

Item No.02

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 172/2019

Residents of Village Adampur, PO Masodi Khera,
District Dholpur

Applicant

Versus

State of Rajasthan

Respondent

Date of hearing: 12.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. The issue taken up for consideration related to remedial action against illegal dumping of solid waste in Village Adampur, Tehsil Wadim, District Dholpur, Rajasthan affecting the Ramsagar pond and the soil of the area but later the scope of the proceedings stands extended to managing solid waste throughout the State.

2. The matter was considered on 22.07.2020 in the light of report of the State PCB dated 13.07.2020 which showed that there was no scientific management of waste. The Tribunal accordingly required the Secretary, Local Self Government and State PCB to furnish a further report in the matter. The operative part of the order is as follows:

“2. Accordingly, a report has been filed by the State PCB on 13.07.2020 acknowledging that dumping of waste was being done at a site which was not scientifically developed with no facility for collection of leachate. There is no system of segregation of waste. The State PCB issued notice to the Nagar Palika, Bari, District Dholpur to which no reply has been filed except for stating that burning of waste has been stopped.

3. In view of the acknowledged violations of statutory Rules which is a criminal offence under the Environment (Protection) Act, 1986, and also violation of repeated orders of the Hon’ble Supreme Court and this Tribunal, including order dated 31.01.2020 in O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 passed in the presence of the Chief Secretary, Principal Secretary, Environment, Secretary, Local Self Government and Member Secretary, State PCB Rajasthan, we direct that the Secretary, Local Self Government, Rajasthan to ensure prompt remedial action. The State PCB may initiate prosecution and recovery of compensation, following the due process of law.

4. Further action taken reports be furnished by the Secretary, Local Self Government and the State PCB before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. The matter was last considered on 13.04.2021 in the light of report dated 24.03.2021 filed on behalf of the State of Rajasthan by the Municipal Corporation Bari, District Dholpur, giving the details of the work executed for scientific management of the solid waste. The report further mentioned action plan for executing the remaining work. Considering the report and earlier orders of this Tribunal on the subject, the Tribunal directed further steps in the matter and filing a compliance report. The operative part of the order is reproduced below:

“3. Accordingly, further report dated 24.03.2021 has been filed on behalf of the State of Rajasthan by the Executive Officer, Municipal Corporation Bari, District Dholpur, Rajasthan, relevant part of which is as follows:

“5. That in compliance with the departmental orders the waste is being collected and segregated as per category and disposed I of in the dumping site of municipal corporation. Waste gathered within the Municipal limit is collected at the dumping site of the Municipal Corporation. The disposal site, including the landfill, are protected by a compound wall, fenced with barbed wire, and guarded. Entry to the dumping site is being restricted and limited to the corporation

employees. Copy of photograph of the Adampur Dumping Site is attached an annexed herewith and marked as Annexure R.

6. That it is submitted that the Municipal Corporation Bari for the purpose of maintenance and regular monitoring of dumping site has appointed two cleaning employees on permanent basis, shift wise. The said employees are working with the cleaning inspector of the municipal corporation for quick disposal of grievances that arise at the dumping site. A copy of the office order dated 25.02.2021 issued by the Executive Officer, Municipal Corporation Bari in respect of the appointment of cleaners at the dumping site is annexed herewith and marked as Annexure R-2.

7. That to protect the environment and in compliance with this Hon'ble Tribunal directions, the burning of garbage at the dumpingsite is absolutely prohibited. A copy of the order dated 19.05.2020 issued by the Executive Officer, Municipal Corporation Bari is annexed herewith and marked as Annexure R-3.

8. That it is submitted that a total of 28 TPD waste is generated in the limit of Municipal Corporation Bari, out of which 12 TPD is wet waste & 14 TPD is dry waste and the remaining is in C & D Category.

9. That the protocol has been devised in a holistic manner including the processing of wet and dry waste as per solid waste management rules. The wet waste is processed through the compost pit and compost machine and the dry waste processed through the MRF facility and the same has been developed with a capacity of 60 TPDI per day. Copy of photograph of waste processing plan is attached herewith and marked as Annexure R-4.

10. That it is submitted that Corporation has directed the M/s Parashar Construction Company to employed 20 cleaning workers at the MRF Facility in order to segregation of dry and wet waste. A copy of the letter dated 25.02.2021 and order dated 25.02.2021 issued by the Executive Officer, Municipal Corporation Bari is annexed herewith and marked as Annexure R-5.

11. That it is submitted that answering respondent in compliance with Hon'ble Tribunal Order dated 31.01.2020 in O.A. No.606/20 18 conducted a survey in July 2020 for clearing of legacy waste. That as per the survey, legacy waste is 11458 CUM and expenditure for clearing of legacy waste as per the Solid Waste Management Rules, 2016 is around Rs 60 lacs.

12. That the answering respondent has already awarded tender dated 17.06.2020 for effective disposal of legacy wastes for the period of six months (01.10.2020 to 31.03.2021). A copy tender order dated 17.06.2020 is annexed herewith and marked as Annexure R-6.

13. It is submitted that Biomedical waste shall not be disposed of with general waste and if hospital waste combines with the municipal waste it may lead to many unknown diseases and in order to prevent the same respondent has addressed a letter dated 12.02.2021 to the chief medical officer to stop transporting biomedical waste for final disposal at the dumping site of municipal corporation and dispose of the hospital waste as per the Bio-Medical Waste Management. Rules, 2016. A copy of the letter dated 12.02.2021 issued by the Executive Officer, Municipal corporation Bari is annexed herewith and marked as Annexure R-7

14. That it is submitted in neither Ram Sagar pond nor soil of Village Adampur is contaminating due to dumping of solid waste. It is submitted that the Dumping site at Adampur is maintained and monitored by Municipal Corporation Badi which is located at a 2.5 Km distance from Ram Sagar Pond and even otherwise no water flow is linked with the area nearby the dumpsite. Therefore, the polluting of the pond does not arise.”

4. We may note that as per directions already issued on 28.02.2020 in OA 606/2018, compensation is to be recovered and utilized for restoration of the environment from local bodies violating the statutory timelines. The said direction is reproduced below for ready reference:

“1to40...xxx.....xxx.....xxx

41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh **which have also been repeated for other States** in matters already dealt with, we direct:

- a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). **Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior**

functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.

- b. Legacy waste remediation was to ‘commence’ from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28¹ even though statutory timeline for ‘completing’ the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.**
- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal.**

¹ The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.

- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:**
 - i. Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.**
 - ii. Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.**
 - iii. Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.**
- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.**
- f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.**

g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.”

5. *Vide order dated 14.12.2020 in O.A. No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues, further direction issued is as follows:-*

“1to8...xxx.....xxx.....
xxx

9. The compensation in terms of earlier order be recovered and credited to a separate account with the Environment Department of the States/UTs to be used for restoration of environment in the concerned States/UTs. The deposit, instead of being made with the CPCB, may now be made to the said account.”

6. *The report of Municipal Corporation has stated that out of 28 TPD of waste generation, 14 tonnes is wet compostable fraction and 16 tonnes is dry recyclable waste which is being processed by setting MRF. It has also been mentioned that 11,458 cubic metres of legacy waste is piled up However, these estimations need to be verified. Further, the tender work awarded does not give any operational conditions. To have factual status, **a Joint Committee of CPCB, RSPCB and the District Magistrate, Dholpur under nodal coordination of RSPCB may inspect the site to ascertain composting facility for its adequacy and utilisation of compost so produced, the process of bio-mining, SoP followed and time schedule for bio-mining of entire waste and adequacy of waste processing plant to process day-to-day waste so no legacy waste is created. The Committee may have virtual meetings. The report on these aspects along with other observations may be filled before 31.7.2021 by e-mail at judicialnigt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”***

4. The matter was last considered on 17.08.2021 in the light of report of the District Magistrate, Dholpur from which the Tribunal found that the steps taken for clearing legacy waste were slow, belated and inadequate. The Tribunal also considered it necessary to require the State wide data on the subject. Operative part of the order is reproduced below:-

“1to3.....xxx.....xxx.....xxx

4. *In pursuance of above, a report dated 28.07.2021 has been filed by the District Magistrate, Dholpur, on behalf of the joint Committee, giving a comparative chart of the compliance status as on 24.03.2021 and as on 26.07.2021 which is reproduced below:*

<p align="center">Status of compliance as submitted report on 24.03.2021 (Annexure-III)</p>	<p align="center">Factual Status during the site visit on 26.07.2021</p>
<p>5. That ill compliance with the departmental orders the waste is being collected and segregated as per category and disposed of in the dumping site of municipal corporation. Waste gathered within the Municipal limit is collected at the dumping site of the Municipal Corporation. The disposal site, including the landfill, are protected by a compound wall, fenced with barbed Wire, and guarded. Entry to the dumping site is being restricted and limited to the corporation employees.</p>	<p>1. It was observed that the disposal site was protected by the boundary wall.</p> <p>2. Entry to the dumping site is restricted and a Guard (Sh. Yogendra Singh 8279233842) was found at the site at the time of inspection and office order to appointed the guard is received (Annexure-IV).</p>
<p>6. That it is submitted that the Municipal Corporation Bari for the purpose of maintenance and regular monitoring of dumping site has appointed two cleaning employees on permanent basis, shift wise. the said employees are working with the cleaning inspector of the municipal corporation for quick disposal of grievances that arise at the dumping site.</p>	<p>It was observed that two cleaning employees are appointed for the monitoring of site office order for the same enclosed at (Annexure-IV).</p>
<p>7. That to protect the environment and in compliance with this Hon'ble Tribunal directions, the burning of garbage at the dumping site is absolutely prohibited.</p>	<p>During the visit, the Committee was not found any kind of burning of garbage.</p>
<p>8. That it is submitted that a total of 28 TPD waste is generated in the limit of Municipal Corporation Bari, out of which 12 TPD is wet waste & 14 TPD is dry waste and the remaining is in C&D category.</p>	<p>1. It was informed that the weight of the waste is estimated on the assumption of per capita waste generated.</p> <p>2. During the visit, weighing balance was not there and tender to procure the weighing balance is floating on the online government portal. (Annexure-V).</p>
<p>9. That the protocol has been devised in a holistic manner including the processing of wet and dry waste as per solid waste management rules. The wet waste is processed through the compost pit and compost machine and the dry waste processed through the MRF facility and the same has been developed with a capacity of 60 TPD.</p>	<p>1. It was observed that the composting is done by windrow technique and tender for PCC (Plain cement concrete) & shed is floating on the online government portal. (Annexure-V)</p> <p>2. MRF facility was there and waste was segregated through manpower and tender for "Fatka", Baling and shredding Machine is floating on Government portal. (Annexure-V)</p>
<p>10. That it is submitted that</p>	<p>At the time of inspection workers</p>

Corporation has directed the M/s Parashar Construction Company to employed 20 cleaning workers at the MRF Facility in order to segregation of dry and wet waste	were found on the site and work order of the same is enclosed. (Annexure-VI)
11. That it is submitted that answering respondent in compliance with Hon'ble Tribunal Order dated 31.01.2020 in O.A. No.606/20 18 conducted a survey in July 2020 for clearing of legacy waste. That as per the survey, legacy waste is 11458 CUM and expenditure for clearing of legacy waste as per the	It was observed that the work for clearing of legacy waste was going on and representative of contractor company M/s Om Sai Vision informed that they have treated 9000 CUM out of 11458 CUM and the remaining work is to be completed in next 2 months. Work plan and methodology for the same is

c) 70 mm Screen Filters, mainly Plastic Waste (Refuse Derived Material) from the Old MSW will be then sold/provided to various plastic collectors/buyers/factories for their use in Industry/Manufacturing for Plastic Materials.

2. Utilization of processed legacy waste:

As informed by Sh. Vijay Pratap Singh, Executive Officer Nagar Palika Bari Distt: Dholpur Compost utilized in various Municipal Park (Guru ki bagiya, Mela gound Park, Gandhi Park, Nehru Park, Brikash kunj, Jori ka pura & Office Park etc.) in Bari in plantation and gardening purpose and +50 mm Screen Filters which are mostly C&D wastes are being used in road filling at various locations of Bari town and +70 mm screen filters is being compacted and stored in plastic gunny bags.

3. Processing Equipment's & Machinery for Processing of legacy Waste: The major equipment that used are:

- A) **Trommel:** A trommel screen also known as rotary screen, is a mechanical screening machine used to separate materials, mainly in Solid Waste Processing. Trommel of Capacity 300 TPD (eight hour shift) is fixed at the MSW Adampur, Bari Site.
- B) Parts of Trommel:**
- a) Perforated Cylinder with rotating Screen Size 5 mm, 50 mm, 70 mm.
 - b) Hopper/Loader to load Waste
 - c) Conveyor belt: 5 in Numbers for 1 for Waste Inlet and 4 for Processing Outlet
 - d) Motors: 6 numbers, 5 HP for Conveyors and 10 HP for Trommel
- C) JCB Machine:** 1 JCB machine for Excavation and 1 JCB machine for Trommel Loading.
- D) Tractor Trolley:** For Transportation of Waste.

Adequacy of waste processing plant to process daily collected waste:

Adequacy for 16 ton dry waste: MRF facility is set up by the Nagar Palika, Bari at Aadampur Site and they are categorizing the waste in to 10 categories (Glass, Plastic, Clothes, Iron, Colored Polythene, Black Polythene, Hard paper Sheet and Bags like 'katta' etc.) and stored in 10 different rooms. Now, Space for storing the segregated waste is adequate as of now.

Adequacy for 12 ton wet waste:

Daily wet waste = 12 **TPD**

Bio-composting requires = 28 days (minimum) on Windrow
Require Storage for 28 days i.e. **350 T**

For composting a platform of 50mtrs x 22mtrs (Length & Width) is planned & in progress which is adequate to carryout composting.

Observations of Joint Committee:

1. The machines in operation viz Trommel, JCB & Tractor Trolley are adequate to cater the need of legacy waste bio-mining work. The platform of 50 mtrs * 22mtrs is also adequate enough to cater the need of Windrows for composting.
2. Out of surveyed 11458 M³ legacy waste; 9000M³ already bio-mined by the agency M/s Om Sai Vision till date since 22.04.2021. Copy of logbook of legacy processing work is enclosed at **(Annexure XIII)**.
3. It has been observed that 3/4th of the legacy waste is processed and converted in to compost, C&D waste and other material is being compacted and stored in plastic gunny bags.
4. It was observed that for onsite segregation of daily waste MRF facility was developed and manually workers are doing that. It is observed that for segregation and processing of daily waste "Fatka", Baling and shredding Machine are not there however tender for the same floated.
5. It is observed that for weighing the daily waste, weighing machine is not there However, tender for the same floated.
6. The boundary wall of Adampur site was complete and tender to increase the height of boundary wall up to 10 feet also floated. **(Annexure-XI)**.

Solid Waste Management Rules, 2016 is around Rs 60 lacs.	enclosed (Annexure-VII).
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<p>12. That the answering respondent has already awarded tender dated 17.06.2020 for effective disposal of legacy wastes for the period of six months (01.10.2020 to 31.03.2021)</p>	<p>It was found that for the disposal of legacy waste the tender dated 17.06.2020 was awarded to Om Sai Vision on date 22.09.2020. (Annexure-VIII) but as informed by the Executive Officer that due to COVID the work was delayed and started from 22.04.2021 and still going on.</p>
<p>13. It is submitted that Biomedical must shall not be disposed of with general waste and if hospital waste combines with the municipal waste it may lead to many unknown diseases and in order to prevent the same respondent has addressed a letter dated 12.02.2021 to the chief medical officer to stop transporting biomedical waste for final disposal at the dumping site of municipal corporation and dispose of the hospital waste as per the Bio-Medical Waste Management Rules, 2016.</p>	<p>At the time of inspection, there was no Bio medical waste present at the site and Executive officer informed that they had written a letter to PMO, Bari to not to dispose or dump any waste on the dump site. (Annexure- IX)</p>
<p>14. That it is submitted in neither Ram Sagar Pond nor soil of Village Adampur is contaminating due to dumping of solid waste. It is submitted that the Dumping site at Adampur is maintained and monitored by Municipal Corporation Bari which is located at a 2.5 Km distance from Ram Sagar Pond and even otherwise no water flow is linked with the area nearby the dumpsite. Therefore, the polluting of the pond does not arise."</p>	<p>It was found that there was a agriculture irrigation canal in front of the gate of the Aadampur Dump Site which is connected to Ramsagar pond and flows only during Ruby season. To check the possibility of contamination of Ramsagar pond, the committee visited the Ramsagar Pond and found that the dump site is in the downstream direction and distance between Ramsagar pond and the dumpsite is 2.8 Km (Annexure-X) and so, there is very rare chance of contamination of pond from the waste of Dumpsite.</p>

5. The factual status observed by the joint Committee is reported to be as follows:

“Factual Status observed by the Joint Committee:-

1. Status of Bio-mining & Bio-remediation of MSW dumping waste:

To bio-mine the 11,458 m³ legacy waste; M/s Om Sai Vision was awarded the work. About 9000 m³ legacy waste bio-mined till date. Following procedure is being adopted for bio-mining:

1. Excavation of the legacy waste and spraying of the Bio-cultural/Bioculum (JFF Bio-Decomposer) for a period of 4 weeks to loosen it.
2. Followed by screening through trommel having various Screen Size i.e. 5 mm, 50 mm and 70 mm.

The category of waste screened are used in following:

a) 5 mm Screen Filters are used as Bio-Earth (Manure/Compost) to be utilized in Park / Gardens / Agricultural Use/ Bio-remediation site.

b) 50 mm Screen Filters mainly inert from the Old MSW is utilize in filling of the Existing Dump-Site was observed that animals are not roaming in the premises of MSW site Adampur, Bari.

7. 200 saplings of plant were planted along the boundary wall of the MSW site.

Conclusion:

Based on the field visit and information furnished; committee is in the opinion that the facility is adequate for processing the legacy waste & compost. However, **Council need to expedite the procurement of Fatka machine & weighing machine along with the work related to the raising of the height of the boundary wall. The work related to the compost platform needs to be expedite too.**”

6. From the above, it is seen that though slow and belated, steps have been taken for clearing the legacy waste and utilizing processed waste material. However, the work has still not been completed. In the interest of public health and rule of law, the remaining work which includes bio-mining of remaining 2458 m³ legacy waste, clarifying area of land reclaimed due to bio-mining, routing of rejects arising out of bio-mining and composting for proper recycling/re-use and granting Authorization under MSW Rules and installation of intended equipments, needs to be completed at the earliest, consistent with the environmental norms on the subject.

7. With above observations, the matter could have been disposed of but we consider it necessary to keep the matter pending to ascertain the status of compliance at other similar places in the State. It is well known that the challenge of solid waste management is of universal nature and the Hon'ble Supreme Court and after transfer of proceedings by the Hon'ble Supreme Court, this Tribunal has dealt with the issue of non-compliance of statutory rules on the subject by various orders applicable throughout the country. Since the challenge and non compliance continued, the Tribunal inter acted on the issue personally with the Chief Secretaries of all the States. It was found that there were budget driven, technology driven and process driven issues requiring resolution at the highest level in the State. The Tribunal accordingly issued directions for matter being monitored at the level of the Chief Secretaries periodically. Legacy waste by itself continues to be a serious problem at most of the places with potential for cause air, water and land pollution and affecting public health. Huge valuable urban land is unnecessarily held up under the legacy waste. It is high time that all legacy waste sites are cleared and the solid waste generated and collected is scientifically disposed of so as to result in zero leftover waste at the end of the day. It is thus necessary to ascertain the latest status of compliance in the State of Rajasthan. If steps taken with regard to the legacy waste at Bari,

District Dholpur are considered to be a success model, the State may consider replicating the same at all other places in the State, keeping in mind the local situation. The status of such compliance needs to be compiled at State level by a joint Committee of Secretary, Urban Development Department Rajasthan, CPCB and State PCB in coordination with the concerned local bodies and the District Magistrates. Secretary, Urban Development Department Rajasthan will be the nodal agency for coordination and compliance. The joint Committee may hold its first meeting within 15 days from today (by 15.9.2021) to take stock of the ground situation and to prepare a plan for compiling the data and further action consistent with the directions of this Tribunal on the subject, in continuation of steps already taken. Data to be compiled may cover all cities and towns Districtwise and include information about waste generation per day, quantity of waste processed, quantity of legacy waste lying on sites, total waste bio-mined, area reclaimed and action plans for accomplishing the tasks in a time-bound manner. An appropriate format for collecting information may be designed. Considering success stories on the point, a centralised system of specifying machineries and the standardized costs may be explored to cut down avoidable processes. After first meeting of the joint Committee, meeting be held by VC with the concerned District Magistrates and Local bodies by October 15, 2021 to ascertain status and plan for remedial action. Second meeting be held thereafter by November 30, 2021, to ascertain whether steps planned have been executed. Thereafter, status of compliance as on 30.11.2021 may be filed before this Tribunal by 15.12.2021 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

5. In pursuance of above, report has been filed by the local self-Government of Rajasthan on 17.02.2022 as follows:-

“

- *Quantification of legacy waste has been completed in the state. As per the Total Station Survey report, around **88.7 lakhs** cubic meter legacy waste has been dumped at 176 sites in 171 ULBs.*
- *Total Cost required for the remediation of the legacy waste in state – Approx. Rs 355 Crore.*
- *The directions were issued to all District Collectors of Rajasthan vide letter no. 19294-326 dated 13.05.2020 to provide the funding for legacy waste disposal through District Mineral Foundation Trust (DMFT) fund.*
- *Further, the directions were issued by Chief Secretary, Government of Rajasthan to all District Collectors of state vide D.O. letter dated 22.12.2020 to provide the funds for legacy waste remediation through DMFT fund.*
- *In view of the above issued directions, the funds have been allotted in Banswara, Barmer, Chittorgarh, Hanumangarh and Rajsamand districts under DMFT fund as per the details below:*

S.No.	District	Name of ULB	Sanctioned Amount (Rs in Cr.)
1	Banswara	Banswara	3.87
2		Pratappur Gadi	.095
3		Kushalgarh	.22
4	Barmer	Barmer	.50
5		Balotra	1.63
6	Chittorgarh	Chittorgarh	1.40
7		Nimbahera	1.00
8	Hanumangarh	Hanumangarh	.66
9	Rajsamand	Rajsamand	1.18
10		Nathdwara	1.00
	Total Amount Sanctioned (In Lacs)		11.50

- *Financial condition of ULBs are not good enough though in compliance of the order of Hon'ble NGT, some of the ULBs have managed to arrange the funds from their own resources, smart city and DMFT and started the Bio-remediation work at their legacy waste dump sites.*
- *As per the direction from Hon'ble NGT 2.29 Lac Cum Legacy waste has been remediated in 11 ULBs (Malpura, Rajakhera, Bari, Phalodi, Chabra, Mangrol, Kaprain, Itawa, Sangod and Udaipur Phase-1, Dungarpur) and remediation of around 7.2 Lac Cum Legacy waste in 14 ULBs (Ajmer, Nainwa, Balotra, Barmer, Kaithoon, Ramganj Mandi, Banswara, Pratapur Gadi, Kushalgarh, Chittorgarh, Nimbahera, Nathdwara, Rajsamand) are under process.*
- *Local Self Government Department, GoR is seeking fund from DMFT and SBM 2.0 so that the process of legacy waste remediation work can be done as per the directions of Hon'ble NGT.*
- *Details and Progress of Legacy Waste Remediation Action Plan of 171 ULBs are attached on Annexure-A & B.”*

6. Annexure A and B annexed to the report are as follows:-

Annexure-A

Legacy Waste Remediation Action Plan-2022								
S.NO.	NAME OF DISTRICT	NAME OF ULB	TOTAL LEGACY WASTE TO BE REMEDIATION (CUM)	REQUIRED FUNDS @ Rs. 400 PER CUM (In Cr.)	Sanctioned Amount (in Cr.)	Source of Sanctioned Amount (Name of Budget)	Plan of Mobilization of Fund	Likely Date of Completion
1	2	3	4	5	6	7	8	9
1	Ajmer	Ajmer (M Corp.)	360542	14.422	14.42	Smart City	In Process	31.03.2023
2	Tonk	Malpura (M)	13176	0.527	0.527	ULB Fund		Completed
3	Dhaulpur	Rajakhera (M)	2250	0.090	0.090	ULB Fund		Completed
4		Bari (M)	11458	0.458	0.46	ULB Fund		Completed
5	Hanumangarh	Hanumangarh (M C	77864	3.115	0.665	DMFT	Rest has been asked In SEM 2031.03.2023	
6	Barmer	Barmer (M)	46116	1.830	0.50	DMFT	Rest will be asked In SBM 2.0	31.03.2023
7		Balotra (M)	40868	1.635	1.635	DMFT	In Process	31.12.2022
8	Jodhpur	Phalodi (M)	18684	0.747	0.75	ULB Fund		Completed
9	Baran	Chhabra (M)	3503	0.140	0.140	ULB Fund		Completed
10		Mangrol (M)	1704	0.068	0.068	ULB Fund		Completed
11	Bundi	Kaprain (M)	10209	0.408	0.408	ULB Fund		Completed
12	Jhalawar	Nainwa (M)	23388	0.936	0.94	ULB Fund	In process	30.06.2022
13		Jhalawar (M)	14350	0.574	0.57	ULB Fund	In Process	30.06.2022
14	Kota	Kota (M Corp.)	800000	32.000	20.00	Smart City	Rest has been asked In SEM 2031.03.2024	
15		Itawa	745	0.030	0.03	ULB Fund		Completed
16		Kaithoon (M)	1286	0.051	0.05	ULB Fund	In Process	30.06.2022
17		Ramganj Mandi (M)	21040	0.842	0.84	ULB Fund	In Process	30.06.2022
18		Sangod (M)	1261	0.050	0.050	ULB Fund		Completed
19	Banswara	Banswara (M)	96803	3.872	3.87	DMFT	In Process	31.12.2022
20		Pratapur gadi	2384	0.095	0.095	DMFT	In Process	31.12.2022
21		Kushalgarh (M)	5605	0.224	0.224	DMFT	In Process	31.12.2022
22	Chittaurgarh (M)	35000	1.400	1.40	DMFT	In Process	31.12.2022	

23	Rajsamand	Nimbahera (M)	8855	0.354	1.00	DMFT	In Process	31.12.2022
24		Nathdwara (M)	40061	1.602	1.00	DMFT	In Process	31.12.2022
25		Rajsamand (M)	22984	0.919	1.10	DMFT	In Process	31.12.2022
26	Udaipur	Udaipur (M Cl)	357804	14.312	7.06	Smart City	Smart City Work Completed(1.66 Lac CuM), Rest of the work is prposed under SBM 2.0	31.03.2023

Annexure-B

Legacy Waste Remediation Action Plan-2022								
S.NO.	NAME OF DISTRICT	NAME OF ULB	TOTAL LEGACY WASTE TO BE REMEDIATION (CUM)	REQUIRED FUNDS @ Rs. 400 PER CUM) (In Cr.)	Sanctioned Amount (in Cr.)	Source of Sanctioned Amount (Name of Budget)	Plan of Mobilization of Fund	Likely Date of Completion
1	2	3	4	5	6	7	8	9
1.	Ajmer	Beawar (M Cl)	50414	2.017			SBM 2.0 + DMFT + FFC Grant	31.03.2023
2.		Kekri (M)	7793	0.312			SBM 2.0 + DMFT + FFC Grant	31.03.2023
3.		Kishangarh (M Cl)	178752	7.150			SBM 2.0 + DMFT + FFC Grant	31.03.2023
4.		Sarwar (M)	1236	0.049			SBM 2.0 + DMFT + FFC Grant	31.03.2023
5.		Vijainagar (M-a)	3002	0.120			SBM 2.0 + DMFT + FFC Grant	31.03.2023
6.		Pushkar (M)	60000	2.400			SBM 2.0 + DMFT + FFC Grant	31.03.2023
7.	Bhilwara	Asind (M)	9125	0.365			SBM 2.0 + DMFT + FFC Grant	31.03.2023
8.		Bhilwara (M Cl)	138972	5.559			SBM 2.0 + DMFT + FFC Grant	31.03.2023
9.		Gangapur (M)	22937	0.917			SBM 2.0 + DMFT + FFC Grant	31.03.2023
10.		Gulabpura (M)	4400	0.176			SBM 2.0 + DMFT + FFC Grant	31.03.2023
11.		Jahazpur (M)	10950	0.438			SBM 2.0 + DMFT + FFC Grant	31.03.2023
12.		Mandalgarh (M)	10350	0.414			SBM 2.0 + DMFT + FFC Grant	31.03.2023
13.	Shahpura (M-a)	5828	0.233			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
14.	Nagaur	Didwana (M)	2430	0.097			SBM 2.0 + DMFT + FFC Grant	31.03.2023
15.		Kuchera (M)	4450	0.178			SBM 2.0 + DMFT + FFC Grant	31.03.2023
16.		Ladnu (M)	1500	0.060			SBM 2.0 + DMFT + FFC Grant	31.03.2023
17.		Merta City (M)	3000	0.120			SBM 2.0 + DMFT + FFC Grant	31.03.2023
18.		Mundwa (M)	2460	0.098			SBM 2.0 + DMFT + FFC Grant	31.03.2023
19.		Nagaur (M)	43338	1.734			SBM 2.0 + DMFT + FFC Grant	31.03.2023
20.		Degana	4620	0.185			SBM 2.0 + DMFT + FFC Grant	31.03.2023
21.		Kuchaman City (M)	57000	2.280			SBM 2.0 + DMFT + FFC Grant	31.03.2023
22.		Makrana (M)	65000	2.600			SBM 2.0 + DMFT + FFC Grant	31.03.2023
23.		Nawa (M)	2400	0.096			SBM 2.0 + DMFT + FFC Grant	31.03.2023

24.	To	Deoli (M)	17190	0.688			SBM 2.0 + DMFT + FFC Grant	31.03.2023
25.		Niwai (M)	19342	0.774			SBM 2.0 + DMFT + FFC Grant	31.03.2023
26.		Todaraisingh (M)	12808	0.512			SBM 2.0 + DMFT + FFC Grant	31.03.2023
27.		Tonk (M Cl)	46831	1.873			SBM 2.0 + DMFT + FFC Grant	31.03.2023
28.		Uniara (M)	2274	0.091			SBM 2.0 + DMFT + FFC Grant	31.03.2023
29.	Bharatpur	Bharatpur (M Cl)	120312	4.812			SBM 2.0 + DMFT + FFC Grant	31.03.2023
30.		Deeg (M)	6064	0.243			SBM 2.0 + DMFT + FFC Grant	31.03.2023
31.		Bayana (M)	5739	0.230			SBM 2.0 + DMFT + FFC Grant	31.03.2023
32.		Bhusawar (M)	25604	1.024			SBM 2.0 + DMFT + FFC Grant	31.03.2023
33.		Kumher (M)	1500	0.060			SBM 2.0 + DMFT + FFC Grant	31.03.2023
34.		Rupbas	2275	0.091			SBM 2.0 + DMFT + FFC Grant	31.03.2023
35.		Weir (M)	2803	0.112			SBM 2.0 + DMFT + FFC Grant	31.03.2023
36.	Dhaulpur	Dhaulpur (M)	6000	0.240			SBM 2.0 + DMFT + FFC Grant	31.03.2023
37.	Karauli	Hindaun (M)	21600	0.864			SBM 2.0 + DMFT + FFC Grant	31.03.2023
38.		Karauli (M)	32000	1.280			SBM 2.0 + DMFT + FFC Grant	31.03.2023
39.		Todabhim (M)	1125	0.045			SBM 2.0 + DMFT + FFC Grant	31.03.2023
40.	Sawai Madhopur	Gangapur City (M)	71520	2.861			SBM 2.0 + DMFT + FFC Grant	31.03.2023
41.		Sawai Madhopur (M)	35000	1.400			SBM 2.0 + DMFT + FFC Grant	31.03.2023
42.	Bikaner	Bikaner (M Corp.)	781950	31.278			SBM 2.0 + DMFT + FFC Grant	31.03.2023
43.		Deshnoke (M)	3748	0.150			SBM 2.0 + DMFT + FFC Grant	31.03.2023
44.		Dungargarh (M)	58064	2.323			SBM 2.0 + DMFT + FFC Grant	31.03.2023
45.		Nokha (M)	10018	0.401			SBM 2.0 + DMFT + FFC Grant	31.03.2023
46.	Churu	Bidasar (M)	62377	2.495			SBM 2.0 + DMFT + FFC Grant	31.03.2023
47.		Churu (M Cl)	76346	3.054			SBM 2.0 + DMFT + FFC Grant	31.03.2023
48.		Rajaldesar (M)	8501	0.340			SBM 2.0 + DMFT + FFC Grant	31.03.2023
49.		Rajgarh (M-b)	20712	0.828			SBM 2.0 + DMFT + FFC Grant	31.03.2023
50.		Ratangarh (M)	11588	0.464			SBM 2.0 + DMFT + FFC Grant	31.03.2023
51.		Ratannagar (M)	27237	1.089			SBM 2.0 + DMFT + FFC Grant	31.03.2023
52.		Sardarshahar (M)	3856	0.154			SBM 2.0 + DMFT + FFC Grant	31.03.2023
53.		Sujargarh (M)	44367	1.775			SBM 2.0 + DMFT + FFC Grant	31.03.2023
54.		Taranagar (M)	2816	0.113			SBM 2.0 + DMFT + FFC Grant	31.03.2023

55.		Chhapar (M)	6004	0.240			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
56.	Ganganagar	Gajsinghpur (M)	1477	0.059			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
57.		Ganganagar (M Cl)	102257	4.090			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
58.		Padampur (M)	7813	0.313			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
59.		Sadulshahar (M)	11711	0.468			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
60.		Suratgarh (M)	10498	0.420			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
61.		Anupgarh (M)	8876	0.355			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
62.		Srikananpur (M)	5608	0.224			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
63.		Kesrisinghpur (M)	660	0.026			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
64.		Raisinghnagar (M)	289	0.012			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
65.		Vijainagar (M-b)	5482	0.219			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
66.		Hanumangarh	Bhadra (M)	19734	0.789			SBM 2.0 + DMFT + FFC Grant	31.03.2023
67.			Nohar (M)	25153	1.006			SBM 2.0 + DMFT + FFC Grant	31.03.2023
68.			Pilibanga (M)	7096	0.284			SBM 2.0 + DMFT + FFC Grant	31.03.2023
69.	Rawatsar (M)		19476	0.779			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
70.	Sangaria (M)		26286	1.051			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
71.	Alwar	Alwar (M Cl)	105731	4.229			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
72.		Behror (M)	35658	1.426			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
73.		Khairthal (M)	12614	0.505			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
74.		Kherli (M)	7897	0.316			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
75.		Kishangarhbas MB	2063	0.083			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
76.		Rajgarh (M-j)	7602	0.304			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
77.		Tijara (M)	4180	0.167			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
78.		Thana gaji	729	0.029			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
79.	Dausa	Bandikui (M)	13928	0.557			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
80.		Dausa (M)	97702	3.908			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
81.		Lalsot (M)	6490	0.260			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
82.		Mahwa	14527	0.581			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
83.	Jaipur	Jaipur (M Corp.)	2203000	88.120			SBM 2.0 + DMFT + FFC Grant	31.03.2024	
84.		Bagru (M)	11072	0.443			SBM 2.0 + DMFT + FFC Grant	31.03.2023	
85.		Chaksu (M)	21599	0.864			SBM 2.0 + DMFT + FFC Grant	31.03.2023	

86.		Jobner (M)	9647	0.386			SBM 2.0 + DMFT + FFC Grant	31.03.2023
87.		Kishangarh Renwal	1963	0.079			SBM 2.0 + DMFT + FFC Grant	31.03.2023
88.		Kotputli (M)	20500	0.820			SBM 2.0 + DMFT + FFC Grant	31.03.2023
89.		Phulera (M)	1479	0.059			SBM 2.0 + DMFT + FFC Grant	31.03.2023
90.		Sambhar (M)	3588	0.144			SBM 2.0 + DMFT + FFC Grant	31.03.2023
91.		Shahpura (M-j)	14462	0.578			SBM 2.0 + DMFT + FFC Grant	31.03.2023
92.		Viratnagar (M)	17882	0.715			SBM 2.0 + DMFT + FFC Grant	31.03.2023
93.	Jhunjhunu	Baggar (M)	4139	0.166			SBM 2.0 + DMFT + FFC Grant	31.03.2023
94.		Bissau (M)	29091	1.164			SBM 2.0 + DMFT + FFC Grant	31.03.2023
95.		Chirawa (M)	74323	2.973			SBM 2.0 + DMFT + FFC Grant	31.03.2023
96.		Jhunjhunun (M Cl)	108264	4.331			SBM 2.0 + DMFT + FFC Grant	31.03.2023
97.		Khetri (M)	8772	0.351			SBM 2.0 + DMFT + FFC Grant	31.03.2023
98.		Mandawa (M)	40114	1.605			SBM 2.0 + DMFT + FFC Grant	31.03.2023
99.		Mukandgarh (M)	24969	0.999			SBM 2.0 + DMFT + FFC Grant	31.03.2023
100.		Nawalgarh (M)	27965	1.119			SBM 2.0 + DMFT + FFC Grant	31.03.2023
101.		Pilani (M)	13558	0.542			SBM 2.0 + DMFT + FFC Grant	31.03.2023
102.		Surajgarh (M)	41559	1.662			SBM 2.0 + DMFT + FFC Grant	31.03.2023
103.	Sikar	Fatehpur (M)	24694	0.988			SBM 2.0 + DMFT + FFC Grant	31.03.2023
104.		Khandela (M)	8630	0.345			SBM 2.0 + DMFT + FFC Grant	31.03.2023
105.		Lachhmangarh (M)	4435	0.177			SBM 2.0 + DMFT + FFC Grant	31.03.2023
106.		Losal (M)	33708	1.348			SBM 2.0 + DMFT + FFC Grant	31.03.2023
107.		Neem-Ka-Thana (M)	24349	0.974			SBM 2.0 + DMFT + FFC Grant	31.03.2023
108.		Reengus (M)	53321	2.133			SBM 2.0 + DMFT + FFC Grant	31.03.2023
109.		Sikar (M Cl)	261565	10.463			SBM 2.0 + DMFT + FFC Grant	31.03.2023
110.		Sri Madhopur (M)	16871	0.675			SBM 2.0 + DMFT + FFC Grant	31.03.2023
111.		Khatu shyam g	35512	1.420			SBM 2.0 + DMFT + FFC Grant	31.03.2023
112.	Jaisalmer	Jaisalmer (M)	199938	7.998			SBM 2.0 + DMFT + FFC Grant	31.03.2023
113.		Pokaran (M)	20263	0.811			SBM 2.0 + DMFT + FFC Grant	31.03.2023
114.	Jalore	Bhinmal (M)	17285	0.691			SBM 2.0 + DMFT + FFC Grant	31.03.2023
115.		Jalore (M)	18330	0.733			SBM 2.0 + DMFT + FFC Grant	31.03.2023
116.		Sanchores (M)	1971	0.079			SBM 2.0 + DMFT + FFC Grant	31.03.2023

117.	Jodhpur	Jodhpur (M Corp.)	470280	18.811			SBM 2.0 + DMFT + FFC Grant	31.03.2024
118.		Bilara (M)	19223	0.769			SBM 2.0 + DMFT + FFC Grant	31.03.2023
119.		Pipar City (M)	3718	0.149			SBM 2.0 + DMFT + FFC Grant	31.03.2023
120.	Pali	Pali (M CI)	4524	0.181			SBM 2.0 + DMFT + FFC Grant	31.03.2023
121.		Rani (M)	8525	0.341			SBM 2.0 + DMFT + FFC Grant	31.03.2023
122.		Bali (M)	2549	0.102			SBM 2.0 + DMFT + FFC Grant	31.03.2023
123.		Falna (M)	900	0.036			SBM 2.0 + DMFT + FFC Grant	31.03.2023
124.		Sumerpur (M)	1175	0.047			SBM 2.0 + DMFT + FFC Grant	31.03.2023
125.		Takhatgarh (M)	119	0.005			SBM 2.0 + DMFT + FFC Grant	31.03.2023
126.		Sirohi (M)	45216	1.809			SBM 2.0 + DMFT + FFC Grant	31.03.2023
127.	Baran	Antah (M)	1882	0.075			SBM 2.0 + DMFT + FFC Grant	31.03.2023
128.		Baran (M)	23406	0.936			SBM 2.0 + DMFT + FFC Grant	31.03.2023
129.		Bundi (M)	25254	1.010			SBM 2.0 + DMFT + FFC Grant	31.03.2023
130.	Bundi	Indragarh (M)	2670	0.107			SBM 2.0 + DMFT + FFC Grant	31.03.2023
131.		Keshoraipatan (M)	1328	0.053			SBM 2.0 + DMFT + FFC Grant	31.03.2023
132.	Jhalawar	Bhawani Mandi (M)	2480	0.099			SBM 2.0 + DMFT + FFC Grant	31.03.2023
133.		Pirawa (M)	2470	0.099			SBM 2.0 + DMFT + FFC Grant	31.03.2023
134.	Chittaurgarh	Bari Sadri (M)	5465	0.219			SBM 2.0 + DMFT + FFC Grant	31.03.2023
135.		Begun (M)	8299	0.332			SBM 2.0 + DMFT + FFC Grant	31.03.2023
136.		Rawatbhata (M)	23071	0.923			SBM 2.0 + DMFT + FFC Grant	31.03.2023
137.		Kapasan (M)	1750	0.070			SBM 2.0 + DMFT + FFC Grant	31.03.2023
138.	Dungarpur	Sagwara (M)	9073	0.363			SBM 2.0 + DMFT + FFC Grant	31.03.2023
139.	Pratapgarh	Chhoti Sadri (M)	4119	0.165			SBM 2.0 + DMFT + FFC Grant	31.03.2023
140.		Pratapgarh (M)	505	0.020			SBM 2.0 + DMFT + FFC Grant	31.03.2023
141.	Raismand	Amet (M)	6778	0.271			SBM 2.0 + DMFT + FFC Grant	31.03.2023
142.		Deogarh (M)	8670	0.347			SBM 2.0 + DMFT + FFC Grant	31.03.2023
143.	Udaipu	Bhinder (M)	18321	0.733			SBM 2.0 + DMFT + FFC Grant	31.03.2023
144.		Fatehnagar (M)	2965	0.119			SBM 2.0 + DMFT + FFC Grant	31.03.2023
145.		Salumbar (M)	1590	0.064			SBM 2.0 + DMFT + FFC Grant	31.03.2023
		Total	6904205	276.000				

Consideration and Directions:

7. It is evident from the report of the State Government that 88.7 lakhs cubic metre of legacy waste is lying at 176 sites in 171 ULBs. 2.29 lakhs cubic metres of legacy waste has been remediated in 11 ULBs and 7.2 lakhs cubic metres being remediated in 14 ULBs. All the sites are to be remediated fast, following the Guidelines of CPCB. Recovered material, stabilized material (manure/ compost), Refused Derived Fuel (RDF), inerts, metals, etc have to go to the end users and locations to close the loop of remediation. The Operators executing remediation should be required to include these aspects. The existing sites are to be protected to prevent fire incidents, regulating operations of conservancy staff and rag pickers and taking other safety measures. All the cities and towns may set up waste processing plants of adequate capacity to process day to day waste. Execution of remediation works and management of solid waste may be done through State and District level Committees, monitored by Secretary in charge of State Environment and Urban Development Ministry and overseen by Chief Secretary. The compliance status may be presented by Chief Secretary at the time of personal interaction proposed in OA 606/2018.

8. We have considered the matter though none appears for the State to assist the Tribunal in the matter. We find that further remedial action is required to be taken speedily as the statutory timelines have already expired. Legacy waste remediation is utmost necessity in the interest of public health, environment and rule of law. This being constitutional obligation of the State, absence of funds cannot be an excuse. The report shows that only an insignificant amount was being collected, as against the estimated expenditure involved. Since the source of funds has been identified, the amount may accordingly be collected. It is made clear that

if there is any further delay in execution of work on the ground of non-availability of fund, coercive measures, including stopping any new project in the State till the funds are made available for the purpose of compliance of statutory Rules for waste management, may be a compulsion for enforcing right of citizen to clean environment. Further steps in the matter be also monitored at the level of District Magistrates in the Districts and at the level of Chief Secretary in the State, in coordination with any other concerned Departments, as already directed.

The application is disposed of.

A copy of this order be forwarded to Chief Secretary, Rajasthan by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

May 12, 2022
Original Application No. 172/2019
AB