



Suleman & others Vs. Union of India & others a/w connected matters.

CWP No. 2369 of 2018 a/w CWPIL No.269 of 2017, CWP Nos.1074 of 2019, 3334 of 2021, CWPIL Nos. 32, 42 & 56 of 2021, CWP No.3511 of 2022, CWPIL No.4 of 2022 & CWP No. 819 of 2024.

09.05.2023 Present: Mr. Deven Khanna, Advocate, for the petitioners in CWP No.2369 of 2018.
Ms. Vishali Lakhnopal, Advocate vice Mr.Parav Sharma, Advocate, for the petitioner in CWP No.1074 of 2019.
Mr. Suneet Goel, Advocate as Amicus Curiae, for the petitioner in CWPIL No.263 of 2017.
Mr. K.B. Khajuria, Advocate, for the petitioner in CWP No.3511 of 2022 and for respondent No.6/ Central Pollution Control Board in CWP No.2369 of 2018.
Mr. Saurav Rattan, Advocate, for the petitioner in CWP No.3334 of 2021.
Court on its own motion in CWPIL Nos. 32,42 & 56 of 2021.
Mr. Anup Rattan, Advocate General with Mr. Yash W. Chauhan, Senior Additional Advocate General, Mr. Ramakant Sharma, Mr. Navlesh Verma & Ms.Sharimila Patial, Additional Advocates General, for the respondents-State.
Mr. Balram Sharma, Deputy Solicitor General of India, for respondent- UOI and respondent No.4- Central Pollution Control Board in CWP No.3511 of 2022.
Mr. Neeraj Gupta, Senior Advocate with Mr.Vedant Ranta and Ms. Rinki Kashmiri, Advocates, for respondent No.8 in CWP No.2369/2018 and CWP No.1074/2019.
Mr. Tara Singh Chauhan and Mr.Maan Singh, Advocates for the respondent/HP Pollution Control Board in CWP No.2369/2018 and CWP No.1074/2019.
Mr. Abhishek, Advocate vice Ms. Garima Kuthiala, Advocate, for respondent No.10 in CWPIL No.269/ 2017.
Mr. V.B.Verma, Advocate, for respondent No.2 in CWPIL No.32/2021, for respondent No.1 in CWPIL

No.42/2021 and for respondent No.3 in CWP No.3511/ 2022.

Mr. Sunil Mohan Goel, Advocate, for respondent No.5 in CWPIIL No.4/2022.

Mr. Lovneesh Kanwar, Senior Advocate with Mr. Tek Chand, Advocate for respondent-M.C.Sarkaghat in CWP No.2369 of 2018.

Mr. Adarsh K. Vashishita, Advocate for M.Cs Chamba, Baddi, Nalagarh, Nagrota Bagwan, Jwalamukhi, Nurpur, Shahpur and Jawali.

Mr. Rajesh Kashyap, Advocate, for MC Sunderngar.

Mr. Mukul Sood, Advocate, for MCs Shimla and Dharamshala.

Mr. Ajay Chauhan, Advocate, for MC Palampur in CWP No.2369 of 2018.

Mr. Lalit K. Sharma, Advocate, for respondent No.4 in CWPIIL No.32/2021.

Mr. H.S. Rangra, Advocate, for MC Mandi in CWP No.2369/2018.

On 23.03.2024, this Court passed the following

order:-

"At the outset, we place on record our appreciation for the valuable assistance rendered by Shri Deven Khanna, Advocate.

2. We also place on record our appreciation for the proactive role played by Shri Anil Joshi, I.F.S., Member Secretary, Himachal Pradesh State Pollution Control Board ("HPSPCB"), who after calling for the meetings of all the stakeholders on 29.02.2024 and 01.03.2024, has issued certain directions, which we deem it appropriate to accept and make them a part of the directions of the Court. Accordingly the following directions are issued:

(i) All the entities, who have not yet applied for the Extended Producer Responsibility ("EPR") registration shall submit the cases within one month from today and for any query, the Units shall approach the Regional Offices ("ROs") between 4.00-5.00 p.m.

(ii) The registered Producers, Importers/Brand Owners ("PIBOs") and Waste Management Agencies ("WMAs") are directed to explore the registered Plastic Waste Processors ("PWPs") in the State of Himachal Pradesh as the PWPs are working on very minimal capacity and it otherwise would be more economical to process the waste within the State rather than transporting the same to other State. The HPSPCB shall upload the details of the registered PWPs in State on its

website, so that PIBOs can coordinate with PWPs in the State for their EPR fulfillment.

(iii) Recycler (s) shall submit the detail of the quantity of plastic waste processed to the HPSPCB on quarterly basis.

(iv) All the PIBOs shall submit the detail of the plastic waste generated from their product in the State of H.P. and the PIBOs are directed to collaborate with the Urban Local Bodies ("ULBs") and Gram Panchayats ("Gps") through Waste Management Agencies and work out the modalities of effective collection, segregation and processing of plastic waste through registered PWPs in the State. A detailed report in this regard shall be submitted to HPSPCB within one month.

(v) The WMAs are directed to submit the consolidated details such as ;

(a) List of PIBOs on behalf of whom they fulfill EPR targets in Himachal Pradesh;

(b) Details of plastic waste collection in H.P. (the detail shall include the contact information, agreement with the ULBs/Vendor/Aggregator, storage facilities in HP)

(c) Details of the disposal of plastic waste. The details shall be provided for financial year 2022-23 and 2023-24 within 15 days.

(vi) All the registered PWPs are directed to tie up with ULBs/WMAs for the processing of post-consumer waste and start generating the EPR certificate on the Centralized Portal of the Central Pollution Control Board ("CPCB") and also ensure the submission of annual report on the portal.

(vii) All PIBOs working in the State of H.P. shall submit progress of EPR compliance through online-portal on quarterly basis and not through offline mode.

(viii) Rural Development Department ("RDD") shall provide the details of the gram panchayats wherein the plastic management units are being established within 15 days.

(ix) All ULBs shall generate their login credentials on the Centralized portal of CPCB for EPR registration as has already been directed by this Court.

(x) All the ROs of the Pollution Control Board ("PCB") shall submit progress report on fortnightly basis after coordinating with all the stakeholders, with respect to registration and EPR compliance.

3. In addition to the above, we find that the brand-owners, who are operational in more than two States, are registered by CPCB on the centralized portal. During the registration and after obtaining registration, these brand-owners are required to submit sales detail of the commodity packed in plastic packing. The data of sales submitted is based on the GST invoice and the portal is linked with the GST portal. However, we find that there is no bifurcation with respect to quantification of plastic packaging reaching to a specific State.

4. Further, the EPR certificates to be purchased by PIBOs from PWPs is a geo neutral concept. The PIBO operational

in State of Maharashtra can purchase the EPR certificate from PWP in West Bengal. The State Board has raised the issue regarding quantification of the plastic packaging being introduced by various PIBOs in the State of Himachal Pradesh, however, the same has been denied as the EPR mandate is geo-neutral.

5. In such circumstances, we proceed to pass the following direction:

The CPCB is directed to ensure that brand-owners submit the details of the plastic packaging sold in the State of Himachal Pradesh so that the EPR fulfillment of those brand-owners can be ensured within the State of H.P.

Solid Waste Management in Shimla:

Role of Municipal Corporation:

6. Our endeavour, at the first instance, is to make Shimla as the Model Town, so that, what is achieved in Shimla, could be replicated in other ULBs.

7. Section 44-H of the Himachal Pradesh Municipal Corporation Act, 1994, (for short, "Act"), provides for the duties and functions of the Ward Committees and one of such duties as prescribed in sub-section (c) is to provide assistance in solid waste management in the ward. Unfortunately, the Municipal Corporation Act was enacted in the year 1994 and even the rules, regulations and byelaws have been framed around the same time i.e. 1994. Whereas, the Solid Waste Management Rules have been enacted and have come into force only with effect from 01.04.2016 and despite this the provisions of the municipal laws, be it Municipal Corporation Act, Rules and Byelaws framed thereunder have not been amended so as to give municipal authorities the desired authority to enforce the provisions of the environmental laws including are not restricted to either "SWMR 2016" or Plastic Waste Management Rules, 2016, ("PWMR 2016"), Construction and Demolition Waste Management Rules, 2016, and other Rules and Act that have come into force after coming into force the Municipal Corporation Act and the Municipal Act, 1994.

8. Therefore, the Chief Secretary to the Government of Himachal Pradesh is directed to immediately take steps for amending the provisions of the Municipal Corporation Act, Rules, Regulations, Byelaws etc. in light of the aforesaid observations. However, till and so long the amendment is not carried out, the respondents including the Municipal Authorities and the Pollution Control Board are directed to enforce with all its rigours the provisions of Rule-4 of the "SWMR 2016" which reads as under:

"4. Duties of waste generators

(1) Every waste generator shall,-

(a) segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

(b) wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material as instructed by the local authorities and shall place the same in the bin meant for dry waste or non-bio-degradable waste;

(c) store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016; and

(d) store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time.

(2) No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

(3) All waste generators shall pay such user fee for solid waste management, as specified in the bye-laws of the local bodies.

(4) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body.

(5) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the local body.

(6) All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(7) All gated communities and institutions with more than 5,000 sqm area shall, within one year from the date of notification of these rules and in partnership with the local body, ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorized recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers.

The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body."

9 We are informed at the Bar that a lot of waste is generated on occasions like marriage, birthday, retirement party etc., where the venue is other than a hotel and waste is shamelessly littered and scattered everywhere. However, we find that the Municipal Authorities are not so toothless so as to unable them to deal with such a situation because sub-rule 4 of Rule 4 clearly provides that no person can organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event is required to ensure the the segregation of waste at source and handing over of segregated waste to waste collector agency as specified by the local bodies. If the person or organiser has in the past not complied with the provisions of sub-rule (4) of Rule 4, then we permit the Corporation to demand a pre-deposit of at least Rs.10,000/- from the person or the organiser where the gathering is more than 100 persons upto 200 persons and likewise thereafter demand an additional Rs.10,000/- per 100 persons and refund the money to the person or the organiser, as the case may be, but only after deducting the necessary amount spent on the segregation, handing over and transportation of the waste and after levy of an appropriate penalty. The Municipal Authorities may consider amending its rules on the aforesaid lines.

10. We find that there is no adequate training of the Councillors even though he/she is he President of the Ward Committee in terms of Section-44-C(3). Even the meetings of the Ward Committee, as envisaged under Section 44-D of the Act, to be conducted at least once in two months for discussing the developmental issues and plans of the ward concerned, are not held and, if held, then there is no discussion at all regarding providing of assistance in solid waste management in ward as statutorily provided for in Section 44-H (c). This is the salutary provision but has not been followed with all its rigours.

11. Therefore, in the facts and circumstances, Himachal Pradesh Institute of Public Administration, Fairlawns, Shimla, ("HIPA") is directed to conduct at least a week-long course of all the Councillors apprising them of not only the provisions as contained in Municipal Laws, but also the various provisions of the Environmental Laws.

12. What is more appalling is the fact that the Municipal Corporation though has 34 wards, but has only two Chief Sanitary Inspectors and four Sanitary Inspectors, meaning

thereby, only six Inspectors. There are 38 Dafadars under the Inspectors. But, we are informed that even these Dafadars have been declared as dying cadre. Therefore, in these circumstances, we really wonder how Shimla Municipal Corporation, which is one of the oldest in the country, can function.

13. In the given facts and circumstances, the Chief Secretary to the Government of Himachal Pradesh is directed to convene a meeting of the Secretary, Urban Local Bodies ("ULBs") along with Municipal Commissioners of the Municipal Corporations and the Secretaries of the Municipal Councils and thereafter ensure that adequate manpower is provided to these Municipal Authorities for which the non-availability of finance will be no excuse. For, we need only to invite the golden words of Justice Krishna Iyer in the celebrated decision of Municipal Council, Ratlam vs. Vardhichand and others AIR 1980 SC 1622 when his Lordship observed that "where directive principles have found statutory expression in Do's and Don'ts, the court will not sit idly by and allow municipal government to become a statutory mockery. The law will relentlessly be enforced and the plea of poor finance will be poor alibi when people in misery cry for justice". His Lordship further observed that "public nuisance, because of pollutants being discharged by big factories to the detriment of the poorer sections, is a challenge to the social justice component of the rule of law. Likewise, the grievous failure of local authorities to provide the basic amenity of public convenience drives the miserable slum-dwellers to ease in the streets, on the sly for a time, and openly thereafter, because under nature's pressure, bashfulness becomes a luxury and dignity a difficult art. A responsible municipal council constituted for the precise purpose of preserving public health and providing better finances cannot run away from its principal duty by pleading financial inability. Decency and dignity are non-negotiable facets of human rights and are a first charge on local self-governing bodies".

Solid Waste Management:

14. It is brought to our notice by Shri Deven Khanna, learned counsel for the petitioners that land for SWM facility is not available in the following ULBs:

Sl. No.	Name of ULBs	Land for SWM Facility (Not Available)
1	MC Bilaspur (District BILASPUR)	Not Available
2	MC Ghumarwin (District BILASPUR)	Not Available
3	NP Chowri (District CHAMBA)	Not Available
4	NP Shahpur (District KANGRA)	Not Available
5	NP Bhunter (District KULLU)	Not Available
6	NP Banjar (District KULLU)	Not Available
7	NP Nirmand (District KULLU)	Not Available
8	NP Rewalsar (District MANDI)	Not Available
9	MC Rohroo (District SHIMLA)	Not Available

10	MC Thego (District SHIMLA)	Not Available
11	NP Chopal (District SHIMLA)	Not Available
12	NP Nerwa (District SHIMLA)	Not Available
13	NP Chirgaon (District SHIMLA)	Not Available
14	NP Rajgarh (District SIRMOUR)	Not Available
15	NP Kandaghat (District SOLAN)	Not Available
16	NP Amb (District UNA)	Not Available

15. The State Government is directed to take immediate steps for making available these facilities and file a status report on the next date of hearing.

16. We are further informed that the land for SWM Facility is available in the following ULBs:

Sl. No.	Name of ULBs	Land for SWM Facility (Available)
1	MC Shri Naina Devi Ji (District BILASPUR)	Available
2	NP Talai (District BILASPUR)	Available
3	MC Chamba (District CHAMBA)	Available
4	MC Dalhousie (District CHAMBA)	Available
5	MC Hamirpur (District HAMIRPUR)	Available
6	MC Sujampur (District HAMIRPUR)	Available
7	NP Nadaun (District HAMIRPUR)	Available
8	NP Bhota (District HAMIRPUR)	Available
9	Municipal Corporation Dharamsala (District KANGRA)	Available (1 No. own site and 1 No. Forest Land)
10	Municipal Corporation Palampur (District KANGRA)	Available
11	MC Kangra (District KANGRA)	Available
12	MC Nurpur (District KANGRA)	Available
13	MC Dehra (District KANGRA)	Available
14	MC Nagrota (District KANGRA)	Available
15	MC Jawalamukhi (District KANGRA)	Available
16	NP Baijnath (District KANGRA)	Available
17	NP Jawali (District KANGRA)	Available (Rented Land)
18	MC Kullu (District KULLU)	Available
19	MC Manali (District KULLU)	Available
20	Municipal Corporation Mandi (District MANDI)	Available
21	MC Sundernagar (District MANDI)	Available

22	MC Nerchowk (District MANDI)	Available
23	MC Jogindernagar (District MANDI)	Available
24	MC Sarkaghat (District MANDI)	Available
25	NP Karsog (District MANDI)	Available
26	M Corp Shimla	Available
27	MC Rampur (District SHIMLA)	Available
28	MC Narkanda (District SHIMLA)	Available
29	NP Kothkhai (District SHIMLA)	Available
30	NP Jubbal (District SHIMLA)	Available
31	NP Sunni (District SHIMLA)	Available
32	MC Nahan (District SIRMOUR)	Available
33	MC Paonta (District SIRMOUR)	Available
34	Municipal Corporation Solan (District SOLAN)	Available
35	MC Nalagarh (District SOLAN)	Available
36	MC Parwanoo (District SOLAN)	Available
37	MC Baddi (District SOLAN)	Available
38	NP Arki (District SOLAN)	Available
39	MC Una (District UNA)	Available
40	MC Santokhgarh (District UNA)	Available
41	MC Mehatpur (District UNA)	Available
42	NP Daulatpur (District UNA)	Available
43	NP Gagret (District UNA)	Available
44	NP Tahlival (District UNA)	Available

17. It is informed that even where these sites are available, no steps, at the first instance, have been taken to prepare and create a green buffer zone and straightaway the solid waste is being dumped.

18. We are clearly of the view that if the site is unmanageable or has not been made available to the ULBs, then before dumping any solid waste on the said sites the same needs to be developed by creating a buffer zone. The Secretary (Urban Development) and the District Magistrate, Shimla, who have been entrusted with the duties under SWMR, 2016 shall file their personal affidavits regarding due compliance of Rules 11 and 12 on the next date of hearing.

19. Noticeably, the hilly areas have been treated separately, as is evident from Rule 20 of SWMR, 2016, which reads as under:

"20. Criteria and actions to be taken for solid waste management in hilly areas. - In the hilly areas, the duties and responsibilities of the local authorities shall be the same as mentioned in rule 15 with additional clauses as under:

(a) Construction of landfill on the hill shall be avoided. A transfer station at a suitable enclosed location shall be setup to collect residual waste from

the processing facility and inert waste. A suitable land shall be identified in the plain areas down the hill within 25 kilometers for setting up sanitary landfill. The residual waste from the transfer station shall be disposed of at this sanitary landfill.

(b) In case of non-availability of such land, efforts shall be made to set up regional sanitary landfill for the inert and residual waste.

(c) Local body shall frame Bye-laws and prohibit citizen from littering wastes on the streets and give strict direction to the tourists not to dispose any waste such as paper, water bottles, liquor bottles, soft drink cans, tetra packs, any other plastic or paper waste on the streets or down the hills and instead direct to deposit such waste in the litter bins that shall be placed by the local body at all tourist destinations.

(d) Local body shall arrange to convey the provisions of solid waste management under the bye-laws to all tourists visiting the hilly areas at the entry point in the town as well as through the hotels, guest houses or like where they stay and by putting suitable hoardings at tourist destinations.

(e) Local body may levy solid waste management charge from the tourist at the entry point to make the solid waste management services sustainable.

(f) The department in-charge of the allocation of land assignment shall identify and allot suitable space on the hills for setting up decentralised waste processing facilities. Local body shall set up such facilities. Step garden system may be adopted for optimum utilisation of hill space.”

20. We would impress upon the State Government to empower the Local Bodies to levy solid waste management charges upon tourists at the entry point to make the solid waste management services sustainable.

21. The Government could take a cue from Bhutan where in September, 2022, it imposed a sustainable development fee of dollars 200 per day per visitor. However, fee was cut by half from September 2023 and fixed at dollar 100 per day per tourist and in the case of children age 6 to 12 years, they were required to pay dollar 50 per child and there was no fee for children age 5 or under.

22. This Court had constituted a multi-members committee for improving solid waste management through multi-stakeholders engagement, addressing land allocation for SWM facilities, enhancing waste disposal infrastructure, implementing EPR and ensuring penalty provisions for violations.

23. We are pleased to note that the said Committee has made great strides and has been meeting frequently. It held meetings on 31.01.2024, 07.02.2024, 13.02.2024, 21.02.2024, 29.02.2024, 07.03.2024, 16.03.2024 and 19.03.2024. Certain meaningful suggestions have been made by the Committee which we adopt and the same shall be deemed to be the directions of this Court and are as follows:

(i) The ULBs are directed to deploy sufficient manpower for ensuring 100% segregation and collection and it should be ensured through outsource agencies as well.

(ii) Strict penalty will be imposed by the ULBs for violation of segregation at source and littering.

(iii) For the safe transportation of segregated waste compartmentalization of garbage collection vehicles shall be done by ULBs and it shall be ensured that only compartmentalization vehicles are used for transportation which direction shall be a mandatory condition for outsourced agencies deployed for this purpose. The funds, if any, required for compartmentalizing by ULBs shall be met out from the tied grants or out of their own resources.

Wet Waste:

(i) Looking to the quantum of waste generation per day in ULBs which varies from 0.5 TPD to 100 TPD, the ULBs are directed to process the same through mechanized composting with latest equipments like Organic Waste Composters. On the similar lines, decentralized drum composting can be used for processing. Pit composting can also be considered but only in the lower parts of Himachal Pradesh where temperature generally remains high.

Dry Waste:

(i) As regards dry waste, the Urban Development Department has also entered into an agreement with cement plants for co-processing of dry waste with the condition that the cement plants may lift dry waste as a backload in their vehicles. But, the Committee found that the cement plants were not providing transportation facilities to lift dry waste as per the requirement of the ULBs. Therefore, the cement plants are directed to provide transport facilities for the dry waste under Corporate Social Responsibility.

(ii) All the ULBs, who are yet to register in centralized EPR portal of CPCB to earn credits in plastic waste management and CPCB/HPSPCB are directed to get themselves registered and thereafter provide all necessary support to ULBs to channelize funds from brand-owners. Since, the financial position of the ULBs is weak, they are not in a position to enforce plastic buyback policy effectively. Therefore, we direct the Department of Environment, Science and Technology (DEST) to provide funds.

(iii) The SWM sites throughout the State shall be properly roof-topped, fenced and covered so as to ensure that no animals enter into the SWM facilities and further carry out plantation around the sites.

(iv) The State Government may consider tied grant for SWM under the State Finance Commission on the analogy of Centre Finance Commission to assist ULBs in effectively carrying out these activities.

(v) As observed above, the financial position of the ULBs is very lean and, therefore, they are unable to enforce provisions of law on account of lack of manpower and resources.

(vi) The Industry Department has executed an agreement between Baddi-Barotiwala-Nalagarh Development Authority ("BBNDA"), ULBs and M/s JBR Technologies for collection, transportation and processing of solid waste of MCs, Baddi, Parwanoo, Nalagarh and 42 Gram Panchayats, but despite various directions and efforts made by Urban Development Department, M/s JBR is not able to ensure proper collection and transportation of waste at the site which is creating huge problems for these ULBs. In such circumstances, we direct the ULBs to consider installing their own waste processing facilities through various line departments like HPSPCB, Industry, Tourism, APMC etc. while giving NOCs for registration of new establishments and thereafter their renewal.

(vii) The Nalagarh and Parwanoo ULBs have their own capacity to manage the waste. Therefore, both the ULBs are directed to reconsider the agreement to manage their waste at their own level.

(viii) It was noticed by the Committee that there is a huge gap between the cost of collection, transportation and processing charges for MSW and user charges collection. As the user charges being collected are very less as compared to the processing cost in all the ULBs, in these circumstances, it is directed that all the ULBs will rationalize their user charges as per the expenditure being incurred by them on the solid waste by making necessary amendments in their byelaws. The ULBs are directed to ensure that the user charges being collected from the waste generators should at least be at par with collection and transportation charges.

(ix) The Committee noticed that it was very difficult for the ULBs to make themselves sustainable and recover processing cost. In these circumstances, it is directed that the user charges which are not being paid by the waste generators shall henceforth be treated as arrears.

(x) Arrears on account of door-to-door garbage collection/fines defaulted by the violators shall be included in the property tax of the next financial year as arrear so as to improve the financial condition of the ULBs.

(xi) The Advocates Committees which visited various ULBs in compliance to the orders passed by this Court have found serious issue regarding hot-spots in fringe areas of some of the Panchayats where garbage is being dumped on the boundaries of ULBs only because there was no proper system of garbage collection and disposal in semi urban/rural areas. In these circumstances, we direct that dedicated teams be constituted by all the five Municipal Corporations under the supervision of Ward Councillors to eliminate hot-spots and to avoid creation of new hot-spots. We further direct the Municipal Corporations to impose penalties on violators. The Rural Development Department is directed to take responsibility of collection and disposal of garbage in their respective areas and clear the hot-spots in the adjoining areas in a systematic manner.

(xii) The Committee noticed that as per the administrative structure of ULBs, all the major decisions are being taken in the house headed by President/Vice President. It was

observed that in most of the ULBs, the elected bodies are either reluctant or opposing the issue pertaining to the measures required to be taken in SWM and only EO/Secretary of the concerned ULBs are held responsible for any lapse. In the given facts and circumstances, we deem it appropriate to direct that henceforth all the Committee Members including the entire elected bodies especially President, Vice President shall be responsible for the speedy and effective implementation of the environmental laws and they shall be accountable individually as well as jointly.

(xiii) The Committee noticed that there was lack of IEC activities to create awareness among masses or continuous IEC activities with a view to create awareness at the level of the ULBs. In this view of the matter, the IEC activities henceforth shall not only be undertaken by the ULBs but also by other stakeholders as safe environment is everyone's responsibility.

(xiv) For IEC activities, NGOs/Yuvak Mandal/Self Help Groups/Beopar Mandals/NYKs/Mahila Mandals are ordered to be associated or Ward Sanitation Committees are ordered to be strengthened and activated by ULBs under the supervision of Ward Councillors.

(xv) The Committee noticed that land was not being provided or made available in the urban areas and such land was being identified in the rural areas where the Panchayats were not granting NOCs for transfer of land even if land was not adjoining to any human habitation. Therefore, in the given facts and circumstances, the Deputy Commissioner is directed to process the land cases in time bound manner of three months and in case NOC of transfer of land is not granted, then appropriate action under the Panchayati Raj Act be taken against such Pradhan. These directions will equally apply to the Forest Department as land transfer cases in forest areas are being delayed un-necessarily.

(xvi) Lastly, the Committee noticed that there was non-availability of land for developing sanitary landfill in each ULB and quantity of inert waste was also very less. In the given circumstances, we deem it appropriate to issue following directions:

The inert waste is permitted to be disposed of while building roads, backfilling in retaining walls or filling up of appropriate areas on hilly areas as per Swachh Bharat Mission Municipal Solid Waste Management Manual, MoHUA. As regards, development of landfill sites, the same can be considered on cluster basis which can meet the requirement of other ULBs on payment basis by cluster ULBs.

App of Municipal Corporation, Shimla:

24. We are informed at the Bar that an App had been developed by the National Informatics Centre ("NIC") for redressal of grievance relating to the Municipal Corporation, but the same appears to have been disbanded or discontinued. The Municipal Corporation is directed to inform the Court about the status of the App by the next date of hearing. In case, it is inactive for any

reason whatsoever, the same shall be activated by getting in touch with the NIC.

Plastic Flexi Hoardings/Banners in Shimla:

25. We are informed at the Bar that as regards the Ministry of Environment, Forest and Climate Change of the Government of India, it has already banned the banners appearing flexi vide its order dated 09.03.2020. In addition thereto, some of the cities like Chennai, Bengaluru and Pune have taken measures to ban or restrict the use of plastic flexi banners due to concerns about environmental impact, visual pollution and safety hazards. The States like Kerala, Karnataka, Nagaland and Maharashtra have introduced bans and statewise regulations regarding plastic flexi banners. Whereas, in the State of Himachal Pradesh, such banners upto 100 are still being permitted.

26. In the facts and circumstances, we leave it to the Chief Secretary to the Government of Himachal Pradesh to take a call and while doing so, the Chief Secretary shall consider the fact which has prevailed upon the States like Kerala, Karnataka, Nagaland and Maharashtra to ban the use of plastic flexi banners.

27. In addition thereto, the Chief Secretary may also take into consideration the following points as suggested by Shri Deven Khanna, Advocate, for the petitioners:

1. Hazardous Material:

Plastic Flexi is the most environmentally hazardous consumer material ever produced. In the process of its manufacture, toxic gases are produced. It is non biodegradable material which cannot be recycled and, therefore, of no resale value. The two sources for putting an end to the used Plastic Flexi are either to burn or to bury underneath the soil. If it is burnt, it will release highly toxic chlorine, dioxins and furan, which are carcinogenic, means any substance, radionuclide of radiation that is an agent directly in causing cancer. On the other hand, if it is buried to the soil, the toxins will enter into the water by leaching.

2. Visual Pollution:

The widespread use of Plastic Flexi banners leads to visual pollution in public spaces. Excessive signage and advertising clutter streets and diminish the aesthetic appeal of city and is an antithesis to the beautification of Shimla project.

3. Safety Conerns:

Plastic Flexi banners, when not installed properly can pose safety hazards. They may fall or become dislodged during adverse weather conditions, potentially causing accidents or injuries. Most of the banners are just left lying around in the open or thrown in the water streams significantly adding to the plastic waste problem and impacting the health and environment of the residents/citizens.

4. Resource Consumption:

The production of Plastic Flexi banners consumes significant resources including energy and raw materials. Banning or regulating their use can help conserve resources and reduce energy consumption.

5. Aesthetic Value:

Banning Plastic Flexi banners can contribute to the overall aesthetic value of public spaces, making them more visually pleasing and inviting for residents and visitors.

6. Encouraging Alternatives:

Banning Plastic Flexi banners can encourage the use of more sustainable and environmentally friendly advertising alternatives such as digital signage or eco-friendly materials.”

Waste Audit:

28. Having heard the detailed submissions that were addressed by the parties, we are of the considered view that the entire exercise being undertaken by the Court would not yield its desired results in absence of waste audit.

29. Accordingly, we request the Integrated Mountain Initiative (“IMI”) Society, Shimla, who have conducted similar audit survey in Ladakh, to conduct waste audit as expeditiously as possible and try to hand over their report by 30.09.2024.

30. List on 06.05.2024 when Chief Secretary to the Government of Himachal Pradesh, shall file its compliance affidavit, whereas, PCB, Director (Urban), District Magistrate, Shimla and Commissioners Municipal Corporations shall file their action taken report.”

2. In compliance to the aforesaid directions, the respondents, including the Chief Secretary to the Government of Himachal Pradesh, Environment, Science Technology and Climate Changer, HP Pollution Control Board, Municipal Corporation, Shimla and M.C. Palampur have filed their respective affidavits.

3. We appreciate the endeavours made by the Chief Secretary in ensuring the compliance of the various directions passed by this Court. At the same time, we also appreciate the stand taken by the other departments, more particularly the Municipal Corporation, Shimla in bringing out an action plan for making Shimla a Model Town (supra).

4. The learned counsel for the petitioner in CWP No.2369 of 2018) has given the para-wise compliance of the aforesaid order (23.03.2024) which is as under:-

INDEX OF THE ORDER DATED 23.03.2024

- 1. PART 1 - Extended Producers Responsibility (EPR)**
 - a) **Para (i) to (xi) - EPR**
 - i. EPR Registration Application Deadline:
 - ii. PIBOs and WMAs Coordination with PWP:
 - iii. Upload PWP Details on HPSPCB Website:
 - iv. Recycler Reporting to HPSPCB:
 - v. PIBOs Collaboration with ULBs and GPs:
 - vi. WMAs Consolidated Details Submission:
 - vii. PWPs Tie-Up and EPR Certificate Generation:
 - viii. PIBOs EPR Compliance Progress:
 - ix. RDD Details of Gram Panchayats:
 - x. ULBs EPR Registration Compliance:
 - b) **Para 3:** Brand Owners' Registration and Sales Data Submission
 - c) **Para 4:** Geo-Neutral Concept of EPR Certificates
 - d) **Para 5:** CPCB Direction for State-Specific Plastic Packaging Data
- 2. PART 2 - SOLID WASTE MANAGEMENT**
 - a) **Para 6:** Shimla as a Model Town
 - b) **Para 7:** Amending Municipal Corporation Act Provisions
 - c) **Para 8:** Directive to Amend Municipal Corporation Act
 - d) **Para 9:** Bulk Generators (Waste Generation at Events, Rule 4 Sub-Rule 4 Compliance, Pre-Deposit Requirement)
 - e) **Para 10 and 11:** Training at HIPA
 - f) **Para 10:** Councillor Training and Ward Committee Meetings
 - g) **Para 11:** Directive to HIPA:
 - h) **Para 13:** Manpower/Staff
- 3. PART 3 - GENERAL DIRECTIONS:**
 - a) **Para 14, 15:** Availability of Land
 - b) **Para 17 and 18:** Buffer Zone
 - c) **Para 20 and 21:** Solid Waste Management Charge
- 4. PART 4 - DIRECTIONS ON SUGGESTIONS MADE BY MULTI-MEMBERS COMMITTEE:**
 - a) **Para 23 (i):** ULBs Manpower Deployment
 - b) **Para 23 (ii):** Penalty for Segregation Violation
 - c) **Para 23 (iii):** Safe Transportation of Waste
 - d) **Para 23 Wet Waste (i):** Wet Waste Processing
 - e) **Para 23 Dry Waste (i):** Transport Facilities by Cement Plants

- f) Para 23 Dry Waste (ii): EPR Registration and Funding
- g) Para 23 Dry Waste (iii): SWM Site Maintenance
Para 23 Dry Waste (iv) and (v): Tied Grants and Financial Constraints
- h) Para 23 Dry Waste (vi): Waste Processing Facilities
- i) Para 23 Dry Waste (vii): Nalagarh and Parwanoo ULBs Waste Management
- j) Para 23 Dry Waste (viii): Rationalization of User Charges
- k) Para 23 Dry Waste (ix) and Section (x): User Charges and Arrears
- l) Para 23 Dry Waste (xi): Elimination of Hot-Spots
- m) Para 23 Dry Waste (xii): Responsibility of Elected Bodies
Para 23 Dry Waste (xiii) and Section (xiv): IEC Activities
- n) Para 23 Dry Waste (xv): Land Transfer Cases
- o) Para 23 Dry Waste (xvi): Disposal of Inert Waste
- p) Para 24 - APP for Solid Waste by MCs

5. PART - 5 FLEX

- a) **Para 25, 26 and 27:** Ban on the utilization of flexi banners in the state.
- b) **Para 28 and 29:** WASTE AUDIT:

COMPLIANCE OF THE DIRECTIONS ISSUED IN ORDER DATED 23.03.2024 BY THE CHIEF SECRETARY , URBAN DEVELOPMENT DEPARTMENT (UDD), DEST&CC, HPSPCB AND MC SHIMLA

DIRECTIONS ISSUED IN ORDER DATED 23.03.2024	REPLY FILED BY THE RESPONDENTS <i>(Relevant Extracts from Affidavits filed in first week of May 2024 in compliance to Order Dated 23.03.2024)</i>
PART 1 - EPR	
<p>PARA 2 OF THE ORDER</p> <p>i. All the entities, who have not yet applied for the EPR registration shall submit the cases within one month from today and for any query, the Units shall approach the ROs between 4.00-5.00 p.m.</p>	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>The worthy Chief Secretary directed that the Member Secretary, HPSPCB shall ensure the compliance of Hon'ble High Court directions pertaining to HPSPCB and file compliance affidavit in the Hon'ble Court on the next date of hearing.</p> <p><u>REPLY OF UDD</u></p> <p>Para 10. That it is most humbly submitted that login credentials for 57 ULBs has been generated on the Centralized portal of CPCB for EPR and one more ULBC. NP Narkanda has also been registered but not showing on the Portal Remaining two ULBs. ic. Chirgaon and Nerwa are unable to register as they do not have GST number Once they will provide the GST number they will also be registered on Centralized portal of CPCB for EPR.</p>

	<p>REPLY OF HPSPCB As on date following is the status of the registration issued by State Board:</p> <table border="1" data-bbox="850 548 1406 758"> <thead> <tr> <th>Entity</th> <th>Entities registered</th> </tr> </thead> <tbody> <tr> <td>Producer</td> <td>109</td> </tr> <tr> <td>Importer</td> <td>62</td> </tr> <tr> <td>Brand Owner</td> <td>9</td> </tr> <tr> <td>Plastic Waste Processor</td> <td>40</td> </tr> </tbody> </table> <ul style="list-style-type: none"> The portal has resumed on 25.04.2024. State Board has issued a public notice to PIBOs and PWPs to obtain registration and the same has been uploaded on the website of State Board; https://hppcb.nic.in/PWM/Public_Notice_EPR_PWPs_PIBOs24.04.2024.pdf (copy enclosed as Annexure-I) A meeting was held on 20.04.2024 under the Chairmanship of Member Secretary, HPSPCB in the conference hall of HPSPCB with PIBOs, Plastic Waste Recyclers and ULBs wherein HPSPCB has taken decision to not issue Renewal of the Consent to Operate to entities unless they submit application on the centralized portal for EPR registration. Minutes of meeting is enclosed as Annexure-II. 	Entity	Entities registered	Producer	109	Importer	62	Brand Owner	9	Plastic Waste Processor	40
Entity	Entities registered										
Producer	109										
Importer	62										
Brand Owner	9										
Plastic Waste Processor	40										
<p>ii. The registered Producers, Importers/Brand Owners (“PIBOs”) and Waste Management Agencies (“WMAs”) are directed to explore the registered Plastic Waste Processors (“PWPs”) in the State of Himachal Pradesh as the PWPs are working on very minimal capacity and it otherwise would be more economical to process the waste within the State rather than transporting the same to other State.</p>	<p>REPLY OF HPSPCB In the meeting held on 20.04.2024 all PIBOs (who have obtained registration either from HPSPCB or CPCB) have been directed to ensure the compliance.</p> <ul style="list-style-type: none"> Further, in the said meeting PIBOs submitted the information w.r.t. “<i>EPR Target meet by PWP, Detail of tie up with ULBs or own collection system set, Any proposal for tie up with ULB/ setting up of collection system</i>” etc.” and the same is enclosed as Annexure-III. Further, all PIBOs have been directed to submit the information in the prescribed format. Further in the said meeting all PIBOs (who have obtained registration either from HPSPCB or CPCB) were directed to ensure the compliance of the direction issued by Hon’ble High Court. 										
<p>iii. The HPSPCB shall upload the details of the registered PWPs in State on its website, so that PIBOs can coordinate with PWPs</p>	<p>REPLY OF HPSPCB The information depicting the information “<i>Address, Email, Phone No., Plastic Waste Processing Capacity</i>” has been uploaded on the website of HPSPCB. The link;</p>										

in the State for their EPR fulfillment.	https://hppcb.nic.in/ImpotantLink/Registered_PWPs_in_HP.pdf
iv. Recycler (s) shall submit the detail of the quantity of plastic waste processed to the HPSPCB on quarterly basis.	<ul style="list-style-type: none"> • In the meeting held on 20.04.2024, PWPs were directed to the submit the information to HPSPCB for the period of Jan-March, 24 within 7 days.
v. All the PIBOs shall submit the detail of the plastic waste generated from their product in the State of H.P. and the PIBOs are directed to collaborate with the ULBs and GPs through WMAs and work out the modalities of effective collection, segregation and processing of plastic waste through registered PWPs in the State. A detailed report in this regard shall be submitted to HPSPCB within one month	<ul style="list-style-type: none"> • In the meeting held on 20.04.2024 all PIBOs (who have obtained registration either from HPSPCB or CPCB) have been directed to ensure the compliance. • Further, in the said meeting PIBOs submitted the information w.r.t. "EPR Target fulfilment, Detail of tie up with ULBs or own collection system, Any proposal for tie up with ULB/ setting up of collection system" etc." and the same is enclosed as Annexure-III. • Further, all PIBOs have been directed to submit the information in the prescribed format.
vi. The WMAs are directed to submit the consolidated details such as ; (a) List of PIBOs on behalf of whom they fulfill EPR targets in Himachal Pradesh; (b) Details of plastic waste collection in H.P. (the detail information, shall include the contact agreement with the ULBs/Vendor/Aggregator, storage facilities in HP) (c) Details of the disposal of plastic waste. The details shall be provided for financial year 2022-23 and 2023-24 within 15 days.	<p>REPLY OF HPSPCB</p> <p>As per the record, following WMAs has been identified who are engaged with PIBOs in the State of Himachal Pradesh: -</p> <ol style="list-style-type: none"> 1. EPR Plastic Pvt. Ltd, Plot No 19, New Cotton Market Layout, Behind Hotel Rahul, Ganeshpeth, Nagpur, 440018 2. Gem Enviro Management Private Limited Waste Management Agency (WMA) Reg. office unit no. 203, Plaza-3, Central Square, Bara Hindu Rao, Delhi-110006 3. Recykal Rapidue Technologies Private Limited 401, Janardhan Plaza Gachibowli Hyderabad, Telangana, Code:36 4. The Shakti Plastic Industries 202/203/204/205, 2nd Floor, Business Classic, Chincholi Bunder Road, Malad (W), Mumbai 400064 5. Rekart Innovations (P) Ltd. Corporate Office: 2007, Sector-45, Gurugram, 122003 Reg. Office: 1K/72, NIT Faridabad, Haryana-121001 <p>Despite various directions issued in meetings held on 26.09.2023. 29.02.2024, 01.03.2024 & 20.04.2024 the WMA have not submitted the requisite information.</p>

	In the meeting held on 20.04.2024, the WMAs have been directed to submit the information to HPSPCB within 1 week.
vii. All the registered PWPs are directed to tie up with ULBs/WMAs for the processing of postconsumer waste and start generating the EPR certificate on the Centralized Portal of the CPCB and also ensure the submission of annual report on the portal.	<p>REPLY OF HPSPCB</p> <p>In the meeting held on 20.04.2024, some PWPs submitted the detail w.r.t. EPR certificate generation, Detail of PIBO to whom EPR certificate has been issued, Detail of tie up with ULBs etc. and the same is enclosed as Annexure-IV. It was observed that most of the PWPs do not receive waste from ULBs. Also, most of the PWPs have yet not initiated the EPR certificate generation on the centralized portal.</p> <ul style="list-style-type: none"> • State Board will conduct a webinar/ training session for PWPs and ULBs to give demo regarding EPR Certificate generation/ transfer on the centralized portal of CPCB in the month of May, 2024. • In the meeting held on 20.04.2024 following directions has been issued: - <ul style="list-style-type: none"> ➤ PWPs were directed to start generating the EPR certificate on CPCB portal and submit the annual report on the portal. ➤ Further, all PWPs have been directed shall submit the information in the prescribed format as in Annexure-IV. ➤ Urban Development Department and Urban Local Bodies have been directed to ensure that the informal sector shall not take away the recyclable/ valuable plastic during the collection by ULBs or from the processing site of the ULBs at free of cost. ➤ ULBs shall ensure that the recyclable plastic waste is stored in the shed with proper partition and the same shall be channelized to registered Plastic Waste Processors. ➤ ULBs shall provide training to their staff/ workers so as to identify and segregate different categories of plastic waste (Cat-I, Cat-II, Cat-III, Cat-IV and Cat-V). ➤ Also, UDD have been directed to identify and shortlist the ULBs who have adequate Solid Waste Processing facility so that the identified ULBs can tie up with Plastic Waste Processors/ Recyclers to channelize the plastic waste of optimum quality to PWPs. 9) The identified/ shortlisted ULBs and PWPs shall make an agreement related to the transfer of EPR certificate on the CPCB centralized portal for EPR

	<p>registration under PWM Rules, 2016 in view of the services (i.e. collection, transportation, segregation of plastic waste) provided by ULBs.</p> <p>➤ UDD shall conduct a meeting with Cement Plants operational in the State regarding the issue of transportation of waste for co-processing. Further, an agreement shall be made between UDD and Cement Plants regarding exchange of EPR certificate on the centralized portal of CPCB.</p>
viii. All PIBOs working in the State of H.P. shall submit progress of EPR compliance through online portal on quarterly basis and not through offline mode.	<p><u>REPLY OF HPSPCB</u></p> <p>In the meeting held on 20.04.2024, all PIBOs have been directed to comply with the direction.</p>
ix. Rural Development Department ("RDD") shall provide the details of the gram panchayats wherein the plastic management units are being established within 15 days	<p><u>REPLY OF HPSPCB</u></p> <p>The information is awaited. In the meeting held on 20.04.2024, RDD has been directed to submit the requisite detail within 1 week.</p> <p><u>REPLY OF CHIEF SECRETARY</u></p> <p>Rural Development Department ("RDD") shall provide the details of the gram panchayats wherein the plastic management units are being established within 15 days.</p>
x. All ULBs shall generate their login credentials on the Centralized portal of CPCB for EPR registration as has already been directed by this Court.	<p><u>REPLY OF HPSPCB</u></p> <p>In the meeting held on 20.4.2024, UDD apprised that the login credentials of 32 ULBs has been generated. The credentials of the rest of ULBs shall be generated as and when the portal resumes.</p> <p><u>REPLY OF CHIEF SECRETARY</u></p> <p>It was apprised by Director (UD) that login credentials for 32 ULBs has been generated on the Centralized portal of CPCB for EPR and presently portal is not functional for further generation of login credential for which matter has also been taken up with the HPSPCB to resolve the issue.</p> <p>The Chairman directed that HPSPCB may pursue the matter with CPCB and UDD to complete the registration process of all ULBs as soon as the portal becomes functional.</p>

<p>xi. All the ROs of the Pollution Control Board ("PCB") shall submit progress report on fortnightly basis after coordinating with all the stakeholders, with respect to registration and EPR compliance</p>	<p>REPLY OF HPSPCB As on date following is the status of the registration issued by State Board:</p> <table border="1" data-bbox="818 548 1435 763"> <thead> <tr> <th>Entity</th> <th>Entities registered</th> </tr> </thead> <tbody> <tr> <td>Producer</td> <td>109</td> </tr> <tr> <td>Importer</td> <td>62</td> </tr> <tr> <td>Brand Owner</td> <td>9</td> </tr> <tr> <td>Plastic Waste Processor</td> <td>40</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • The portal has resumed on 25.04.2024. • State Board has issued a public notice to PIBOs and PWPs to obtain registration and the same has been uploaded on the website of State Board https://hppcb.nic.in/PWM/Public_Notice_EPR_PWPs_PIBOs24.04.2024.pdf (copy enclosed as Annexure-I). • A meeting was held on 20.04.2024 under the Chairmanship of Member Secretary, HPSPCB in the conference hall of HPSPCB with PIBOs, Plastic Waste Recyclers and ULBs wherein HPSPCB has taken decision to <u>not issue Renewal of the Consent to Operate to entities unless they submit application on the centralized portal for EPR registration.</u> <p>REPLY OF MUNICIPAL CORPORATION SHIMLA The matter in this regard is under process.</p>	Entity	Entities registered	Producer	109	Importer	62	Brand Owner	9	Plastic Waste Processor	40
Entity	Entities registered										
Producer	109										
Importer	62										
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<p>PARA 3 TO 5: PERTAINS TO CPCB</p> <p>PARA 3. The brand- owners, who are operational in more than two States, are registered by CPCB on the centralized portal. During the registration and after obtaining registration, these brand- owners are required to submit sales detail of the commodity packed in plastic packing. The data of sales submitted is based on the GST invoice and the portal is linked with the GST portal. However, we find that there is no bifurcation with respect to quantification of plastic packaging reaching to a specific State.</p> <p>PARA 4. Further, the EPR certificates to be purchased by PIBOs from PWPs is a geo neutral concept. The PIBO operational in State of Maharashtra can purchase the EPR certificate from PWP in West Bengal. The State Board has raised the issue regarding quantification of the plastic packaging being introduced by various PIBOs in the State of Himachal Pradesh, however, the same has been denied as the EPR mandate is geo-neutral.</p> <p>PARA 5. The CPCB is directed to ensure that brand-owners submit the details of the plastic packaging sold in the State of Himachal Pradesh so that the EPR fulfillment of those brand-owners can be ensured within the State of H.P.</p> <p><i>(Copy of the Reply filed by CPCB for the above directions is taken on record and will be dealt with in next date of Hearing)</i></p>											

<u>PART 2</u>	
<u>SOLID WASTE MANAGEMENT:</u>	
<u>Role of Municipal Corporation:</u>	
<p>Para 6:</p> <p>To make Shimla as the Model Town, so that, what is achieved in Shimla, could be replicated in other ULBs.</p>	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>It was directed that Commissioner, Municipal Corporation Shimla shall ensure strict implementation of SWM Rules, 2016. Status on action taken and future action plans be submitted to Director, UD immediately.</p> <p>MC SHIMLA in first week of May 2024 has filed its affidavit alongwith 'ACTION PLAN' for making Shimla a model town.</p>
<p>Para 7 (Amending the provisions of Municipal Corporation Act)</p> <p>Section 44-H of the Himachal Pradesh Municipal Corporation Act, 1994, (for short, "Act"), provides for the duties and functions of the Ward Committees and one of such duties as prescribed in sub-section (c) is to provide assistance in solid waste management in the ward. Unfortunately, the Municipal Corporation Act was enacted in the year 1994 and even the rules, regulations and bylaws have been framed around the same time i.e. 1994. Whereas, the Solid Waste Management Rules have been enacted and have come into force only with effect from 01.04.2016 and despite this the provisions of the municipal laws, be it Municipal Corporation Act, Rules and Byelaws framed thereunder have not been amended so as to give municipal authorities the desired authority to enforce the provisions of the environmental laws</p>	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>It was decided that Principal Secretary (UD) shall constitute a committee which shall submit a detailed proposal for amending the provisions of Municipal Corporation Act, Rules, Regulations, Bye laws etc. suitably to give municipalities the desired authority to enforce the provision of various environmental Laws that have come into force after enactment of Himachal Pradesh Municipal Corporation Act,1994 and similar proposal for amending Himachal Pradesh Municipal Act,1994 and Rules be also submitted.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA TO PARA 7 AND 8</u></p> <p>Action has been taken as mentioned above in reply to the para- 7. It is further submitted that Municipal Corporation Shimla has formulated "<u>Door-to-Door Garbage Collection & Disposal Bye-Laws- 2018</u>" which has been notified on dated 24th April, 2020 in the Gazette of Himachal Pradesh. (Annexure-II)</p> <p>It is further submitted that the action as mentioned under the provision of Rule- 4 have also been initiated.</p> <ol style="list-style-type: none"> 1. (a) MC Shimla has started the segregation of waste at source and the generators of the waste are requested to segregate the waste at source as per the said Rules. And handover the segregated waste to the authorized workers of MC Shimla through SEHB Society. 2. (b) The construction and

including are not restricted to either "SWMR 2016" or Plastic Waste Management Rules, 2016, ("PWMR 2016"), Construction and Demolition Waste Management Rules, 2016, and other Rules and Act that have come into force after coming into force the Municipal Corporation Act and the Municipal Act, 1994.

PARA 8

The Chief Secretary to the Government of Himachal Pradesh is directed to immediately take steps for **amending the provisions of the Municipal Corporation Act, Rules, Regulations, Byelaws etc.** The respondents including the Municipal Authorities and the Pollution Control Board are directed to enforce with all its rigour, the provisions of Rule-4

demolition waste is not allowed to be mixed with the Municipal Solid Waste. Permission for the transportation of C&D waste separately are issued by MC Shimla to the individual waste generators or bulk waste generators of C&D waste.

3. MC Shimla has implemented the Door-to-Door garbage collection scheme in whole of Shimla town. The public places/streets/paths etc. are also cleaned by the sanitation worker deployed by MC Shimla/SEHB Society. The throwing /burial or burning of waste by the waste generators is not allowed. If any such incidence is noticed, notices/challans are done to the defaulters.

4. As mentioned above, MC Shimla has implemented the door-to-door garbage collection scheme and imposed the user charges for 13 different categories (Annexure-III).

5. Further to the point mentioned under Rule-4 that "No person shall organize an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organizer of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body.", it is submitted that the notification/orders in this regard shall be issued by MC Shimla for the compliance of this direction.

6. Street vendors are directed to keep suitable contained for storage of waste and handover the same to the authorized door-to-door garbage collectors or deposit such waste in the litter bins or in the garbage collecting vehicle in the area/zone.

7. The Resident Welfare Associations (RWA) are involved in the special cleanliness campaigns. The RWAs are also involved for the segregation of the waste in their locality and shall further be motivated to properly segregate and handover the waste to the authorized workers of MC Shimla. Similarly the waste is also collected from the communities/establishments and all the institutions having area more than 5000 sq. meter. They shall also be motivated to participate in the cleanliness drives and manage their waste as per the said Rules.

The waste is also collected by the workers of SEHB Society from all the hotels and

	<p>restaurants. The bulk waste generators have been directed to manage their wet waste through composting or bio-methanation within their premises or through joint planning.</p>
<p>Para 9: (BULK GENERATORS) As a lot of waste is generated on occasions like marriage, birthday, retirement party etc., where the venue is other than a hotel and waste is shamelessly littered and scattered everywhere. However, we find that the Municipal Authorities are not so toothless so as to enable them to deal with such a situation because sub-rule 4 of Rule 4 clearly provides that no person can organize an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organizer of such event is required to ensure the segregation of waste at source and handing over of segregated waste to waste collector agency as specified by the local bodies. If the person or organiser has in the past not complied with the provisions of sub-rule (4) of Rule 4, then we permit the Corporation to demand a pre-deposit of at least Rs.10,000/- from the person or the organiser where the gathering is more than 100 persons up to 200 persons and likewise thereafter demand an additional Rs.10,000/- per 100 persons and refund the money to the person or the organiser, as the case may be, but only after deducting the necessary amount spent on the segregation, handing over and</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Director (UD) apprised the Chairman that directions have already been conveyed to ULBs to ensure the strict compliance of the sub-rule 4 of Rule 4. The Chairman directed all ULBs/stakeholders to implement the same strictly.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA TO PARA 7 AND 8</p> <p>The provisions of sub-rule (4) of Rule 4 are being implemented in the jurisdiction of MC Shimla.. The list of User Charges imposed is attached as Annexure-III. It has been observed that a lot of waste is generated on occasions like marriage, birthday, retirement party etc., where the venue is other than a hotel and waste is shamelessly littered and scattered everywhere. As directed by the Hon'ble Court the provisions of financial implications as mentioned under this said Clauses/Rules shall be imposed by making amendments in the Garbage User Charges list. However, presently, the provision for the placing of dumper/vehicle is made under the user charges.</p>

<p>transportation of the waste and after levy of an appropriate penalty. The Municipal Authorities may consider amending its rules on the aforesaid lines.</p>	
<p>Para 10 and 11 (TRAINING AT HIPA)</p> <p>10. There is no adequate training of the Councillors even though he/she is he President of the Ward Committee in terms of Section-44-C(3). Even the meetings of the Ward Committee, as envisaged under Section 44-D of the Act, to be conducted at least once in two months for discussing the developmental issues and plans of the ward concerned, are not held and, if held, then there is no discussion at all regarding providing of assistance in solid waste management in ward as statutorily provided for in Section 44-H (c). This is the salutary provision but has not been followed with all its rigour.</p> <p>11. Himachal Pradesh Institute of Public Administration, Fairlawns, Shimla, ("HIPA") is directed to conduct at least a week-long course of all the Councillors apprising them of not only the provisions as contained in Municipal Laws, but also the various provisions of the Environmental Laws.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Director (UD) apprised that directions have already been issued to Director, HIPA to organize a training programme for councilors in consultation with Municipal Corporations. The Chairman directed that Commissioner, Municipal Corporation Shimla may pursue the matter with Director, HIPA.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>As directed by the Hon'ble Court, the Himachal Pradesh Institute of Public Administration, Fairlawn, Shimla, ("HIPA") will be requested to conduct at least a week-long course of all the Councilors apprising them of not only the provisions as contained in Municipal Laws, but also the various provisions of the Environmental Laws.</p>
<p>Para 13: (MANPOWER/STAFF)</p> <p>The Chief Secretary to the Government of Himachal Pradesh is directed to convene a meeting of the Secretary, Urban Local Bodies ("ULBs") along with Municipal Commissioners of the Municipal</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Director (UD) apprised that as per the existing staffing structure of Urban Local Bodies, the following 05 categories of posts are sanctioned/created for sanitation related work in the ULBs;_</p> <ol style="list-style-type: none"> 1) Chief Sanitary Inspector 2) Sanitary Inspector 3) Sanitary Supervisor

<p>Corporations and the Secretaries of the Municipal Councils and ensure that adequate manpower is provided to these Municipal Authorities for which the non-availability of finance will be no excuse.</p>	<p>4) Sanitary Jamadar 5) Safai Karamchari</p> <p>Thereafter, the vacant positions of these sanitation-related posts in ULBs were also discussed in detail. The Pr. Secretary (UD) to the Govt. of H.P. apprised the Chairman that presently there is no vacant post of Chief Sanitary Inspector in the ULB. However, 35 posts of Sanitary Inspector, 27 posts of Sanitary Supervisors, 12 posts of Sanitary Jamadar and 789 posts of Safai Karamcharies are lying vacant in the ULBs at present. It was further apprised that the vacant posts of Sanitary Inspectors and Sanitary Supervisors could not be filled up due to the reason that the R&P rules of these categories are under process which will be finalized shortly. However, the vacant posts of Sanitary Jamadars, which are 100% promotional posts, will be filled up by promotion through the respective ULBs. The Pr. Secretary (UD) to the Govt. of H.P. further apprised the worthy Chief Secretary that the cadre of Safai Karamchari has been declared as dying cadre by the Govt.</p> <p>The Director (UD) further apprised that work of collection, transportation and disposal of waste has been outsourced in most of the ULBs and only supervisory staff is required for monitoring the process of waste management in the ULBs. Further, it was also informed that Govt. has already given the approval for recruitment of 22 nos. of Sanitary Supervisor on outsource basis for which recruitment is under process.</p> <p>After detailed discussion and deliberation, it was directed by the worthy Chief Secretary that remaining vacancies of Sanitation Staff as per requirement be submitted to Govt. for approval and the ongoing process of recruitment may be concluded at the earliest.</p>
<p>PART 3 - GENERAL DIRECTIONS:</p>	
<p>Para 14, 15 (AVAILABILITY OF LAND)</p> <p>The State Government is directed to take immediate steps for making land for SWM facility to be available and file a status report on the next date of hearing.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that all the Deputy Commissioners in the State to take immediate necessary steps to facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in their district. Further, the Forest department was directed to look after the land cases where FCA is</p>

	<p>required on priority basis. The Deputy Commissioners will monitor land cases on fortnightly basis.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA</u></p> <p>The Land is available with MC Shimla. The Waste to Energy plant has been set up at Bhariyal and the Land for Landfill Site is also available. However, for the development of C&D Waste three sites have been proposed and the cases are pending before the Nodal Officer for the clearance under FCA.</p>
<p>Para 17 and 18: (BUFFER ZONE)</p> <p>It is informed that even where these sites are available, no steps, at the first instance, have been taken to prepare and create a green buffer zone and straight away the solid waste is being dumped.</p> <p>If the site is unmanageable or has not been made available to the ULBs for SWM facility, then before dumping any solid waste on the said sites the same needs to be developed by creating a buffer zone. The Secretary (Urban Development) and the District Magistrate, Shimla, who have been entrusted with the duties under SWMR, 2016 shall file their personal affidavits regarding due compliance of Rules 11 and 12 on the next date of hearing.</p>	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>The Director (UD) apprised that there are 16 ULBs in the State where generation of waste is more than 5 TPD and where there is a need to create a green buffer zone. It was directed that concerned ULBs shall check the feasibility and create buffer zone as per requirement of SWM Rules 2016.</p> <p><u>REPLY BY UDD</u></p> <p>Para 9. That the Deponent, vide letter dated 29.04.2024 Annexure R-8 requested Municipal Corporation Shimla, Mandi, Palampur, Dharamshala, Solan and Executive Officer / Secretary, Municipal Council / Nagar Panchayat, Baddi, Bilaspur, Chamba, Hamirpur, Kangra, Nalagarh, Nahan, Paonta Sahib, Sunder Nagar, Baijnath, and Una to take further necessary action to identify and notify Green Buffer Zone for SWM processing and disposal facility in consultation with the Regional Officers of H.P State Pollution Control Board. It is worthwhile to submit here that there are 16 ULBs in the State where generation of waste is more than 5 TPD and where there is a need to create a green buffer zone. It was directed that concerned ULBs shall check the feasibility and create buffer zone as per requirement of SWM Rules 2016.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA</u></p> <p>As mentioned above, the Land is available with MC Shimla. The Waste to Energy plant has been set up at Bhariyal and the Land for Landfill Site is also available.</p> <p>The demarcation of the site has been got done and the tender for the fencing of the site has been awarded. After that the Forest Department shall be requested to develop</p>

	the Green Buffer Zone at the Solid Waste Management Site at Bhariyal by growing the locally fast growing species which will fit in the local environment.
<p>Para 20 and 21: (SOLID WASTE MANAGEMENT CHARGE)</p> <p>The State Government to empower the Local Bodies to levy solid waste management charges upon tourists at the entry point to make the solid waste management services sustainable.</p> <p>The Government could take a cue from Bhutan where in September, 2022, it imposed a sustainable development fee of dollars 200 per day per visitor. However, fee was cut by half from September 2023 and fixed at dollar 100 per day per tourist and in the case of children age 6 to 12 years, they were required to pay dollar 50 per child and there was no fee for children age 5 or under.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that UDD shall prepare a proposal to levy tax on tourists at entry points of the State in the form of sustainable development fee w.r.t. State Environment Cess fee/Waste Management fee after examining the Bhutan Model and submit the proposal for the consideration of Govt.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>The matter with regard to levying of solid waste management charges at the entry points to make the solid waste management services sustainable was discussed during the meeting held under the Chairmanship of Addl. Director, UD in the meeting hall of Urban Directorate on dated 27.04.2024. It was discussed and deliberated that this fee may be charged at the entry points to Himachal Pradesh through the staff of Excise Department and the mechanism for the same may be finalized at level of Govt. of Himachal Pradesh.</p> <p>Thus, further action needs to be taken at the level of Govt. of Himachal Pradesh.</p>
<p>PART 4</p> <p><u>Directions on suggestions made by Multi-members Committee:</u></p>	
<p>Para 23 Section (i):</p> <p>The ULBs are directed to deploy sufficient manpower for ensuring 100% segregation and collection and it should be ensured through outsource agencies as well.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>It was directed that ULBs shall deploy sufficient manpower for ensuring 100% segregation and collection through outsource agencies as well.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>For 100% segregation and collection, sufficient manpower has been deployed by MC Shimla through SEHB Society. Further man power shall be deployed as and when required.</p>

<p>Para 23 Section (ii):</p> <p>Strict penalty will be imposed by the ULBs for violation of segregation at source and littering.</p>	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>It was directed that ULBs, HPSPCB and other line departments should take necessary steps to prohibit littering and open dumping and impose strict penalty on violators. The ULBs shall ensure strict compliance of SWM Rules and submit action taken report to Director (UD) on monthly basis.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA</u></p> <p>204 nos. of challans under the HPMC Act, 1994/SWM Rules, 2016 have been imposed for the violation of segregation at source and littering.</p>
<p>Para 23: Section (iii):</p> <ul style="list-style-type: none"> • Only compartmentalized vehicles shall be utilize for the safe transportation of segregated waste by ULBs. • It shall be ensured that same shall be a mandatory condition for outsourced agencies deployed for this purpose. • The funds, if any, required for compartmentalizing by ULBs shall be met out from the tied grants or out of their own resources. 	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>It was directed that ULBs shall ensure 100% segregation at source collection and transportation till scientific disposal. ULBs shall ensure that segregated waste is transported in compartmentalized vehicles.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA</u></p> <p>For the safe transportation of segregated waste compartmentalization of garbage collection vehicles has been ensured. MC Shimla has deployed compartmentalized 34 nos. Covered garbage tippers, 15 nos. Pick-up vehicles and 1 Swachhta Vahan. Besides this, MC Shimla has also deployed 3 tippers, 5 compactors, 1 litter picking machine, 1 jetting & grabbing machine and 2 road sweeping machines.</p>
<p>Para 23 Wet Waste Section (i):</p> <ul style="list-style-type: none"> • Looking to the quantum of waste generation per day in ULBs which varies from 0.5 TPD to 100 TPD, the ULBs are directed to process the same through mechanized composting with latest equipment's like Organic Waste Composters. • On the similar lines, decentralized drum composting can be 	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>It was directed that ULBs may adopt the best available technology for treatment of wet waste as per their geographic/climatic conditions. Further, Bulk Waste Generators shall be identified i.e. Industrial units/Tourism Units/Hospitals/ Hotels/ Temple Trust/ Police lines/Training Institutes/PGs/ Educational Institutes/APMC and other line departments in the State and may direct them to treat their wet waste onsite as per the provisions of SWM Rules, 2016.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA</u></p>

<p>used for processing.</p> <ul style="list-style-type: none"> • Pit composting can also be considered but only in the lower parts of Himachal Pradesh where temperature generally remains high. 	<p>MC Shimla has set up a 100 TPD Waste to Energy plant at Bhariyal which is based upon Gasification Technology through Refuse Derived Fuel (RDF). Further, for setting up of a 15 TPD Bio-methanation plant at Bhariyal, the process has been initiated and Request for Proposal (RFP) has been floated. The bulk waste generators are directed to process their wet waste through organic waste converter/drum composting etc. Similarly, MC Shimla has also set up a 1 TPD Bio-methanation Plant at STP Lalpani.</p>
<p>Para 23 Dry Waste Section (i): The cement plants are directed to provide transport facilities for the dry waste under Corporate Social Responsibility.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The chairman directed to cement plants that they should <u>ensure transport facilities for the dry waste under Corporation Social Responsibility</u> and comply with the directions of Hon'ble High Court w.r.t. 2369 of 2018. The Industry Department/HPSPCB shall issue separate necessary directions in this regard to all the cement plants operational in the State.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>The Municipal Solid Waste transported to the Waste to Energy Plant at Bhariyal is converted into RDF for further use to generate electricity. Partially the RDF is used for the production of electricity and partially RDF is also transported to the cement plant on daily basis by the project proponent i.e. M/s Elephant Energy Pvt. Ltd.</p>
<p>Para 23 Dry Waste Section (ii):</p> <ul style="list-style-type: none"> • All the ULBs, who are yet to register in centralized EPR portal of CPCB to earn credits in plastic waste management and CPCB/HPSPCB are directed to get themselves registered and thereafter provide all necessary support to ULBs to channelize funds from brand-owners. • Since, the financial position of the ULBs is weak, they are not in a 	<p>REPLY OF CHIEF SECRETARY</p> <p>The chairman directed that Director, DEST&CC shall review the plastic buy back policy and put up proposal to the Government accordingly.</p> <p>REPLY OF Department of Environment, Science, Technology & Climate Change (DEST&CC)</p> <p>That the Hon'ble High Court was also pleased to direct the department to provide funds to the ULBs to enforce plastic buyback policy since their financial position is weak. It is submitted that under Buy Back Policy, non-recyclable single use plastic waste is being purchased from registered rag pickers and individual households @ ₹75/- per kg. since 1st October, 2019. As per the Policy Guidelines the yearly estimated budget requirement are</p>

<p>position to enforce plastic buyback policy effectively.</p> <ul style="list-style-type: none"> Therefore, we direct the Department of Environment, Science and Technology (DEST) to provide funds. 	<p>₹ 56, 25, 000/- per year and the provision to meet out the budget is made in the in following manner:-</p> <ol style="list-style-type: none"> 1st year: 50% (DEST) +50% (SPCB). 2nd & 3rd year: 10% (DEST) +20%(SPCB)+20% (RD)+30% (UD)+20%(EPR) 4th & 5th year: 10% (DEST) +20%(SPCB)+20% (RD)+30% (UD)+20%(EPR) 6th year onwards: 100% (UD & EPR) <p>As per the provision of the Policy so far the funds are being provided by the DEST&CC to the ULBs through UD Department against the claims submitted after approval of the State Steering Committee. Till date, the DEST&CC has released ₹99,64,865.50/- (up to F.Y. 2022-23) i.e. 100% claim after approval from State Steering Committee. The claims amounting to ₹13,03,946/- received for F.Y. 2023-24 will be approved in 7th State Steering Committee Meeting being convened soon and funds are to be released by DEST&CC, SPCB, UDD, RDD and EPR as per the provisions in the policy.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>Municipal Corporation Shimla is in the process to register itself in centralized EPR portal of CPCB to earn credits in plastic waste management. Similarly MC Shimla is also implementing the plastic buy-back policy. It is further submitted that plastic is also part of RDF which is mostly being collected on the dry waste collection days i.e. Tuesday and Friday.</p>
<p>Para 23 Dry Waste Section (iii): The SWM sites throughout the State shall be properly roof-topped, fenced and covered so as to ensure that no animals enter into the SWM facilities and further carry out plantation around the sites.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that SWM sites throughout the State shall be properly roof-topped, fenced and covered so as to ensure that no animals enter into the SWM facilities and further carry out plantation around the sites. Further, funds if required by ULBs shall be met out from tied grants or out of their own resources.</p>
<p>Para 23 Dry Waste Section (iv) and (v):</p> <ul style="list-style-type: none"> The State Government may consider tied grant for SWM under the State 	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that Director (UD) shall prepare and submit the proposal for consideration of State Finance Commission on analogy of Centre Finance Commission</p>

<p>Finance Commission on the analogy of Centre Finance Commission to assist ULBs in effectively carrying out these activities.</p> <ul style="list-style-type: none"> As observed above, the financial position of the ULBs is very lean and, therefore, they are unable to enforce provisions of law on account of lack of manpower and resources. 	<p>to assist ULBs in effectively carrying out these activities.</p>
<p>Para 23 Dry Waste Section (vi): The Industry Department has executed an agreement between Baddi-Barotiwala-Nalagarh Development Authority ("BBNDA"), ULBs and M/s JBR Technologies for collection, transportation and processing of solid waste of MCs, Baddi, Parwanoo, Nalagarh and 42 Gram Panchayats, but despite various directions and efforts made by Urban Development Department, M/s JBR is not able to ensure proper collection and transportation of waste at the site which is creating huge problems for these ULBs.</p> <p>In such circumstances, we direct the ULBs to consider installing their own waste processing facilities through various line departments like HPSPCB, Industry, Tourism, APMC etc. while giving NOCs for registration of new establishments and thereafter their renewal</p> <p>Para 23 Dry Waste Section (vii): The Nalagarh and Parwanoo ULBs have their own capacity to manage the waste. Therefore, both the ULBs are directed to reconsider the agreement</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that comments of Executive Officers, Parwanoo and Nalagarh shall be taken by CEO, BBNDA and proposal be sent to Govt. after looking the clauses of the agreement to reconsider the agreement to manage their waste at their site. Meanwhile, Nalagarh and Parwanoo shall also prepare their action plans to manage waste at their own level.</p>

<p>to manage their waste at their own level.</p>	
<p>Para 23 Dry Waste Section (viii): A huge gap between the cost of collection, transportation and processing charges for MSW and user charges collection. As the user charges being collected are very less as compared to the processing cost in all the ULBs, in these circumstances, it is directed that all the ULBs will rationalize their user charges as per the expenditure being incurred by them on the solid waste by making necessary amendments in their byelaws. The ULBs are directed to ensure that the user charges being collected from the waste generators should at least be at par with collection and transportation charges.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>It was directed that ULBs to rationalize their user charges as per the expenditure being incurred by them on the solid waste by making necessary amendments in their bye laws. Collection of user charges shall be at par to meet at least garbage collection and transportation charges.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>MC Shimla has imposed the user charges as per the list attached. The user charges may be re assessed as per the directions issued by the Hon'ble Court in order to meet out the collection and transportation charges.</p>
<p>Para 23 Dry Waste Section (ix) and Section (x):</p> <ul style="list-style-type: none"> • It is difficult for the ULBs to make themselves sustainable and recover processing cost. In these circumstances, it is directed that the user charges which are not being paid by the waste generators shall henceforth be treated as arrears. • Arrears on account of door-to-door garbage collection/fines defaulted by the violators shall be included in the property tax of the next financial year as arrear so as to improve the financial condition of the ULBs. 	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that all the ULBs shall devise the mechanism so that arrears on account of door-to-door garbage collection/fines defaulted by the violators be included in the property tax on the next financial year as arrear. The necessary amendments in the bye laws and rules be carried out if necessary.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>The matter with regard to recovery of the solid waste management charges to make the solid waste management services sustainable was discussed during the meeting held under the Chairmanship of Addl. Director, UD in the meeting hall of Urban Directorate on dated 27.04.2024. It was discussed and deliberated that the arrear of the door to door garbage collection fee/fines shall be included in the property tax of the next financial year as arrear so as to improve the financial condition of the ULBs. It was discuss to amend the relevant Clauses of the HPMC Act accordingly.</p>

	Thus, further action needs to be taken at the level of Govt. of Himachal Pradesh.
<p>Para 23 Dry Waste Section (xi): It is directed that dedicated teams be constituted by all the five Municipal Corporations under the supervision of Ward Councillors to eliminate hot-spots and to avoid creation of new hot-spots. We further direct the Municipal Corporations to impose penalties on violators. The Rural Development Department is directed to take responsibility of collection and disposal of garbage in their respective areas and clear the hot-spots in the adjoining areas in a systematic manner.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>It was directed that dedicated teams be deployed by ULBs for elimination of hot spots. The penalties shall be strictly imposed by the ULBs on the violators. Further, RDD shall devise a mechanisms so that gram panchayats shall treat their waste at their own and clear the hotspots in the jurisdiction of PRIs and further HPSPCB is directed to take a strict action against the PRIs for open dumping especially in peri-urban areas.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>The MC Shimla has already given permission to the surrounding panchayats to bring their dry waste at the existing W2E Plant and the same shall be continued.</p>
<p>Para 23 Dry Waste Section (xii): The Committee noticed that as per the administrative structure of ULBs, all the major decisions are being taken in the house headed by President/Vice President. It was observed that in most of the ULBs, the elected bodies are either reluctant or opposing the issue pertaining to the measures required to be taken in SWM and only EO/Secretary of the concerned ULBs are held responsible for any lapse. In the given facts and circumstances, we deem it appropriate to direct that henceforth all the Committee Members including the entire elected bodies especially President, Vice President shall be responsible for the speedy and effective implementation of the environmental laws and they shall be accountable individually as well as jointly.</p>	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that elected members shall be sensitized about the Hon'ble High Court Orders w.r.t 2369 of 2018 by the ULBs. Further, ULBs were directed to put up the directions issued by the Hon'ble High Court before the House of ULBs and to bring into the notice of entire house for strict compliance.</p>

<p>Para 23 Dry Waste Section (xiii) and (xiv):</p> <ul style="list-style-type: none"> • There is lack of IEC activities to create awareness among masses or continuous IEC activities with a view to create awareness at the level of the ULBs. In this view of the matter, the IEC activities henceforth shall not only be undertaken by the ULBs but also by other stakeholders as safe environment is everyone's responsibility. • For, IEC activities, NGOs/Yuvak Mandal/Self Help Groups/Beopar Mandals/NYKs/Mahila Mandals are ordered to be associated or Ward Sanitation Committees are ordered to be strengthened and activated by ULBs under the supervision of Ward Councillors. 	<p>REPLY OF CHIEF SECRETARY</p> <p>The Chairman directed that IEC activities shall be organized periodically by all the stakeholders and ward sanitation committees to be strengthened and activated by ULBs under the supervision of Ward Councillors as per directions of Hon'ble High Court.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>MC Shimla has formulated the ward committees and various IEC activities are carried out. Further, as directed by the Hon'ble Court for, IEC activities, NGOs/Yuvak Mandal/Self Help Groups/Beopar Mandals/NYKs/Mahila Mandals shall be associated and Ward Sanitation Committees shall be strengthened and activated by MC Shimla under the supervision of respective Ward Councillors.</p>
<p>Para 23 Dry Waste Section (xv):</p> <ul style="list-style-type: none"> • The Deputy Commissioner is directed to process the land cases in time bound manner of three months and in case NOC of transfer of land is not granted, then appropriate action under the Panchayati Raj Act be taken against such Pradhan. • These directions will equally apply to the Forest Department as land transfer cases in forest areas are being delayed un-necessarily. 	<p>REPLY OF CHIEF SECRETARY</p> <p>The Deputy Commissioner(s) in the State and Forest Department, HP has been directed to comply the directions of Hon'ble High Court w.r.t. 2369 of 2018 and status be submitted to UDD.</p>
<p>Para 23 Dry Waste Section (xvi):</p> <ul style="list-style-type: none"> • There is a non-availability of land for developing sanitary landfill in each ULB and quantity of inert waste 	<p>REPLY OF CHIEF SECRETARY</p> <p>It was directed that ULBs may initiate identification of land for landfill sites on cluster basis in ULBs where quantum of inert waste is high and which can also cater to the nearby ULBs.</p>

<p>was also very less. In the given circumstances, we deem it appropriate to issue following directions:</p> <ul style="list-style-type: none"> • The inert waste is permitted to be disposed of while building roads, backfilling in retaining walls or filling up of appropriate areas on hilly areas as per Swachh Bharat Mission Municipal Solid Waste Management Manual, MoHUA. • As regards, development of landfill sites, the same can be considered on cluster basis which can meet the requirement of other ULBs on payment basis by cluster ULBs. 	<p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>The Landfill Site for dumping of the inert material is available with MC Shimla. For the development of Landfill Site the tenders shall be floated after the Model Code of Conduct.</p>
<p>Para 24:</p> <ul style="list-style-type: none"> • The Municipal Corporation are directed to inform the Court about the status of the App developed by the National Informatics Centre ("NIC") for redressal of grievance by the next date of hearing. • In case, it is inactive for any reason whatsoever, the same shall be activated by getting in touch with the NIC. 	<p>REPLY OF CHIEF SECRETARY</p> <p>It was directed that Municipal Corporation Shimla shall comply with the directions of the Hon'ble High Court and submit the action taken report for the same.</p> <p>REPLY BY MUNICIPAL CORPORATION SHIMLA</p> <p>The App for the collection of the User Fee was developed, which is in use. However, for the redressal of the grievance WhatsApp No. 9805201916 and GOI Swachhta App are being used, which can be downloaded from the Play Store.</p>
<p>PART - 5 FLEX</p>	
<p>Action against usage of banned items in State of Himachal Pradesh: -</p>	<p>In year 2024, State Board has conducted 53 number of challan amounting to ₹ 1,17,500/- under HP Bio-degradable Garbage (Control) Act, 1995.</p>
<p>Para 25, 26 and 27:</p> <ul style="list-style-type: none"> • Ban on the utilization of flexi banners in the state. • In the State of Himachal Pradesh, such banners up to 100 microns are still being permitted. • In the facts and circumstances, we leave it to the Chief Secretary to the Government of Himachal Pradesh to take 	<p>REPLY OF CHIEF SECRETARY</p> <p>It was directed that separate meeting with Director, IPR shall be convened by Director, DEST w.r.t. ban on the utilization of flexi banners in the State and submit the report to Worthy Chief Secretary within one month.</p> <p>REPLY OF HPSPCB</p> <p>H. P. State Pollution Control Board have carried out special drives for inspection of PVC Banners installed at various locations</p>

<p>a call and while doing so, the Chief Secretary shall consider the fact which has prevailed upon the States like Kerala, Karnataka, Nagaland and Maharashtra to ban the use of plastic flexi banners.</p> <ul style="list-style-type: none"> In addition, thereto, the Chief Secretary may also take into consideration the following points w.r.t. flexi banners, as suggested by Shri Deven Khanna, Advocate, for the petitioners: <ol style="list-style-type: none"> Hazardous Material: Plastic Flexi is the most environmentally hazardous consumer material ever produced. In the process of its manufacture, toxic gases are produced. It is non biodegradable material which cannot be recycled and, therefore, of no resale value. Visual Pollution: The widespread use of Plastic Flexi banners leads to visual pollution in public spaces. Excessive signage and advertising clutter streets and diminish the aesthetic appeal of city and is an antithesis to the beautification of Shimla project. Safety Concerns: Plastic Flexi banners, when not installed properly can pose safety hazards. They may fall or become dislodged during adverse weather conditions, potentially causing accidents or injuries. Resource Consumption: The production of Plastic Flexi banners consumes significant resources including energy and raw materials. Aesthetic Value: Banning Plastic Flexi banners can contribute to the overall aesthetic value of public spaces, making them more 	<p>in State of H.P. About 184 entities has been inspected during the special drive, however, during the inspection/special drives by the officials of HPSPCB, no manufacturing units in State of H.P. were found to be engaged in the sale/manufacturing of the PVC/ Flexi banners of less than 100 microns. The action taken report from all ROs is enclosed as Annexure-V</p> <p>REPLY OF DEST</p> <p>That the Hon'ble High Court was also pleased to direct the Deponent to consider banning the PVC/Flexi banners upto 100 Miron thickness. In this regard, it is submitted that the State Government vide Notification No. STE-F- (4)-1/2020 dated 20.07.2022 Annexure R-3 issued under the Himachal Pradesh Non Bio-gradable Garbage (Control) Act, 1995, has banned sale of various single use plastic items (SUPs) including PVC/Flexi banners of thickness less than 100 microns. Further, the State Government has authorized officials of 13 different Departments to impose fines / compounding of offences under the H.P. Non-Biodegradable Garbage (Control) Act, 1995 such as Police, Department of Revenue, Tourism, Forest, Food & Civil supplies, H.P. State Pollution Control Board etc. The H.P. State Pollution Control Board has imposed highest number of challans. In the year 2021, 2022 & 2023, the State Board has done challans amounting to the tune of ₹ 2,03,000/-, ₹9,34,000/- and ₹ 8,49,000/ respectively for illegal littering, use, sale, distribution, stocking, importing of prohibited plastic items. The State Police has also imposed a number of challans under H.P. Non-Biodegradable Garbage (Control) Act, 1995.</p> <p>9. The Deponent vide letter dated 05.01.2024 Annexure R-4 has issued directions/instructions to all the administrative Departments to ensure that in all tenders and subsequent procurement of materials for banners/hoardings etc., strict adherence shall be made with respect to the specifications of materials used in banners/ hoardings and it must not be PVC or plastics below the thickness of 100 Microns. Further direction has been given to all the Departments that all the Plastic or PVC Banners/hoarding made of thickness less than 100 microns should be</p>
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<p>visually pleasing and inviting for residents and visitors.</p> <p>6. Encouraging Alternatives: Banning Plastic Flexi banners can encourage the use of more sustainable and environmentally friendly advertising alternatives such as digital signage or eco-friendly materials.</p>	<p>removed immediately in strict adherence to HP Bio-degradable Garbage (Control) Act, 1995 and the Plastic Waste Management Amendment Rules, 2016. The field officers of H.P. State Pollution Control Board (HPSPCB) are carrying out special drives for inspection of PVC Banners installed at various locations in State of H.P. Also, the inspection of the manufacturing units engaged in the sale/manufacturing of the PVC/Flexi banners in the State of H.P. are being carried out. The PCB has reported that about 184 entities has been inspected during the special drive, however, no manufacturing units were found to be engaged in the sale/manufacturing of the PVC/Flexi banners of less than 100 Microns.</p>
<p>WASTE AUDIT PARA 28 and 29</p> <p>Having heard the detailed submissions that were addressed by the parties, we are of the considered view that the entire exercise being undertaken by the Court would not yield its desired results in absence of waste audit. It is requested the Integrated Mountain Initiative (“IMI”) Society, Shimla, who have conducted similar audit survey in Ladakh, to conduct waste audit as expeditiously as possible and try to hand over their report by 30.09.2024.</p>	<p><u>REPLY OF CHIEF SECRETARY</u></p> <p>The Chairman directed that Commissioner, Municipal Corporation Shimla shall share the copy of Hon’ble High Court with Integrated Mountain Initiative (“IMI”) and ensure compliance.</p> <p><u>REPLY BY MUNICIPAL CORPORATION SHIMLA</u></p> <p>Matter has been taken up with the Integrated Mountain Initiative (“IMI”) Society, Shimla for doing the needful.</p>

5. The compliance of MC Shimla to Para-6 of order dated 23.03.2024 i.e “to make Shimla as the Model Town, so that what is achieved in Shimla, could be replicated in other ULBs” are provided in the table below:-

<p><u>REPLY OF MUNICIPAL CORPORATION SHIMLA</u></p> <p>ACTION PLAN FOR MAKING SHIMLA A MODEL TOWN IN COMPLIANCE OF ORDER DATED 23.03.2024 PASSED BY HON’BLE</p>

HIGH COURT IN CWP NO. 2369 OF 2018 (SULEMAN VERSUS UNION OF INDIA & OTHERS).

In this regard, the points of the reply to Para 6 are as under:-

ACTION ALREADY TAKEN/INITIATED. The following actions have already been taken or initiated.

1. **Collection of Waste:** - Municipal Corporation Shimla has implemented the door-to-door garbage collection scheme through SEHB Society and has deployed sufficient manpower to collect the waste from the point source of generation from the households and other commercial establishments etc.
2. **The implementation of the door-to-door garbage collection scheme:-** This scheme is being monitored by the Corporation Health Officer, Project Coordinator, Sanitary inspectors, SEHB Coordinators and Ward Supervisors. Besides this a WhatsApp number 98052-01916 has been publicized as Complaint Redressal Number. This WhatsApp number 98052-01916 is also written on all the MC garbage collection vehicles, hoardings and banners installed/placed at different locations in the Wards. Anyone can file Swchhta/Sanitation or door-to-door garbage collection related complaint through call or WhatsApp message on this number. A complaint register is also maintained and the complaint is forwarded to the respective Sanitary Inspectors/SEHB Supervisor for early compliance.
3. **User Charges:-** MC Shimla has imposed the user charges for different categories which are attached herewith as **Annexure-A**. Further, as directed by the Hon'ble High Court, the provisions for prior permission by depositing the fixed fee for carrying out function with a gathering of 100 to 200 people shall be imposed and added in the User Fee Category.
4. **Collection of user charges:-** For the collection of user charges, these can be deposited through online mode through web application, QR Code, Suvridha Kendra of MC, through POS machines or at Lok Mitra Kendra.
5. **Door-To-Door Garbage Collection and Disposal Bye-Laws, 2018:** MC Shimla has also formulated door-to-door garbage collection and disposal bye-laws, 2018 which are published/notified in the Gazette of Himachal Pradesh on dated 24.04.2020. These Bye-laws are made by Municipal Corporation Shimla, for regulating the Door-to-Door Garbage Collection & Disposal-2018 in exercise of the powers conferred by section 395 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) read with the Solid Waste Management Rules, 2016 having been confirmed by State enforcement, as required under section 397(1) of the aforesaid Acts.

Under the Chapter-VII of the Door-to-Door Garbage Collection & Disposal-2018, the provision of prosecution and penalties has also been made. Under the prosecution, it is clearly mentioned that even the prosecution can be made on the official/workers responsible for implementing so called services under the above said Bye-laws if they are not performing their task or delaying their responsibility to implement the services and provisions for

disconnection of water supply, electricity and other civic amenities are also made.

It is specifically mentioned that "whosoever contravenes the provision of above said Bye-laws shall be in addition to the penalties already mentioned under any act/rules/laws/bye-laws for time being in force would be liable for disconnection of water supply, electricity and other civic amenities and the Commissioner of the ULB may request the competent authorities to withdraw any other services if granted in favour of Institution/Commercial Establishment/person committing the offence."

6. **Segregation of waste:** MC Shimla is putting more emphasis on Segregation of Garbage at the point source of generation, for which regular meetings with the garbage collectors are being carried out by the Sanitary Inspectors/Coordinators & SEHB Supervisors Further; drivers are also given directions to further transport the garbage in segregated manner.
7. **Transportation of Waste:-** For the safe transportation of segregated waste compartmentalization of garbage collection vehicles has been ensured. MC Shimla has deployed compartmentalized 34 nos. Covered garbage tippers, 15 nos. Pick-up vehicles and 1 Swachhta Vahan. Besides this, MC Shimla has also deployed 3 tippers, 5 compactors, 1 litter picking machine, 1 jetting & grabbing machine and 2 road sweeping machines.
8. **PPEs:** MC Shimla is providing Personal Protective Equipments to all its Sanitation workers (MC & SEHB) from time to time.
9. **Formation of Ward Committees:-** Ward committees have been formulated under the chairmanship of respective Councilor.

Further, as directed the actions for the Amendment of the HPMC Act, 1994 has been initiated. A Committee for the amendment of HPMC Act has been formulated in compliance to the order dated 23.03.24 passed by the Hon'ble High Court of Himachal Pradesh in the above cited CWP No. 2369/2018. The mandate of the Committee is to submit a detailed proposal for amending the provisions of HPMC Act, Rules, Regulation, Bye-Laws etc. suitably to give Municipalities desired authority to enforce the provisions of various environmental Laws that have come into force after the enactment of HPMC Act, 1994 and Himachal Pradesh Municipal Act, 1994. The process in this regard has been initiated and the first meeting of the Committee was held on 27.04. 2024 in the office of Urban Development Department, Shimla. After detailed discussions and deliberations it has been recommended by the Committee to amend the provisions of Clause 43 & 44 (H) of HPMC Act, 1994 and to add section under these Clauses for giving more responsibilities to the ward committees/elected representatives and subsequently amend the Section 8 and 16 of the HPMC Act, 1994.

Similarly, it is also proposed to amend the relevant clauses under Property Tax by adding to collect the arrear with interest and also legal provisions may be made under the Revenue Act by taking NOC from the MC Shimla for property registration.

10. IEC: MC Shimla has been organizing various IEC activities from time to time. This also includes exposure visits to various elected representatives/ Officers/Officials/Sanitation Workers, Nukkar Nataks, awareness among school children by way of lectures, organizing meetings with sanitation staff/SEHB Supervisors and workers, promotion through Jingles, Pamphlets, Posters, Banners, Hoardings etc. NGOs/Yuvak Mandal/Self Help Groups/Beopar Mandals/NYKs/Mahila Mandals shall be associated and Ward Sanitation Committees shall be strengthened

The Elected representatives were also provided Training at HIPA and as directed by the Hon'ble Court further a week long training shall be imparted to the elected representatives through the specialized facility at HIPA.

11. C&D Waste:- This waste is being collected separately and charges are being collected as per the assessment made during the map approvals. The site at **Bhariyal** has been identified for the disposal of C&D Waste, which is also being used to cover the inert waste emanated from the operation of waste to energy plant at Bhariyal on daily basis. Now provision has been made in the budget to provide the vehicle on demand for the collection & transportation of C&D waste on chargeable basis.

12. Participation of RWA/market Associations:- The active participation of RWA/Market Associations shall be ensured for processing of the wet waste at their source as **well** as possible. However, sometimes during the special cleanliness campaigns, the participation of RWA/Market Association/NGO are made.

13. Waste to Energy Plant:- The Municipal Solid Waste transported to the Waste to Energy Plant at Bhariyal is converted into RDF for further use to **generate** electricity. MC Shimla has set up a 100 TPD Waste to Energy plant at Bhariyal which is based upon Gasification Technology through Refuse Derived Fuel (RDF). Partially the RDF is used for the production of electricity and partially RDF is also transported to the cement plant on daily basis by the project proponent i.e. M/s Elephant Energy Pvt. Ltd.

14. Bio-methanation Plant:- MC Shimla has also set up a 1 TPD Bio-methanation Plant at STP Lalpani. **Similarly**, actions for the centralized disposal of the wet waste by setting up of a 15TPD capacity Waste to Biomethanation plant at Bhariyal have been initiated and Request for Proposal (RFP) has been floated. The bulk waste generators are directed to process their wet waste through organic waste converter/drum composting etc.

15. Dry Waste Collection from adjoining panchayats:- The MC Shimla has already given permission to the surrounding panchayats to bring their dry **waste** at the existing W2E Plant and the same shall be continued.

16. Maha Safai Abhiyans: The places like hill sides & nallahs have been identified where people/tourist throw the garbage in odd hours. These have become hot spots. The Special Maha Safai Abhiyan on every Wednesday of every week are commenced at various existing hotspots/hill sides & nallahs. To make it more effective all the Chief Sanitary Inspectors and Sanitary Inspectors of

MC Shimla are directed to submit their weekly Action Plan on every Monday, so that same can be appraised to various schools, NGOs, public, newspaper and media for their contribution.

17. **"No Littering Zone"**. MC Shimla has planned to install signages with the message of "NO LITTERING ZONE" at various places in Shimla which are vulnerable to become hot spots. The signage will be in HINDI/ENGLISH, showing the message of No Littering along with the phone number of concerned Sanitary Inspector for complaint redressal & quarries along with mentioning the penalty clause in case of non-compliance. The WhatsApp No 9805201916 shall also be mentioned for this purpose.
18. **Pre-monsoon Cleanliness Campaign**: MC Shimla is also organizing PRE-MONSOON PREPAREDNESS in which a list of all the nallahs are to be cleaned along with date of work will be mentioned. It will be MC Shimla's priority to keep the nallahs garbage free and muck free so that no calamities may happen in future as the Shimla had seen in its previous disasters.
19. **Biometric Machines**: As per directed by Hon'ble High Court of Himachal Pradesh, MC Shimla is procuring the biometric machines which will be located in each ward for the attendance of the field staff.
20. **Route Plan of Vehicles**: The route plan of the garbage transporting vehicles is being prepared. This shall be implemented for effective & efficient waste collection from different parts of the City.
21. **Bulk Waste Generators**: Directions are being issued to the identified Bulk Waste Generators to process their waste in their own premises or have joint planning for wet waste disposal at their end.
22. **Waste to Biomethanation Plant**: RFP for setting up of a 15TPD capacity Waste to Biomethanation plant has been floated for effective disposal of the wet waste collected from different parts of City. It is also proposed to deploy a separate vehicles for the collection of such waste.
23. **A special driver** is planned to remove all the unauthorized banner pasted/installed all over the Shimla City. This shall be done by the workers of Health Department alongwith the staff of Estate Branch.
24. **Operation & Maintenance of PT/CT**: The work for the O&M of all the CT&PT has been entrusted to M/s Sulabh International Social Service Organisation. The signages mentioning the rates for the use of toilets and Free for Urinals alongwith complaint Nos. Sulabh & MC Shimla in English as well as Hindi language are fixed at each toilet.
25. **Reduce Reuse Recycle (RRR) Centre**: MC Shimla has set up a RRR Centre at Chhotta Shimla, where people can deposit their used utensils and other useable items for further collection by the needy people. A proper record for the incoming and out-going

items is kept at this centre. It is proposed to establish 3-4 more such centers in the MC Shimla area.

Further the use of certain items to produce the usable items is also encouraged in some of the schools.

26. Action taken on the identified vulnerable areas:

1. The various manholes which are prone to garbage dumping were identified and covered using concrete RCC covers at 40 main locations.
2. The 20 hot spots areas over the various nallahs/ drains which are prone to dumping of garbage were identified fenced off using metal jallies/wire meshes.
3. The 2 no. of garbage nets were installed at 2 locations namely below Ritz and below Jodha Niwas.
4. More than 100 no. of cleanliness drives are being carried out in all wards of Municipal Corporation Shimla and this activity is continued on daily basis in routine as mentioned elsewhere above.

The photographs in this context are as follows. It is also proposed to further take such actions continuously so that no waste is found littered.

RCC Covers fixed over Manholes at Ward No. 13, 14 and 15.

S.No	Locations	Ward Name	No.
1.	Near Masjid Krishna Nagar	Krishna Nagar	5
2.	Near Lalpani School Krishna Nagar	Krishna Nagar	4
3.	Near Joshi Mohalla Krishna Nagar	Krishna Nagar	2
4.	Near Bawri Krishna Nagar	Krishna Nagar	1
5.	Below Kali bari temple Lower Bazar	Lower Bazar	1
6.	Below Guptajees Lower Bazar	Lower Bazar	1
7.	Near Vijay Sweet Shop Lower Bazar	Lower Bazar	2
8.	Near Jain Hall Lower Bazar	Lower Bazar	2
9.	Near Baljees Lower Bazar	Lower Bazar	6
10.	Near Rippon Hospital Ram Bazar	Ram Bazar	4
11.	In front of Sanatan Dharma Middle Bazar	Lower Bazar	2
12.	Near Indira Chowk Lower Bazar	Lower Bazar	2
13.	Cart Road Near Mahamaya Ram Bazar	Ram Bazar	2
14.	Bhagat Singh Road Lower Bazar	Lower Bazar	2
15.	Near and above Sadar Thana	Lower Bazar	4
	Total		40

- 27. Plastic Waste Buy Back Policy & Concept of Poly Bricks:** The plastic waste is part of RDF. However, MC Shimla is also implementing this policy launched by the GOHP. Further, the waste can also be managed by putting into the plastic bottles, thus forming a poly brick which can then be used in the parks etc.

PROPOSED ACTION PLAN:

Besides continuing the above mentioned points, it is further proposed to innovate and adopt the State of Art Technologies and take steps from the Best Practices adopted at various other places in the country. The Following is also proposed

- I. **Adoption of surroundings:** It is proposed to launch and involve the participation of individuals, schools, institutions for the adoption of the areas surrounding to their premises that they will keep a watch on such areas for keeping these clean at all the times. They will also act as watchdog and inform the MC authorities regarding any illegal dumping/littering in the area. Schools can adopt an earmark area surrounding to their school. Similarly, the institutions like big offices can also adopt such practices. The officers of MC Shimla and individuals can also adopt to monitor the public/community toilet in their area/locality which they can monitor easily. This will help in the maintenance of the sanitation services and also create awareness among the general public as well as tourists.
- II. **Adoption of Toilets blocks:** As mentioned above, The officers of MC Shimla and individuals can also adopt to monitor the public/community toilet in their area/locality which they can monitor easily. This will help in the maintenance of the sanitation services and also create awareness among the general public as well as tourists.
- III. **Compliant redressal Number & Swachhta App:** MC Shimla has a dedicated WhatsApp number 98052-01916 where complaints related to sanitation and C&D waste etc. can be lodged by calling or sending WhatsApp message. This number is also written on all the garbage collecting transportation vehicles. This number shall be given wider publicity so that complaints can be redressed at the earliest. Similarly, Swachhta App can be downloaded from play store by any citizen where they can lodge the complaints regarding various components including sanitation and littering etc. This shall also be given by wider publicity and the citizens shall be encouraged to use this app more frequently for the redressal of their complaints.
- IV. **Flying Squad:-** It is also proposed to formulate a flying squad who can visit any area and households/commercial establishments randomly on any day to carry the surprise visits to ascertain the sanitation condition of Shimla town, public and community toilets, drainage and door-to-door garbage collection scheme etc. This flying squad team can also inspect the attendance pertaining to the presence of workers in field. This shall definitely help in improving the sanitation condition in the town.
- V. **Serv Mangal Abhiyan:** It is proposed to form teams comprising of members from Health Department, R&B, Tax Department, AP Branch and Estate Branch. Each team shall have a team leader who will work as Chairman of respective team and each team will be assigned 5-6 wards for inspection. It is proposed that these teams will visit their respective wards and inspect regarding any problem or work to be executed and redressal of problems on the spot or in short term measures or in long term plans. The inspection reports shall have to be submitted to the Commissioner, MC Shimla regarding the points of actions to be taken and action taken report of the previous inspection done within time bound manner. It is also proposed that the Serv Mangal Abhiyan teams shall visit their respective wards on 2nd and

- 4th Tuesday of every month. It is expected that most of the complaints can be redressed on the spot or in shorter measures by fixing responsibility of the concerned officer/official. This will lead in upgradation of the sanitation conditions with better living environment to the satisfaction of the general public through public participation.
- VI. **Involvement of informal rag pickers:** It is proposed to motivate and involve more number of informal rag-pickers in the sanitation related programs and door-to-door garbage collection scheme. This will definitely have a positive impact on the environment as well as the dignity of these informal rag-pickers shall also be raised. g
- VII. **Water Bottles in the meetings to totally banned:** It has been observed that during the meetings/conferences, the water is being served to the participants by providing small mineral water bottles which needs to be stopped fully. MC Shimla during such meetings shall also ensure that water is not served in plastic bottles. For this, action needs to be taken by all the Departments in Shimla and also in the State of Himachal Pradesh. This will help in ensuring the sanitation condition in the town.
- VIII. **Waste to Wonder Park:** It is proposed to develop a Waste to Wonder Park where the different items prepared from the waste recycled material can installed for waste utilization/recycling and awareness among the general public for the concept of 3 R's i.e. Reduce, Reuse and Recycle. This will help in ensuring and up-gradation of the sanitation condition in the town.
- IX. **Shoot System at Sabji Mandi:** It is proposed to construct a stainless steel Shoot system at Sabji Mandi for the transportation of Sabji Mandi waste upto the bifurcation near Cart Road using the gravity method. This will ensure the timely clearance of waste at Sabji Mandi and will help in ensuring and up-gradation of the sanitation condition in the area. This will have to be developed along/above the natural nallah and for this purpose MC will have to get the land in its name. On successful operation of this practices, it can be replicated at various places like Fingask etc. This will also require less number of manpower.
- X. **Route Plan of Vehicles:** The preparation route plan of the garbage collecting vehicles is under process and it shall be ensured to ply the vehicles as per the route plan which will help in timely clearance of the garbage from different wards/areas. These route plans shall be publicized for more convenience to the workers of MC/SEHB Society as well as citizens of Shimla.
- XI. **GPS System & IOC Rings:** All the garbage collecting vehicles shall be ensured that the GPS & IOC Rings remains in operation all the time. This will help in proper monitoring of the vehicles including the fuel consumption. With the installation of the IOC Rings, MC Shimla shall be able to ensure & monitoring the diesel being filled in the vehicles at the petrol IOC pumps and the same can be monitored on the computer dash board while in the office. This shall help in stopping the pilfrillage, if any besides saving to depute man power at the petrol pump.
- XII. **To make awareness regarding e-waste:** It is also proposed to make awareness regarding e-waste that it is managed as per the Rules meant thereof.
- XIII. **Flex<100 Microns to be discouraged:** As directed by the Hon'ble Court, any direction in this regard from Govt. of Himachal

Pradesh shall be adhered.

- XIV. **Feedback on website:** The web application on MC website to get feedback from the general public regarding providing sanitation services in MC Shimla shall be used.
- XV. **Decentralized Waste Processing:** The possibility to process the waste through Decentralized Waste Management shall be explored by installing MRF & small Biomethanation plants in University/Wards.
- XVI. **SBM Programme of GOI:** MC Shimla shall implement the various components of SBM to improve its ranking.
- XVII. **ODF++:** MC Shimla shall maintain the standards/Norms to retain the ODF++ Certification.
- XVIII. **GFC:** MC Shimla shall make its best efforts to get ranking in the GFC Certification.
- XIX. **IEC in schools:** This activity shall be carried out in all the schools for motivating them to reduce, reuse and recycle the waste generated at their school. A running trophy and prizes can be given to the winning schools. This will help in keeping the areas clean and also generating awareness among the school children. Further, NGOs/Yuvak Mandal/Self Help Groups/Beopar Mandals/NYKs/Mahila Mandals shall be associated and Ward Sanitation Committees shall be strengthened
- XX. **Waste Audit:** As directed, this matter is being taken up with Integrated Mountain Initiative (IMI) to complete the Waste Audit for Shimla by 30.09.2024.
- XXI. **Registration on EPR Portal:** MC Shimla is in the process to generate its login credentials on the Centralized portal of **CPCB** for **EPR** registration as has also been directed by the Hon'ble Court. Further, action shall be taken under the EPR to earn the credits.
- XXII. **Involvement of SHGs:** The involvement of local SHGs in Solid Waste Management and monitoring of Public/Community Toilets shall be ensured wherever required.
- XXIII. **Commercial operation of W2E Plant:** Though the electricity is generated of Pilot basis and RDF section is fully functional, efforts shall be made to make the Waste to Energy Plant fully functional at the earliest to produce the electricity on commercial basis.
- XXIV. **City Sanitation Committee:** It is also proposed to constitute/update the City Sanitation Committee where the senior citizens/NGOs active individuals can be members and involved in the Solid Waste Management.
- XXV. **Real Time Attendance:** MC Shimla is in the process for the installation/fixing of the QR code at each household/commercial establishments. The garbage collectors shall be provided watches through which they shall be required to scan the QR Code which will ensure that the garbage is lifted from the premises. Besides, it may be possible that the owners may deposit their fixed user charges by scanning the QR Code.
- XXVI. **MRF & Transfer Station:** MC Shimla has procured Compactors with higher capacity. It is proposed to develop one MRF within the city and then the Compactors can be used for the transportation of the waste to the W2E Plant. It is also proposed to use Compactor as Stationery Compactor, where the pik Up vehicles bringing waste from far flung areas can put the waste into the compactors for further economical transportation of the same to the W2E Plant, thereby saving the time and increasing efficiency of vehicles I the wards as the Pick Up vehicles can reach their wards at the earliest

to collect the garbage.

- XXVII. **EV Vehicles & Carbon Credits:** As per the policy of the Government, as many vehicles are likely to complete 15 years of their operation, these vehicles shall be replaced by EV vehicles in phased manner depending upon the availability in the market. MC Shimla shall also make its best efforts to earn Carbon Credits for reducing the carbon emissions using environment friendly technologies.
- XXVIII. **Paper Waste Recycling:** It is a fact that lot of paper waste is generated in the offices in the IT Sections and such institutions, which presently is being mixed with the general waste. Once it is mixed with the general waste the value of the waste is lost. It is proposed that the paper waste can be collected separately, stored at the individual offices and then this waste can be collected separately and get recycled. This will help in the improvement in the environment indirectly by saving trees. Similarly, the records which are to be destroyed at the offices may be collected, shredded and get recycled. For every 2.5-3.0 Kg of paper waste so handed over, a recycled file cover can be issued to the offices to promote such practices for the conservation of environment and motivation as well as participation in the "Waste Paper Recycling Scheme". MC may also explore to gain credits in lieu of such practice. In the initial stage this scheme may be started at the Head Offices, Secretariat, School, Colleges and other Directorates falling in the jurisdiction of MC Shimla and then can be promoted with wider publicity.
- XXIX. **Biodegradable hoarding flex:** MC Shimla is also in the process for adopting digital hoardings and replacement of flex hoardings with the material which is biodegradable.
- XXX. **Night Sweepings:** MC Shimla has started the night sweeping in many commercial areas. Efforts shall be made to sweep all the commercial areas in the night, helping to upgrade the sanitation condition in the town.
- XXXI. Further more actions shall be initiated to fully implement the provisions of Solid Waste Management Rules, 2016, PWM Rules, 2016 and other related Rules for making Shimla a Model City.

6. Having gone through the compliance so far made by the various stakeholders, we are of the considered opinion that some of the directions as were passed on 23.03.2024, need to be elaborated and some of these need to be further clarified. Accordingly, we proceed to do so.

7. In para-2 of the order, we find that the Himachal Pradesh State Pollution Control Board (HPSPCB), has referred to the meeting held on 20.04.2024 under the Chairmanship of the Member Secretary, HPSPCB, wherein a decision was taken

not to issue Renewal of the Consent to operate to entities unless they submit application on the centralized portal for Extended Producers Responsibility (EPR) registration.

This itself is not a sufficient solution given the fact that such renewals may take place after 5 to 15 years for some entities.

Accordingly, we deem it appropriate to direct HPSPCB to send notices and thereupon implement penalties against the defaulting entities, who failed to get themselves registered and not wait till the time the applications for renewal of consent to operate will be submitted by these entities.

8. We find from the record that some of the Waste Management Agencies (WMAs) despite various directions issued in the meeting held with H.P State Pollution Control Board on 26.09.2023, 29.02.2024, 01.03.2024 and 20.04.2024 have not yet submitted the information as was directed in para-2 (vi) of the order. They are directed to furnish the same latest by **07.06.2024**, failing which apart from any other action, this Court would be constrained to initiate contempt proceedings against these WMAs. A copy of this order shall be sent by the HPSPCB to all the WMAs, through email, WhatsApp, fax etc.

9. In addition to the directions that have already been passed in para 2 (vii), we deem it appropriate to further direct all the Urban Local Bodies (ULBs) to ensure that the recycled

plastic waste is stored in the shed(s) with proper partitions and further ensure that the same is channelized to registered Plastic Waste Processors (PWP). We also need to clarify that the cement plant under the Corporate Social responsibility are to provide free transportation of waste.

10. In para-2 (viii), it is necessary and required to ensure that all Producers, Importers and Brand Owners (PIBOs) from outside the State would comply with the directions that have been passed by this Court from time to time and to implement the same and it shall be the responsibility of the PIBOs to ensure compliance of such directions and point out the failure, if any.

11. Even though the Municipal Corporation, Shimla has framed action plan for making Shimla Model Town, but we find that the action plan barely deals with the issues that arise and emanate from some dwellings, housings, specially *dharas & Jhuggi-jhopris* etc., which though have been provided electricity or water connections but have been left-out from door-to-door garbage collection scheme, these would be contributing to create garbage hot-spots.

Therefore, the Municipal Corporation, Shimla is directed to identify such dwellings and include them in the action plan for garbage collection. Those dwellings (*dharas, Jhuggi-jhopris, and other housings/ structures*) which have

obtained electricity and water connections, but have not generated garbage ID, are directed to get the garbage ID before the next date of hearing. In addition to the above, it shall also be the duty of the Municipal Corporation, Shimla and also the HPSEB as well as SJVNL to jointly implement this part of the order, so as to ensure that 100% of the dwellers of Shimla who have water and electricity connections must also have a garbage ID.

12. Though, detailed directions have been passed in paras 10 and 11 of the previous order regarding imparting of training to councilors, however, we need to clarify that training initially be started from MC, Shimla and thereafter M.C. Shimla in turn, would impart training to Councilors and Ward Members of other cities/towns of the State.

13. Detailed directions regarding availability of land for solid waste management sites etc. have been given in paras 14 and 15 of the previous order. In addition thereto, we deem it appropriate to direct all the Deputy Commissioners and Magistrates, who have been made responsible under Rule 12 of SWM Rules of 2016, to monitor the activities of allocation of land every 15 days.

14. We have noticed that directions issued in paras 20 and 21 of the previous order regarding '*solid waste management charge*', have been misconstrued in a manner as

if such directions have been issued by the Court of its own. The respondents have failed to take note of para-19 of the order, wherein the Rule 20 of SWM Rules of 2016 has been quoted, and it is only thereafter that the directions as contained in paras 20 and 21 have been made on the basis of what is contained in Rule 20(e) of the Rules, which is a special provision for hilly areas.

15. In addition to what is contained in para 23 (vi) of previous order, we deem it appropriate to direct BBNDA and JBR to remove the Legacy waste from the Kenduwal Site as it poses significant threat to River Sirsa and human habitation living less than 100 meters from the site. Such waste be removed as expeditiously as possible, preferably before the onset of monsoon. The respondents shall also create a buffer zone and shall not block the access of the petitioner.

16. In addition to the directions already contained in para 23(xi), we direct the Municipal Corporation, Shimla to mention the penalties on the signboards so as to create deterrence for littering. These signboards would be placed on all the hotpots and areas where waste is thrown. In addition to the town, such signboards shall be put in the areas where the waste is thrown into streams/nallahs/hill-sides etc.

17. In addition to the directions contained in paras-25, 26 & 27 with regard to flex, we deem it appropriate to direct the

Chief Secretary to the Government of Himachal Pradesh for
 considering the desirability of framing rules with regard to:-

- (i) *thickness;*
- (ii) *the time period for which the flex can be put on location;*
- (iii) *the specific authorization to be put on the flex regarding the location as also the time period for which such permission has been granted and;*
- (iv) *the responsibility of the advertiser/user to remove and dispose of the flex in a scientific/ environmental friendly manner after the time period of permission is over alongwith the consequences on account of the default.*

As for the present, we direct Municipal Corporation, Shimla to forthwith remove all flex banners/ advertisements that have been put without permission in Shimla town and cost thereof be recovered from the person/ authority/company/entity etc. who have placed such advertisements.

18. Before we close, it goes without saying that as usual it is only with the valuable assistance of Mr. Deven Khanna, Advocate, that we have been able to pass the directions on various occasions, including on 23.03.2024 and the directions issued today.

19. List on **20.06.2024**.

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

May 09, 2024
 (VH/Reena)