

**BEFORE THE PRINCIPAL BENCH  
NATIONAL GREEN TRIBUNAL  
NEW DELHI  
CIRCUIT BENCH AT SHIMLA**

**CWP No. 6114 of 2012**

**Dr. Karan Singh Vs. State of HP and Ors.**

**CORAM :** **HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON**  
**HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER**  
**HON'BLE DR. D.K. ARGAWAL, EXPERT MEMBER**  
**HON'BLE MR. P. S. RAO, EXPERT MEMBER**  
**HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:** **Petitioner:** **Sh. Jatinder S. Bhogal, Sr.Advocate**  
**Respondents:** **alongwith Sh. Tarunjeet Singh Bhogal,Advocate**  
**Sh. Anil Kumar, Adv. for R-2**  
**Sh. Vivek Singh Thakur,Adv. for R-3**  
**Sh. Varinder Chauhan, AAG**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 July 30, 2013</b>	<p>Received on transfer from the High Court of Himachal Pradesh, registered and numbered in accordance with NGT rules.</p> <p>The callous and irresponsible attitude of the Municipal Council, Solan, is demonstrably exhibited in the present case, not only by their inaction but also by their intentional inaction leading to serious pollution. The grievance of the applicant before us is that plastic, polythene and other municipal waste is being burnt openly forming obnoxious gases like sulphur dioxide, furan in the air, which would ultimately cause health hazards leading even to lung and throat infections and even to the extent of the people being rendered victims of cancer.</p> <p>On 7<sup>th</sup> December, 2012, the High Court had passed a detailed order and specifically noticed that a misleading affidavit had been filed before the High Court. There also, the Municipal Council, Solan, took a stand that plastic, polythene, municipal solid waste (MSW), etc. was being burnt at the site earmarked for dumping of MSW at Solan. The High Court passed a clear order injuncting the Council from burning any MSW at the site in question. However, we were told that the burning still continues. The learned counsel appearing for the Municipal Council, Solan, stated that some persons had entered the premises of the MSW Plant and burnt the plastic etc. Upon instructions from the Inspector of the Council, who is present in the court, the learned counsel has stated that a proposal has been mooted to transport the MSW to Shimla and Chandigarh Plants where the MSW is being recycled. We may observe that this matter was taken up yesterday and we directed the Executive Officer of the Council to be present. Today,</p>

we are informed that the Executive Officer has been transferred and the new incumbent has not yet joined. No other officer has bothered to be present before the Tribunal and it is only the Inspector who is present. We asked the Inspector certain questions to which he is unable to answer. Keeping in view this background and being aware of the public interest and the environmental health hazards that are likely to arise from the MSW collection sites of the Municipal Council, we are compelled to pass the following directions:-

- (a) We impose a compensatory-cost of Rs.1.00 lakh upon the Municipal Council, Solan. This compensation shall, at the first instance, be paid by the Council. However, it will thereupon be recovered proportionately from all the officers concerned of the Council i.e. SDO, Junior Engineer, Sanitary Inspector and the contractor. The contractor's liability shall be to the extent of 50%.
- (b) Let the recoveries be made within four weeks from today and an affidavit to this effect shall be filed by the Jr. Engineer, Municipal Corporation, Shimla, before the Tribunal.
- (c) We hereby direct the Secretary (Urban Development), Govt. of Himachal Pradesh, to ensure that the directions issued above are carried out within four weeks from today.
- (d) The compensation of Rs.1.00 lakh shall be deposited with the Secretary, Department of Environment, Govt. of HP, for remedying the wrongs and for taking preventive steps.
- (e) The Municipal Council, Solan, shall take appropriate steps to ensure that no pollution results from dumping etc. of MSW at the sites in question. This will be strictly in accordance with the Municipal Solid Waste (Management and Handling) Rules (MSW Rules) in force.
- (f) The order dated 7<sup>th</sup> December, 2013 of the High Court shall be complied with in its true spirit and substance before the next date of hearing.

We hereby further direct that the MSW plants being or proposed to be set up in the State of HP shall follow the following procedure:-

- (i) There shall be appropriate mechanism provided for collection of MSW on door to door and locality to locality basis.
- (ii) MSW shall be transported by such vehicles which are totally protected and covered and which do not pollute the environment or throw the waste on the way to the site concerned.

- (iii) The site should be duly approved by the competent authority as per the MSW Rules.
- (iv) At the site, there shall be a segregation plant which shall segregate the MSW into different categories cyclable and recyclable wastes. Upon such segregation, there shall be an incinerator which will burn the non recyclable & non-biodegradable MSW and the remnants should be properly dumped in accordance with the MSW Rules.
- (v) The waste which is capable of composting, shall be done i.e. the site shall be prepared, which will have membranes, layers, upon which it shall be dumped and covered by soil, layers and thereupon by plastic/polythene and appropriate disinfectants shall be sprayed. A composite policy shall be followed. The segregated waste, which is capable of being recycled shall be sent to the duly recognized recycling plants.
- (vi) The bio-medical and hazardous waste shall be disposed of in accordance with rules and due precaution shall be taken.
- (vii) No person shall be exposed to unsafe exposure of such MSW so as to prevent health hazards.

In view of the stand now taken by the Municipal Council, Solan, that they are proposing to transfer the MSW to sites in Shimla and Chandigarh, we hereby issue notice to the Municipal Corporation, Shimla, through its Commissioner to show cause as to what steps have been taken for collection and disposal of MSW in Shimla.

Notice shall be issued by the Registry without process fee.

The counsel appearing for the applicant as well the Municipal Council, Solan, shall be at liberty to notify the Commissioner, Mun. Corpn., Shimla, about the next date of hearing and the officer concerned having full knowledge of MSW shall be present in the court.

Listed for 16<sup>th</sup> September, 2013 at Shimla.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(P. S. Rao)

.....,EM  
(Ranjan Chatterjee)

