

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 286/2022

(with report dated 15.05.2022)

In re: News item published in The Indian Express dated 20th April, 2022,  
titled **“7 Charred to death in fire near Ludhiana dumpsite”**

Date of hearing: 25.07.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. Proceedings in this matter have been taken up in the light of captioned media report to the effect that **seven persons were charred to death** in a fire at a garbage dump site at Tajpur Road, Ludhiana. Most of the deceased belonged to the rag picker family who were living for the last ten years near the site with a huge dump of 20 lakhs tons. Deceased have been identified as **Suresh, aged 55, his wife Rona Rani aged 50, and their children Rakhi aged 15, Manisha aged 10, Chandini aged 5, Geeta aged 6 and Sunny aged 2.**

2. The matter was earlier considered on 21.04.2022. Noting prima facie failure of the Authorities in the State of Punjab in complying with the Solid Waste Management Rules, 2016 (SWM Rules) and earlier orders of this Tribunal dated 07.03.2019 and 10.01.2020, passed in the presence of Chief Secretary, Punjab, the Tribunal issued notice to the Chief Secretary to explain the reasons for the failure. The Tribunal also sought a factual

report from the Monitoring Committee, constituted by this Tribunal to monitor compliance of certain orders of this Tribunal in Punjab, headed by Justice Jasbir Singh, former Judge of the Punjab and Haryana High Court. A copy of its report was also to be given to the Chief Secretary for his response. The Tribunal also directed CPCB to issue a statutory order for preventing such fires and handling them effectively if the same take place.

3. No response has been received from the Chief Secretary, Punjab, though a copy of order dated 21.4.2022 was sent by email to him and a copy of report filed by the Monitoring Committee on 15.05.2022 is marked to him by email. CPCB has issued a statutory order dated 26.05.2022 to all the State PCBs as follows:

***“NOW THEREFORE,*** in view of above and in exercise of powers vested under section 5 of Environment (protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB) the following directions are issued for compliance;

- i. Provide updated information w.r.t Directions dated 27.1.21 regarding biomining issued to SPCBs/PCCs. It is to be ensured that updated information w.r.t at least all Metro cities is provided in accordance with NGT Directions.*
- ii. Direct State UDDs to conduct comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for each dumpsite located in their jurisdiction addressing the following issues:*
  - a. The onsite emergency plan to cover potential risks / emergencies due to fire, obnoxious / flammable emissions, odour, vector borne diseases, rodents, bird nuisance, seasonal affects i.e. summer / winter / monsoon (rainy season) and all other potential risks at the dumpsites.*
  - b. The onsite emergency plans to address the worst possible case scenarios preferably using appropriate risk assessment softwares covering any or all of the potential emergency issues / scenarios cited above.*
  - c. The on-site emergency management plan to cover likely affected geographical area including population, flora & fauna in and around the dumpsites.*
  - d. The on-site emergency plan to contain detailed remedial measures both hardware and software based for*

*mitigating various emergency situations, which should finally be available with respective control rooms and on-site emergency notice boards.*

- iii. *To direct District Collector or District Emergency Authority designated by the State Government for integrating such (dumpsites) On-site Emergency Plans with the existing Off-site District Disaster Management Plans in their respective Districts, prepared by the Local Authorities in compliance with Rule 14 of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.*
- iv. *The State / UT Authorities to prepare the on-site & off-site (or update off-site) emergency management plans preferably through an expert agency on the subject.*
- v. *The following interim measures to be implemented on priority till the time On-site/Off-site Emergency Plans are prepared and implemented.*
  - a. ***Disposal of Waste:*** *Fresh waste not to be disposed at the dumpsite where bio-remediation is being undertaken. Organic waste from slaughter house, fish market etc., industrial waste not to be disposed at the dumpsite. It is to be further ensured that industrial waste / E-waste / lithium battery is not dumped at the site. Waste that is being unloaded at the site should be examined visually for potential fire sources fire sources when located, should be neutralized with cover material immediately. Emergency tipping area to be provided to set aside from the immediate working area where incoming loads of material known to be on fire or suspected of being so can be deposited, inspected and dealt with. Adequate compacting of waste to be done to minimize formation of air or methane pockets which can lead to subsurface fire at site.*
  - b. ***Monitoring at dumpsites:*** *Methane Gas Detectors (on downwind side) to be installed at site so that area with high methane concentration can be identified and preventive actions be undertaken. Further temperature at windrows to be monitored with non-contact infrared thermometer (as used for monitoring human body temperature under COVID circumstances) and records be maintained for any major deviations. The temperature is to be in the range of 35°C to 59°C. Treated leachate / water to be sprayed on the waste when rise in temperature is observed at the bioremediation site. Suitable mechanism to be in place. Installation of CCTV cameras at the site and provision of fencing & frequent patrolling to be done for checking unauthorized entry at dumpsite.*
  - c. ***Arrangements for Fire Extinguishing:*** *Arrangements for adequate storage of sand / chemical fire extinguishing medias such as foam or powder at site to be made to douse fire in case a fire incident is reported. Usage of water for*

*dousing fire to be avoided. Isolation and allowing rapid natural burnout or smothering with soil to be done for dousing dumpsite fires. Dedicated fire tenders (preferably chemical extinguishing media) and adequate fire safety measures are to be deputed, specifically during summer season when dumpsites fire is more likely to take place. All mobile equipment or vehicles should be fitted with fire extinguisher and spark arrester.*

- d. **Health & Safety of Workers:** Fire protection measures and safety equipment to be provided to all workers at the site and checked before entry to the dumpsite. Workers to be trained for detection of fire and necessary action to be taken in case of fire. Periodic training of workers be conducted in Safe handling of Waste, PPE's, Health & Safety issues etc.*
- e. **Mock Drills & safety audits:** Periodic mock drills to be conducted to prevent fire accidents at dumpsites. Quarterly, Fire Safety and Hazardous Emissions Audits to be conducted.*

*SPCBs/PCCs are hereby directed to submit action taken report within 15 days for Action Point listed at (v) above. Action taken report for Points (i-iv) to be provided within thirty days of receipt of these Directions.”*

4. However, status of compliance of CPCB order in the State of Punjab and other places is not known.

5. In pursuance of order dated 21.4.2022, the Monitoring Committee has filed its report dated 15.5.2022 which we proceed to consider. The report finds that the Municipal Corporation and other State Authorities have failed to provide clean environment and also failed to comply with the SWM Rules not only at Ludhiana but even other places. Out of 1100 TPD wet and dry waste generated, negligible part of it – 49% is treated. The remaining remains untreated. Presently 25-30 lakh tonne legacy waste is stored at 52 acres of land in Ludhiana. No steps are being taken to remediate the same. There is no boundary wall or green belt around the dump site, except a boundary wall of about 2 km one side. 200-300 rag pickers are residing in the vicinity to recover recyclable material from the dump site. There is need to provide vents at appropriate locations to release

methane gas into the atmosphere and measures to protect safety of rag pickers. There is no segregation of mixed waste dumped at the site. An 'on-site' emergency plan is required to be prepared. Fire hydrants are required to be installed at appropriate locations with appropriate staff. Fire alarms and sirens are also required to be installed. The incident of fire resulting in death of seven persons near the dump site could be due to fire in the dump site or other possible causes. The conditions in which rag pickers are living is pathetic who need to be rehabilitated. In any case, protective measures are required to be adopted to prevent danger to their lives and safety. **Leachate water in large quantity is flowing from the site and children of rag pickers were seen playing with the leachate water which can "wet eyes of any on looker"**. The State PCB conducted inspection on 29.04.2022 and undertook videography and photography showing that Municipal Corporation, Ludhiana was totally non-compliant with the requirements of SWM Rules. The solid waste was being buried into earth illegally which could adversely affect the groundwater and soil fertility. Carcass disposal sites were also generating waste water which was being discharged into river Sutlej in violation of orders of this Tribunal in OA No. 465/2019, *Kulwinder Singh & Ors. vs. Ram Murti & Ors.* The Committee also observed unscientific dumping of solid waste at different points. It was also seen that Municipal Corporation, Ludhiana failed to comply with the earlier orders in OA No. 191/2020, *Gurinderpreet Singh & Ors. vs. State of Punjab & Ors.* directing remedial action against unscientific handling of waste. Deceased identified are same as in the media report from one family and are survived by a male member, who appeared before the Committee and sought rehabilitation by way of compensation/job.

6. The Monitoring Committee also mentions the non-compliance status of Municipal Councils of other Districts - Patiala, Fatehgarh Sahib, Sangrur & Malerkotla, SBS Nagar, Mansa, Ropar, Gurdaspur, Pathankot, Fazitka and Sri Mukatsar Sahib in violation of directions in OA No. 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* The State PCB is required to levy compensation in terms of directions of this Tribunal dated 28.02.2020 in OA No. 606/2018. The Committee also noticed operation of dairy complexes at Tajpur Road and Haibowal, Ludhiana without requisite safeguards. The same are required to be shifted from the present location and have follow up action taken for compliance of environmental norms. The Committee noted garbage vulnerable points near Shani Mandir in Kalyan Nagar area, Ludhiana. The Committee held meeting with 11 MCs in Ludhiana District - Ludhiana, Doraha, Jagroan, Payal, Raikot, Samrala, Machhiwara, Sahnewal, Mullanpur, Khanna and Maloudh and noticed violations. Further observations of the Committee are with regard to manual and mechanical sweeping of roads, providing waste deposition centres, on-site composting by bulk waste generators, setting up of composting centres with wet waste and remediation of legacy waste site, apart from measures for disposal of non-recyclable waste, clearing of garbage vulnerable points, and developing green areas/green belts/boundary walls around the dump sites, stopping of dumping of waste into *Budha Nallah*, treatment of leachate generated at the waste dump site, setting up CCTV cameras/piezometers, scientific disposal of carcass, C&D waste management and e-waste management. The consolidated recommendations of the Monitoring Committee are:

***“10.0 Consolidated recommendations of the Monitoring Committee***

***A) Meeting with District Level Officers, Commissioner, Municipal Corporation, Ludhiana, ADC MO and Executive Officers of Municipal***

**Councils of District, Ludhiana in the presence of Deputy Commissioner, Ludhiana on 27.4.2022.**

*During the meeting held with District Level Officer, Commissioners, Municipal Corporation, Ludhiana and the Executive Officers of Municipal Councils of district Ludhiana in the presence of Deputy Commissioner, Ludhiana on 27.4.2022 w.r.t implementation of various activities as mentioned in the District Environment Plan, the Monitoring Committee has observed that there is poor progress regarding compliance of the various activities as mentioned in the District Environment Plan. The details have been mentioned at pages 20 to 25 of this report*

*Besides, as per the directions of the Chairman of the Monitoring Committee, various sites of solid waste management of all MCs, Ludhiana, Doraha, Jagroan, Payal, Raikot, Samrala, Machhiwara, Sahnewal, Mullanpur, Khanna and Maloudh were got inspected from the officers of Punjab Pollution Control Board, posted at Ludhiana on 24/04/2022 and it was observed that mixed solid waste was found thrown at dumping site. Few steps have been taken to treat the legacy waste lying dumped at dumping sites of MCs.*

***Therefore, the Monitoring Committee recommends that Punjab Pollution Control Board shall initiate the process of imposing environmental compensation of suitable amount on each MC as per the provisions of the EPA, 1986. Further, since MC Ludhiana has failed to treat wet waste, dry waste and legacy waste inspite of persuasion by the Monitoring Committee, therefore, the Monitoring Committee also recommends that over and above the environmental compensation to be imposed as mentioned above, additional environmental compensation of suitable amount may also be imposed on Municipal Corporation Ludhiana.***

***B) The probable reasons for catching the fire and cause of death***

***The officers of the Department of Police stated that there are following possibilities for charring to death of 7 persons in the fire.***

- i. There may be foul play in this case, as in the jhuggi, which is situated very near to the deceased family's jhuggi, there was no burning or damage to the same.***
- ii. There may be short circuiting of electricity as illegal/ kundi connections have been taken by these rag pickers residing near the solid waste dumping site.***
- iii. The possibility of causing fire to the jhuggi of deceased family, due to existing of large dump site of solid waste spread in an area of 52 acres and occurrence of fire incident at various locations of the solid waste dump, cannot be ruled out.***
- iv. The Department of Police has got conducted post mortem of burnt bodies and the report and viscera have been sent to the Forensic Laboratory to ascertain the cause of death.***

***C) Remedial action to save the lives of the persons residing near solid waste dumping site.***

- i. The Government may think of rehabilitating the rag pickers families at a safe place away from solid waste dump site.**
- ii. Next to rag pickers habitation, immediately height of the wall around solid waste dump site may be increased to 10 feet. 10-12 feet wide motorable passage may be provided on the periphery of entire solid waste dump site. Next to it, upto the distance of 30 feet, the height of solid waste dump site which is about 20 feet may be reduced to 7 feet by spreading the waste on the other available areas. The rag pickers may be asked to dispose off the plastic waste collected by them before the sun set.**
- iii. Facility of light system on poles of 10 feet height near to the huts and the facility of potable drinking water may also be given to them.**
- iv. The rag pickers families may be provided huts constructed of non burnable material and may be asked to remove their huts made of inflammable material and construct their huts with mud.**

**D) Facts leading to fire incident**

**The Hon'ble National Green Tribunal directed the Monitoring Committee to give findings about persons responsible for failure, on account of which, 7 people had died in fire.**

**It is stated that the administrative set up at Ludhiana has failed so far as the compliance to Solid Waste Management Rules, 2016, notified on 8.4.2016, is concerned. There is a story of failed promises. In the rules for 11 thematic areas in the field of Solid Waste Management Rules, 2016, the time frame to implement each activities was given. By now, the timelines for all those activities have expired.**

**The Monitoring Committee held its 3 meetings with District Level Officers of District Ludhiana on 13.02.2020, 14.08.2010 and 21.05.2021 to check the compliance of the Solid waste Management Rules, 2016 and it was found that compliance to the most of the thematic area mentioned in rule 22 of the said rules was poor. The details are mentioned at pages no. 6 to 10 of this report.**

**The facts mentioned at point 1.7 (pages 6 to 10) show that MC, Ludhiana Is totally non complying w.r.t, compliance of the provisions of the Solid Waste Management Rules, 2016.**

**E) Disturbing trend to finish solid waste by burying it into womb of Mother earth**

- i. Dumping of Solid Waste in an area about 1 Acre on PSIEC land near CETP, Tajpur Road, Ludhiana**



*During the visit of the Monitoring Committee on 27.04.2022 to Ludhiana area, it was observed that the MC, Ludhiana has dumped huge quantity of solid waste in low lying area owned by PSIEC. The Committee directed the officer of PPCB to assess the quantity of solid waste dumped in that area and after assessing the quantity of solid waste dumped at site, it was estimated as 1000 MT.*

- ii. **Dumping of legacy waste and fresh unsegregated solid waste in low lying area into 20 feet deep pit by MC 3agraon.**

*At the time of monitoring by the officers of Punjab Pollution Control Board on 24.4.2022 at 3agraon, it was observed that MC, Jagraon has dumped legacy waste in low lying area and the fresh unsegregated solid waste is dumped into 20 feet deep pit which was a result of illegal mining of soil.*

- iii. **Dumping of solid waste in low lying area in deep pit by MC Batala.**

*The Monitoring Committee during its visit to Batala area on 25.4.2022, it was observed that large quantity of solid waste was found buried by MC, Batala. Vide separate report, it has been ordered to be retrieved and process the solid waste as per norms. There is total violation of the rules and attempt has been made to cause huge loss to the water through contaminated waste and on account of generation of hazardous gases. The details are mentioned at pages no. 10 to 11 in this report.*

**The Monitoring Committee recommends as under:**

- i. **Municipal Corporation, Ludhiana may be directed to excavate the solid waste from the said site and the same may be got processed by installing mechanical separator/screener at the site by 30.6.2022 under the supervision of Chief Environmental Engineer, Ludhiana.**
- ii. **The reclaimed land, belonging to PSIEC may be handed over to the said authority and a display board may be erected at site mentioning that "No solid waste dumping is allowed, land belongs to Govt."**
- iii. **PSIEC shall provide boundary wall all around the site so that solid waste may not be dumped at the site in future.**
- iv. **Deputy Commissioner, Ludhiana shall conduct an enquiry to fix the liability of the officer who permitted such an illegal activity.**
- v. **Municipal Corporation, Jagraon shall extract the solid waste dumped in 20 feet pit within 02 days and process the solid waste by deploying mechanical separator / screeners within 01 month and the byproducts may be disposed of in an environment sound manner.**

- vi. Municipal Corporation, Batala shall extract the solid waste dumped in deep pit within 02 days and process the solid waste by deploying mechanical separator / screeners within 01 month and the byproducts may be disposed of in an environment sound manner.**
- vii. SDM, Jagraon and Batala shall conduct an enquiry to fix the liability of the officers who permitted such an illegal activity as mentioned in point ii and iii above.**

**F) Nov compliance of orders of Hon'ble National Green Tribunal in certain cases.**

**a. Mismanagement of wastewater and solid waste generated by carcass disposal points, located at Ladhawal, Ludhiana**

*The Monitoring Committee, during its meeting/ visit to Ludhiana area on 27.4.2022, was informed that out of total 5 carcass disposal sites located at Village Ladhawal, 02 sites have been dosed and presently, 03 carcass disposal sites are in operation. The Hada roadies are generating wastewater and the same is leading to river Sutlej and contaminating its water quality. Further, the solid waste generated by carcass disposal points are also big source of nuisance in the area. As such, these carcass disposal plants are violating the directions of the Hon'ble NGT in OA no. 465 of 2019 in the matter of Kulwinder Singh and Others vs Ram Murti and Others.*

**The Monitoring Committee recommended that MC, Ludhiana shall commission modern carcass utilization plant by 21.05.2022 which is ready and waiting for inauguration for the last 6 months. Also, PPCB shall close 03 carcasses disposal sites located at Ladhawal, Ludhiana within one month under the provisions of the Water Act, 1974 and EPA, 1986.**

**b. Solid waste dumping point existing near Chatter Sing Park, Ludhiana**

*The Monitoring Committee in the presence of Officers of PPCB and Municipal Corporation, Ludhiana visited the solid waste dumping point near Chatter Singh Park, Ludhiana on 27.4.2022 and it was observed that mixed solid waste was found dumped at the site.*

*It is mentioned here that the monitoring committee while submitting its report to the Hon'ble NGT in OA no. 191 of 2020 In the matter of Gurinderpreet Singh and Other vs State of Punjab and other had recommended as under: -*

- i. Compartmentalized portable municipal solid waste compactor for temporary storage of wet waste, dry waste and domestic hazardous waste may be set up at Bhai Chatter Singh Park within 03 Months.**
- ii. Municipal Corporation, Ludhiana shall increase the frequency of lifting of solid waste twice in a day to remove the segregated solid waste from the said location and the**

*same may be transported to the solid waste management site and hazardous waste management site.*

- iii. A boundary wall of suitable material with its one gate for entry & exist of vehicles may be provided around the solid waste collection centre within 01 month.*
- iv. A green belt of suitable width to attenuate obnoxious odour from the site may be developed within 01 month.*

*The Monitoring Committee has observed that the Municipal Corporation has not complied with any of the said recommendations of the Monitoring Committee, affirmed by the Hon'ble National Green Tribunal.*

*Therefore, it is recommended that the Hon'ble NGT may be requested that Environment compensation of suitable amount may be imposed on the Municipal Corporation, Ludhiana for not complying with the recommendations of the Monitoring Committee and this collection point may immediately be stopped.*

**G) Garbage vulnerable points in Ludhiana**

- a) Garbage vulnerable point at site near Greatway industry, opposite Dholewal Military Complex**
    - i) Municipal Corporation, Ludhiana shall remove Garbage vulnerable point maintained at site by 21-05-2022 and the said site may be beautified by maintaining sitting place or any other useful usage.*
    - ii) Municipal Corporation, Ludhiana shall ensure that no solid waste may be thrown at the site and the public may also be not allowed to throw any solid waste at the site. In case any person found throwing solid waste at site, a fine of suitable amount may be imposed by MC Ludhiana on the violators.*
  - b) Garbage vulnerable point near Shani Mandir in Kalyan Nagar area, Ludhiana**
    - i. Municipal Corporation, Ludhiana shall remove Garbage vulnerable point maintained near Shani Mandir, Kalyan Nagar by 21-05-2022.*
    - ii. Municipal Corporation, Ludhiana shall ensure that no solid waste is thrown at site and the public may also be not allowed to throw any solid waste at the site. In case any person found throwing solid waste at site, a fine of suitable amount may be imposed on the violator by MC Ludhiana.*
- H) Other secondary points of solid waste maintaining by Municipal Corporation, Ludhiana as verified by officers of PPCB on 24.4.2022**

***The Monitoring Committee recommends that all the 38 secondary points of solid waste maintained by Municipal Corporation Ludhiana at various locations may be removed permanently and the solid waste collected from the various areas of Ludhiana may be sent to the solid waste dumping site. Compartmentalized trolleys may be stationed at the requisite places and solid waste received through small rickshaw rehries/ vehicles be filled in it and it may be sent to solid waste dumping site and another compartmentalized trolleys may be placed at the site.***

***1) Visit to the solid waste dumping site of Ludhiana at Village Kakka, Tajpur Road, Ludhiana by the Monitoring Committee on 27.04.2022.***

***1. The Municipal Corporation Ludhiana is generating 1100 TPD solid waste and entire waste is sent to the dump site. As per the report submitted by PPCB, 968 TPD and 985 TPD solid waste has been sent to solid waste dumping site on 23.04.2022 and 24.04.2022, respectively and the remaining quantity is thrown at garbage vulnerable points causing lot of damage to the environment.***

***2. Since the fresh solid waste processing plant is lying defunct, as such, there is need to appoint a new concessionaire to process the solid waste by the Municipal Corporation, Ludhiana at the earliest. As per the District Environment Plan, the timelines for commissioning of the solid waste processing plant for processing of fresh solid waste was mentioned as 30.04.2024. However, the processes of preparation of DPR, approval of DPR, floating of RFP and appoint of consultant are yet to be initiated by the Corporation. Therefore, the Monitoring committee recommended that an Environment compensation of suitable amount may be imposed on the Corporation as a cost of damage caused to the environment. PPCB may also initiate the process of encashment of bank guarantees submitted for not completing the various activities like source segregation of solid waste by 31.08.2021, providing onsite composting in the remaining parks to manage horticulture waste by 31.8.2021, constructing remaining material recovery facilities by 30.11.2021 and construction of boundary wall by 31.08.2021 and stating the work of treatment of legacy waste by 28.02.2021. The compensation be imposed in terms of the formula recognized by the Honble National Green Tribunal in OA no. 593 of 2018 and WPC No. 375 of 2012, Paryavaran Suraksha Samiti & Am. Vs. Union of India & Ors. The total amount works out to more than Rs. 100 crores.***

***3. As per District Environment Plan, for installation of machinery for processing of legacy waste, DPR was to prepared by 31.12.2021, approval of DPR by 31.01.2022, preparation of RFP by 31.03.2022 and appointment of new concessionaire by 31.07.2022. However, the most of the timelines of said activities have been expired and concessionaire to process the legacy waste is yet to be appointed, as such, for the treatment of legacy waste, long time will be required and the quantity of***

**legacy waste shall be continued to be increased day by day. Therefore, the Municipal Corporation, Ludhiana has to appoint the concessionaire at the earliest. For delay in processing the legacy waste, the Monitoring Committee recommends that Environment Compensation of suitable amount may be imposed by PPCB as a cost of damage caused to the Environment in a manner as mentioned in recommendation no. 2 as above.**

**4. Municipal Corporation, Ludhiana shall assess the quantity of leachate generated at solid waste dumping site and effluent treatment plant for treatment of leachate may be installed by 31.12.2022.**

**J) Other Environmental issue: Shifting of dairy complex located at Tajpur Road and Halbawal, Ludhiana and installation effluent treatment plants and bio gas power plants for treatment of wastewater and animal dung generated by dairy units.**

*The details have been mentioned as page 15 of this report.*

**The Monitoring Committee recommends that the State Government may be issued directions to take immediate decision about shifting of dairy complex located at Tajpur road and Halbawal, Ludhiana within 1 month or install effluent treatment plants and bio gas based power plants of adequate capacity to treat wastewater and animal dung generated by these dairy complexes by 31.3.2023.**

**K) Non-compliance by the Municipal Councils of District Patiala, Fatehgarh Sahib, Sangrur & Malerkotla SBS Nagar, Mansa, Roper, Gurdaspur, Pathankot, Fazilka and Sri Mukatsar Sahib w.r.t activities as mentioned in the District Environment Plan as observed by the Monitoring Committee during its meeting with District Level officers of the Districts and visit to the solid waste dumping site on 24.2.2022, 15.3.2022, 22.3.2022, 28.3.2022, 4.4.2022, 11.4.2022, 25.4.2022, 26.4.2022 and 6.5.2022, respectively.**

*The Monitoring Committee held its meetings with District Level officers of District Patiala, Fatehgarh Sahib, Sangrur & Malerkotla, SBS Nagar, Mansa, Roper, Gurdaspur, Pathankot, Fazilka and Sri Mukatsar Sahib on 24./2022, 15.3.2022, 22.3.2022, 28.3.2022, 4.4.2022, 11.4.2022, 25.4.2022, 26.4.2022 and 6.5.2022, respectively w.r.t activities as mentioned in the District Environment Plan to review the action taken on the activities as mentioned in the District Environment Plan of the said districts in compliance to order dated 8.12.2022 in OA no. 360 of 2018 in the matter of Shree Nath Sharma Vs Union of India and Ors. It was observed that in almost all the Municipal Councils, the compliance of activities w.r.t management of solid waste was poor and no significant progress has been made to achieve the target to complete the activities within the time schedule. The minutes of the meetings held with District Level officers of various districts have been conveyed separately to the concerned Deputy Commissioners of the districts as well as Punjab Pollution Control Board.*

**The Monitoring Committee recommends as under:**

- i. **PPCB may be directed to impose environmental compensation of suitable amount on all the said MCs as already recommended by the Monitoring Committee while conveying the minutes of the meeting to all the concerned Deputy Commissioner of the districts and Punjab Pollution Control Board.**
  - ii. **The minutes of the meeting held with District Level Officers of these 11 Districts may be sent to the State Government with the directions to effect recovery of Environmental Compensation imposed by the Monitoring Committee as well as PPCB from the ULBs for noncompliance of the Solid Waste Management Rules, 2016 and other action points as mentioned in the District Environment Plan of these districts.**
- L) Imposition of Environment Compensation upon the ULBs for violation of Solid Waste Management Rules, 2016 and non adoption of in situ remediation of drains, non-commencement and non-commissioning of STPs.**

- a) **Imposition of Environmental Compensation upon the ULBs for violation of Solid Waste Management Rules, 2016 for the period 01.07.2020 to 31.03.2021 and 01.04.2021 to 28.02.2022.**

*Punjab Pollution Control Board has assessed the environment compensation for non-compliance serial no. 1 to 10 of rules 22 of Solid Waste Management Rules, 2016 for 9 months w.e.f. 01.07.2020 till 31.03.2021, which has been mentioned as Rs, 17.01 crores. Similarly, environment compensation for violation of said rule has been assessed for the period 01.04.2021 to 28.02.2022 and the same has been mentioned as Rs. 20.35 crores.*

- b) **Imposition of Environmental Compensation upon the ULBs for non-adoption of in site remediation of drains, non-commencement and non-commissioning of STPs for the period 01.07.2020 to 31.03.2021 and 01.04.2021 to 28.02.2022.**

*Punjab Pollution Control Board has also assessed the environment compensation upon ULBs for non-compliance of in situ remediation of drains, non-commencement and non-commissioning of STPs, which has been mentioned as Rs. 93.22 crores.*

*Copy of the letter no. 7268 dated 23.03.2021, letter no. 07 dated 29.04.2022 and letter no, 2849 dated 17.02.2022 of Punjab Pollution Control Board mentioning the amount of environment compensation to be paid by State Government for above said non-compliances are annexed as per **Annexure 26 to 28.***

*As per the information received, the State Government has paid only Rs. 17 crores for noncompliance of Solid Waste Management Rules, 2016, which is very small part of environment compensation to be paid by the State Government.*

***The Monitoring Committee recommended that the directions may be issued to the State Government to deposit environment compensation imposed by Punjab Pollution Control Board for non-compliance of Solid Waste Management Rules, 2016 and non-adoption of in site remediation of drains, non-commencement and non-commissioning of STPs, which is more than Rs. 100 crore.”***

7. Since no response has been filed by the Chief Secretary, Punjab, inspite of copy of order of this Tribunal and copy of report of the Monitoring Committee having been sent to the Chief Secretary by email, we give further opportunity to the Chief Secretary, Punjab, Additional Chief Secretary, Urban Local Bodies, Punjab and Municipal Corporation, Ludhiana to file their response/objections to the report, if any.

#### **Consideration of the matter and further orders**

8. Issues for consideration are liability of the Corporation and the State for failure to comply with the SWM Rules resulting in damage to environment and public health, for restoration measures on ‘polluter pays’ principle and also under public trust doctrine, compensation to the heirs of the persons who have died, further remedial action by the Corporation and the State and monitoring by CPCB on the issue of safety measures against forest fires.

9. Since prima facie we find that action needs to be taken in terms of the report on urgent basis, such action being based on pre-existing orders of the Tribunal, including two orders dated 7.3.2019 and 10.1.2020 in OA 606/2018, passed in the presence of Chief Secretary, Punjab on the subject, we direct action in terms of recommendations in the report, subject to further orders, considering the stand of the Corporation and the State. Further, in terms of recommendations, based on calculations in based on earlier orders of this Tribunal, referred in the report, which have attained finality, the Municipal Corporation Ludhiana may deposit a sum

of Rs. 100 crores with the District Magistrate, Ludhiana, towards interim compensation within one month, to be kept in a separate account, to be utilized for remedial measures in terms of the report, to be overseen by the Monitoring Committee. If Corporation is unable to make such deposit, it may be done by the State Government. It is open to the Corporation to recover the amount from those contributing to the garbage or those who failed to perform their duties, as per law.

10. Further, in view of preponderance of probabilities that death of seven persons is attributable to fire of the dump site, the Municipal Corporation is held liable to pay compensation to their next of kin by way of deposit with the District Magistrate, Ludhiana within one month. Compensation is assessed at Rs.57.5 lacs – Rs.10 lacs each for persons aged above 50 and Rs.7.5 lac each to the persons below 20 on the principle laid down in MCD v. Uphaar Tragedy Victims Assn., (2011) 14 SCC 481. Relevant observations there are “65.....Taking note of the facts and circumstances, the amount of compensation awarded in public law remedy cases, and the need to provide a deterrent, we are of the view that the **award of Rs 10 lakhs in the case of persons aged above 20 years and Rs 7.5 lakhs in regard to those who were 20 years or below as on the date of the incident, would be appropriate.**” Further, following the observations in Kerala, SRTC v. Susamma Thomas, (1994) 2 SCC 176, to the effect that “23.....**appropriate investments to safeguard the feed from being frittered away by the beneficiaries owing to ignorance, illiteracy and susceptibility to exploitation**”, we direct that the District Magistrate may deposit the amount with a Bank with direction that a sum of Rs.5 lac be paid immediately to the sole surviving male member of the family and the remaining be kept in fixed deposit, to be paid @ Rs.5 lac every year with accrued interest till the entire amount is disbursed.



11. The State PCB and other authorities in the State of Punjab may comply with the directions of the CPCB dated 26.05.2022 with regard to safety measures against fire incidents in dump sites, apart from observations in the report of the Monitoring Committee. In particular, Ludhiana Municipal Corporation may set up requisite facilities/ infrastructure to prevent fires. PPCB may grant necessary Authorization under MSW Rules as per norms. Remediation of legacy waste which has already been delayed beyond timelines under the Rules may now be done without further delay.

12. CPCB may collate information on legacy and active dump sites in cities having population more than one million and, in the State/UT capitals, with timelines to prepare and execute fire management plans, with requisite facilities and infrastructure.

13. An action taken report may be filed by the Municipal Corporation, Ludhiana, District Magistrate Ludhiana, State PCB and the Chief Secretary, Punjab and CPCB within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

14. The Chief Secretary, Punjab is scheduled to appear before this Tribunal by video conferencing on 18.08.2022 in OA No. 606/2018 for interaction on the issue of non-compliance with the SWM Rules, 2016. We hope the Chief Secretary will also deal with the issues arising from the above order on that date pending further action in terms of the order.

A copy of this order be forwarded to the Chief Secretary, Punjab, Additional Chief Secretary, Urban Local Bodies, Punjab, State PCB, CPCB,

District Magistrate, Ludhiana and Municipal Corporation, Ludhiana by e-mail for compliance.

A copy of this order be also forwarded to Justice Jasbir Singh, former Judge of the Punjab and Haryana High Court by e-mail.

List for further consideration on 01.11.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 25, 2022  
Original Application No. 286/2022  
DV