, Odisha, Madhya Pradesh, Uttar Pradesh, Bihar, Rajasthan, Tamil Nadu, Karnataka and Jammu and Kashmir scored 17.7, 19.9, 24.8, 24.8, 27.3, 29.8, 35.8, 39.2, 44.3 and 45.9 per cent respectively.

Tomar, who also heads Drinking Water and Sanitation Ministry which released the report, maintained that the survey was conducted in 2015 and "lot of changes have taken place since then" as far as the Swachh Bharat campaign is concerned.

According to latest report compiled by the Ministry on sanitation coverage, as on today, Sikkim has retained the top slot with 99.9 per cent sanitation coverage, followed by Himachal Pradesh (97.11 per cent) and Kerala (96.35 per cent).

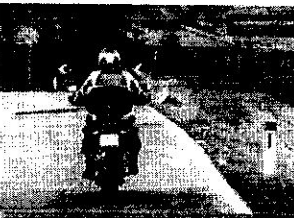
Gujarat figures among the Ministry's top 10 list scoring 79.37 per cent as against 53.4 per cent it scored in NSSO report.

Haryana (87.33 per cent), Uttarakhand (86.42 per cent), Mizoram (84.75 per cent), Meghalaya (82.47 per cent), Manipur (81.04 per cent) and Punjab (78.89 per cent) are the other states which are among top 10 states.

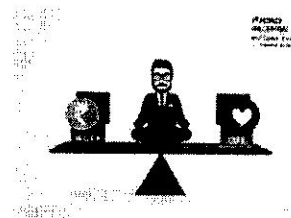
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STATE MISSION DIRECTORATE, SWACHH BHARAT MISSION (U)
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM



Ref.123/SBM (U)/UD&HD/GOS/2016

Dated: 08 /04/16

The Municipal Commissioner,
Gangtok Municipal Corporation,
Government of Sikkim.

The Municipal Executive Officers,
Namchi/Gyalshing/Nayabazar-JorethangMunicipalCouncils,
Singtam,Rangpo, Mangan Nagar Panchayats

Sub: Revised Solid Waste Management Rules

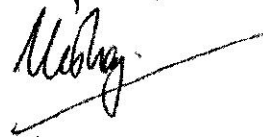
Sir,

Kindly find forwarded herewith a press note issued by the Ministry of Environment and Forests, GoI, dated 5.4.16, bearing the salient features of Solid Waste Management Rules 2016 notified by the MoEF. The said Rules that have been revised after 16 years has mandated source segregation, responsibility of waste generators, imposing of user charges/spot fines for littering, integrating rag pickers from the informal sector to the formal sector, responsibilities of generators through extended producers responsibility (EPR), responsibilities of bulk and institutional generators, market associations, event organizers (in the context of Sikkim this would apply to committees that organize various melas/mahotsavs/festivals/carnivals/pujas) who are now made directly responsible for source segregation.

2. Additionally, the Plastics Waste Management Rules, 2016 (PWM Rules) notified recently is attached herewith for perusal and reference.
3. You may like to note that both the above-mentioned Rules are in tandem with our Sikkim Municipal Solid Waste Plan formulated in 2015 based upon which the ULB-wise DPRs have been prepared under Swachh Bharat Mission(Urban), copies of which were made available during the recently concluded sensitization of ULBs. Soft copy of SMSWP '15 attached for reference.

4. In light of the above, all ULBs are requested to start taking necessary action as per laid provisions.

Yours faithfully,



Joint Secretary and State Mission Director
SBM-Urban

Copy to:

1. HM, UD&HD for kind information
2. PCE/Secretary, UD&HD
3. Office Copy

Encl. as above

SIKKIM



GOVERNMENT

GAZETTE

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Gangtok

Saturday 28th May, 2016

No. 194

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No: 25/Home/2016.

Dated: 19/05/2016

NOTIFICATION

There has been rampant use of packaged drinking water during departmental meetings and functions, which is creating a huge quantity of garbage which adds to the burden of the landfill.

Therefore, in order to reduce creation of garbage in the form of used drinking water plastic bottles, it is notified that the packaged drinking water bottles may not be used during any government meetings or functions. As an alternative, it is suggested and encouraged to all the departments to use filtered water or water from large reusable water dispensers or to use reusable water bottles in government functions, thereby, avoiding the use of packaged/bottled drinking water.

By order and in the name of the Governor of Sikkim.

**Alok K. Shrivastava, IAS
Chief Secretary
Government of Sikkim
File No. GOS/RMDD/2015-16/157/SAN**

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Saturday 28th May, 2016

No. 195

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No: 26/ Home/2016.

Dated: 19/05/2016

NOTIFICATION

Whereas the Government has been initiating various measures to manage the waste and maintain a clean environment, it has been found that a lot of disposable styrofoam items are being rampantly used not only in the bazaar areas but also in the rural areas. The result is that a huge quantity of municipal waste is created in the form of used Styrofoam and other disposable products. These products are environmentally hazardous and occupy a huge space in our landfill. It is also not healthy to eat especially hot items in the styrofoam containers.

Therefore, the government is pleased to ban the sale and use of disposable items, such as cups, plates, spoons, containers etc made from Styrofoam throughout the state with immediate effect.

By order and in the name of the Governor of Sikkim.

Alok K. Shrivastava, IAS
Chief Secretary
Government of Sikkim
File No. GOS/RMDD/2015-16/157/SAN