

Almitra H. Patel & Another

v.

Union of India & Others

Y.K. SABHARWAL AND D.M. DHARMADHIKARI, JJ.,

(Supreme Court Of India)

Writ Petition (Civil) No. 888 Of 1996 With S.L.P.(C) No. 22111 Of 2003 | 26-07-2004

1. The Ministry of Urban Development and Poverty Alleviation, Department of Urban Development, by order dated 19-5-2004 constituted a Technical Sub-Group of Inter-Ministerial Task Force on Integrated Plant Nutrient Management using city compost for preparation of appropriate plant design and specifications for compost plants. Mr. A. D. N. Rao, learned counsel, submits that the Technical Sub-Group has not yet submitted its recommendation to the Task Force and it is expected to be submitted within a fortnight and, thereafter, the Task Force would submit its report to the Union of India.

2. We find that the Central Government has also not responded to the matters dealt with in the order dated 3-2-2004. Still further, some of the States have sought eighty per cent Central assistance for implementation of the project. Reference in this regard can be made to the affidavit dated 18-6-2004 filed by the State of West Bengal in this Court on 17-7-2004. A copy of that affidavit shall be supplied to Mr. A. D. N. Rao. On all these aspects, the Central Government shall file a composite affidavit, within eight weeks. It shall also file its response to the recommendations contained in the Annual Report (2002-2003) on Implementation of Municipal Solid Wastes (Management and Handling) Rules, 2000 (MSW Rules) filed by CPCB, annexed to the affidavit of CPCB dated 3-3-2004.

3. In the Annual Report aboveresferred, the status of issuance of authorisation by various State Boards as on February 2004 has been enumerated in Annexure II. The details of various States are enumerated in the Annual Report 2002-2003. Mr. Sanjib Sen, learned counsel appearing for the petitioner, points out that the Report shows a large scale non compliance of provisions of the MSW Rules. It is stated that out of 3954 local bodies in various States, Annexure II shows that

only 813 applications were received and only 403 authorisations were granted. The State Governments/UTs shall respond to the position emerging from the Annual Report and also pointed out as above on behalf of the petitioner.

4. Respective counsel of such of the State Governments/UTs which have not received the Annual Report can obtain the same from Mr. Vijay Panjwani, learned counsel appearing for CPCB. The response of all the State Governments/UTs shall be filed within eight weeks. This aspect will also be taken up for consideration on the next date of hearing. The State Governments/UTs shall also respond to the following suggestions made on behalf of the petitioner:

"7. Hence the Chief Secretaries of States need to direct their State Pollution Control Boards (SPCBs) to send their ROs (Regional Officers) and EOs (Environment Officers) to proactively sit down with officials of an average 5-6 local bodies each to jointly fill in and submit the local bodies' annual returns in Form II before the next hearing, and report compliance.

2. All Chief Secretaries also need to direct their SPCBs to file affidavits on the reasons why a total of 410 applications already applied for countrywide have not yet been approved within the stipulated 45-day time frame in S.6(3), so that impediments to progress can be removed, if any.

3. All Chief Secretaries need to ensure that the ROs and EOs of their State Pollution Control Boards proactively scout for suitable waste management locations along with officials from the local bodies plus representatives of the State's Urban Development and Revenue Departments, and submit quarterly progress reports with a copy to the Hon'ble Supreme Court until all their local bodies are covered."

5. Seen the office report. Payment of Rs 20,000 (rupees twenty thousand only) be made to the petitioner in terms of the order already made.

6. List the matter after two months.