

Almitra H Patel & Another

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE Y.K. SABHARWAL HON'BLE MR. JUSTICE H.K. SEMA

Writ Petition (Civil) No. 888 Of 1996 | 14-01-2003

1. In respect of Suggestions 7 and 8 at p. 3547 which read as under:

"7. The Central Finance Commission shall fulfil its obligations under Art.280(3)(c) of the Constitution of India to augment the resources of municipalities. This should be done through release of any undisbursed funds from the Tenth Finance Commission grants, from adequate financial provision by the Eleventh Finance Commission including earmarked funds of SWM, and by any other means.

8. The Union of India shall ensure adequate funding as outlined in the report, for their contribution to the cleaning of urban India, and the UOI shall shift its subsidies from synthetic fertilizers alone to providing similar subsidies for combined use of synthetic fertilizers along with city compost that conform to the standards specified in the MSW Rules."

2. Reference has been made by learned counsel appearing for the petitioner to the extracts from Vol. II, Sectoral Policies and Programmes of Tenth Five Year Plan (2002-07) Planning Commission, Government of India, New Delhi. It has been submitted with reference to Suggestion 7 that the Government of India and State Governments shall file an action - taken report on formation and time bound activities of the State Sanitation Councils and Mission - mode Urban Sanitation Mission to be set up during the Tenth Plan (2002-07). For the present we direct the Government of India to file response in respect of this aspect within four weeks.

3. With reference to Suggestion 8, it has been submitted that the Government of India, Ministry of Agriculture, Department of Integrated Plant Nutrient Management with the Indian Council of Agricultural Research and Ministry of Fertilizers shall set up a Task Force to (i) prepare within 4 months a policy, strategy and action plan for promoting IPNM using city compost along with synthetic fertilizers in every area of agriculture, horticulture, plantation crops, forestry and revegetation of mining overburdens; and (ii) create market demand and supply mechanism for city compost within 50 kilometres radius of all urban local bodies and their compost plants.

4. In respect of this submission, reference has been made to the opinion of the Director General, ICAR on the discussion paper regarding Integrated Plant Nutrient Management (IPNM) with regard to the feasibility of implementing the suggestions contained in the said paper as per the order of this Court dated 13-12-2001. The said opinion is to the following effect:

"1. There is no denying the fact that Integrated Plant Nutrient Management is a novel practice of fertilizer use for sustaining soil health and crop productivity. It has been amply demonstrated by the All - India Coordinated Long - Term Fertility Project of ICAR that integrated use of optimal dose of NPK and FYM ensures better and sustainable yields, while correcting some of the micro - and secondary - nutrient deficiencies.

2. We are still short of organic manures to practise IPNM on a large scale.

3. The supplies could be augmented to a great extent, especially in peri - urban areas, by recycling and composting of huge biodegradable city waste. High proportion of plastic matter in the city waste is creating problem during handling for composting.

4. The composting of city waste would serve the twin objective of cleaning the cities and replenishing the soils with the much - needed humus rich in nutrients and moderating soil environment.

5. The city compost should be cost - effective and ensure organic and inorganic toxic elements and contaminants within safer limits for large scale use on farmers' fields. The produce raised on city compost should be monitored for its quality for few years, before allowing use of compost on a wider scale.

6. The Government should encourage setting up of city waste compost plants to clean the cities and environment, economise on costly fertilizer input and thereby, reduce the cost of cultivation and maintain long term soil health and productivity."

5. We direct the Government of India to file its response in respect of submissions emanating from Suggestion 8 as aforesaid also within four weeks.

6. In respect of Suggestion 9 which reads thus:

"9. After careful consideration, the Expert Committee, for reasons spelt out in paras 3.15 to 3.15.4 of their report, has concluded in para 3.15.5 that 'at the present juncture, only composting of organic food waste and biodegradable waste and disposal of rejects at the landfill sites is recommended' for India. We therefore direct that landfilling of unsegregated waste, incineration and recovery of energy from municipal waste shall henceforth not receive any Government sponsorship, encouragement or aid in any manner, except for completion of any projects that have already invested 30% of their capital cost on site. We further direct that the 13 criteria for technology selection spelled out in para 3.15 of the Report shall be adopted by the Government before accepting or promoting any new MSW disposal technology."

7. It has been submitted, referring to the extracts from the Annual Report 2001-02 of the Planning Commission, Government of India, p. 16 "Zero - based" Budgeting, that the Secretaries of the Planning Commission, Ministry of Finance and Ministry of Non conventional Energy Sources shall place before this Court the results of the Zero - based Budgeting Exercise and cost benefits to date conducted on the subsidy schemes specifically for "Municipal Waste to Energy of the Ministry of Non conventional Energy Sources".

8. Response in respect of the above will also be filed within the said period.

9. We hope that, as already directed, on the next date of hearing the Attorney General or in his absence the Solicitor General will assist the Court considering the importance of the matter.

10. Post the matter after six weeks.