

Item No.10

Court No. 1

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

Original Application No. 654/2022

Priyadarshini Colony D, residence
Welfare Society

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent

Date of hearing: 04.12.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana, Adv. for Applicant

Respondent: Mr. Indrajeet Singh, Municipal Commissioner, Lucknow Nagar Nigam
with Mr. Mukesh Verma & Mr. Namit Sharma, Advs.
Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)

ORDER

1. The issue raised in this Original Application is in respect of unscientific handling of garbage at various dumpsites in Sector-D, Lucknow. There are also incidental issues involved in the matter. The Tribunal by order dated 27.07.2023, after considering the report, had directed personal appearance of Municipal Commissioner, Municipal Corporation, Lucknow along with the Principal Secretary, Urban Development, Government of Uttar Pradesh on the next date i.e. 28.08.2023. The Municipal Commissioner had appeared through virtual mode on 28.08.2023 and had assured the Tribunal that he would bring about visible improvement within three months.

2. Hence, the Tribunal on 28.08.2023 had directed the Commissioner, Municipal Corporation to file his affidavit within two weeks indicating the steps taken so far and also his future plan of

action to bring about the results within three months as assured before the Tribunal. In terms of the direction of the Tribunal dated 28.08.2023, the affidavit of compliance has been filed by the Commissioner, Municipal Corporation dated 11.09.2023.

3. In the said affidavit, in respect of the compliance of Solid Waste Management Rules, 2016, following position has been reflected i.e. the time bound action plan in respect of door to door collection of segregated waste, setting up of Material Recovery Facilities or secondary storage facilities and transfer facility, setting up Solid Waste Processing Facilities, setting up sanitary landfill facilities, bio-remediation of old and abandoned dump sites, IEC and Citizen Grievance Redressal, compliance of C&D Waste Management, Compliance of Plastic Waste Management Rules, 2016 in tabular form as under:-

“Table-1: Ensure door to door collection of segregated waste

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Door-to-Door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non-residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc. (Rule 15 (b) of SWM Rule 2016)	381000 HH	762604 HH	50%	30.09.2024	460000 HH (60%)

Collect waste from vegetable, fruit, flower, meat, poultry and fish market on day-to-day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions; (Rule 15 (m) of SWM Rule 2016)	Nil	8	0%	30.09.2024	1 (12.5%)
All waste generators shall pay user fee for solid waste management. (Rule 4 (3) & 15 (f) of SWM Rule 2016)	180000 units (Rs 1.10 Crore)	762604 units (Rs 4.60 Crore)	24%	30.09.2024	267000 units (35%)
Integration of Rag Pickers/Waste collectors/ Kabadis / Volunteers/ CBOs/NGOs (Rule 15(c) of SWM Rule 2016)	1050 no.	10463 no.	10%	31.12.2024	20% (2100 no.)
Facilitate formation of Self-Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste; (Rule 15 (d) of SWM Rule 2016)	110 Nos	220 Nos	50%	31.12.2024	132 Nos (60%)

Table-2: Setting up of Material Recovery Facilities or secondary storage facilities and transfer facility

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Setting up of Material Recovery Facilities Cum PCTS (Rule 15 (h) and Rule 22 at Sr.no.7-8 of SWM Rule 2016)	8 Nos	25 Nos	32 %	30.09.2024	10 (40 %)
Setting up of Material Recovery Facilities Cum TS (Rule 22 at Sr.no.7-8 of SWM Rule 2016)	0 Nos	2 Nos	0 %	30.09.2024	1 (50 %)
Setting up of Material Recovery Facilities Cum FCTS (Rule 22 at Sr.no. 7-8 of SWM Rule 2016)	0 Nos	4 Nos	0 %	30.09.2024	1 (25 %)

Table-3: Setting up Solid Waste Processing Facilities

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Setting up 2000 TPD Processing Plant (1000 TPD for Wet waste and 1000 TPD for dry waste)	664 MT/Day (600 MT at Shivari+64 MT Decentralised)	2000 MT/Day	33%	31.06.2024	1250 MT/Day (63%)
Setting up of Aerobic Composting pits in parks (Rule 22 at Sr.no. 7-8)	640 (Pits) / 64 MT/day	1500 (Pits) / 150 MT/day	(42.5%)	31.06.2024	1050 (Pits) (70%)
Setting up 300 TPD Bio-CNG Plant	0	1	0%	31.12.2024	0%
Setting up of Waste to Energy Facilities (Rule 22 at Sr. no.7-8)	0	1	(0%)	30.06.2025	(0 %)
promotion of co-marketing of compost with chemical fertilisers (Rule 7 of SWM Rule 2016)	LMC will ensure to apply and get approval for sale of city compost				
phase out the use of chemical fertilizer and use compost in all parks, gardens maintained by the local body and wherever possible in other places under its jurisdiction. (Rule 15 (u) of SWM Rule 2016)	LMC will ensure to use the compost generated from pit composting (Decentralised Compost units)				
Integration and Incentives to informal waste recycling sector for recycling initiatives. (Rule 15 (u) of SWM Rule 2016)	Approximate 50 informal waste recycling centre (Kabariwala) has been identified and LMC will provide training and integrate 20 such recycling centre in next 3 months and balance will be integrated in next 6 months.				

Table-4: Setting up sanitary landfill facilities SLFs

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Setting up sanitary landfill facilities (SLFs) (Rule22 at Sr.no.9-10)	1	2	50%	31.08.2024	50%

Table: 5: Bio-remediation of old and abandoned dump sites

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Bio-remediation of old and abandoned dump sites (Rule 22 and Key Indicator by NGT in OA 606/2018)	47,959 MT	18.5 Lac MT	2.6%	31.12.2024	150000 (8)%

Table-6: IEC & Citizen grievance redressal

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Educate workers including contract workers and supervisors for door-to-door collection of segregated waste and transporting the unmixed waste during primary and secondary transportation to processing or disposal facility; (Rule 15 (zc) of SWM Rule 2016)	More than 2000 workers trained so far	8000 workers	25%	31.03.2023	3200 workers (40%)
Create public awareness through information, education and communication campaign and educate the waste generators to practice home composting, vermi-composting, bio-gas generation or community level composting; (Rule 15 (zg(v)) of SWM Rule 2016)	More than 200000 HH by engaging professional agency	762604 HH (For 100% coverage)	15%	30.09.2024	280000HH (36% coverage)
Citizen Grievance Redressal through Swachh App (Key Indicator by NGT in OA 606/2018)	91 %	100%	91%	30.11.2023	99%

Table-7: compliance to C&D waste Management

Activity	Current Status as on 01.09.2023	Target	Cumulative Progress as on 01.09.2023	Time line to achieve 100 % Target	Target to be achieved by 30.11.2023
Commissioning and implementation of Processing / Recycling facility C&D WM) Rules 13 Schedule-III (3), 2016	100 TPD	300 TPD	33.33%	31.08.2024	33.33%
Notification of sites for collection and processing facility. (C&D Waste Rule 6 (4 & 5), 9 (2) and 13-C&D WM Rules, 2016)	8 Collection centres	16 CC	50%	31.10.2024	10 Collection centres (62.5%)
Get the collected waste transported to appropriate sites for processing and disposal either through own resources or by appointing private operators; (Rule 6 (5)-C&D WM Rules,2016)	Approx 40 MT is being transported separately to processing site	267 MT	15%	31.10.2024	50 MT/day (20%)

Table-8: current status and Targets of compliance to Plastic waste Management Rules 2016

Activity	Current status and Targets to be achieved by 30.11.2023
Local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc. Plastic waste management rule 2016 5(b)	Lucknow Municipal corporation within 3 months will ensure to use about 5% of generated non-recyclable plastic waste (2 to 3% part replacement with bitumen) in road construction.
The local body for setting up of system for plastic waste management shall seek assistance of producers. Plastic waste management rule 2016 6(3)	Lucknow Municipal corporation within 3 months will ensure its registration as recycler and will ensure assistance of producers under EPR framework. In this regard two meetings are already held with Brand owner and Co-processors.
Every retailer or street vendors selling or providing commodities in, plastic carry bags or multilayered packaging or plastic sheets or like or covers made of plastic sheets which are not manufactured or labelled or marked in accordance with these rules shall be liable to pay such fines as specified under the bye-laws of the local bodies. Plastic waste management rule 2016 14(2)	Lucknow Municipal corporation is putting a cumulative average monthly fine of Rs. 55650.00 per month and have targeted to increase the fine upto Rs. 100000.00 Lacs Per Month in next 3 months.

4. In respect of compliance of Bio-Medical Waste Management Rules, 2016 and the compliance of E-Waste Management Rules, 2016, the position as also timeline which has been mentioned in the affidavit of the Municipal Commissioner is as under:-

“D. COMPLIANCE OF BIO-MEDICAL WASTE MANAGEMENT (BWM) RULES, 2016

The detail of current status and Targets of compliance to Bio-Medical waste Management Rules 2016 are summarised below in Table-9.

Table-9: current status and Targets of compliance to Bio-medical waste Management Rules 2016

Activity	Current status and Targets to be achieved by 30.11.2023
<i>Provide or allocate suitable land for development of common bio-medical waste treatment facilities (Para 7 of Schedule 3 of BWM Rule 2016)</i>	<i>Lucknow Municipal corporation have provided the lam admeasuring 1.25 Acres for establishing the Bio-medical waste processing plant at Village-Bindova, Mohanla Garj. Plant is operational and receiving waste from 1031 HCF (9751 beds) and treating 3600 Kg/day (100% of collected waste).</i> LMC collect all Municipal Solid waste from all HCFs segregated form and dispose off accordingly.
<i>Facilitating construction, operation & maintenance of Carcass disposal facility.</i>	<i>Lucknow Municipal corporation is operating Carcass plant in 4 Acres of land at Shivari in scientific way and also going to install within 6 months a new incineration plant for incineration of dead stray animals in scientific way.</i>

E. COMPLIANCE OF E-WASTE MANAGEMENT E-WASTE RULES, 2016

The detail of current status and Targets of compliance to E-Waste Management Rules 2016 are summarised below in Table-10.

Table-10: current status and Targets of compliance to E-Waste Management Rules 2016

Activity	Current status and Targets to be achieved by 30.11.2023
<i>Urban Local Bodies shall ensure that e-waste pertaining to orphan products is Collected and channelised to authorised dismantler or recycler (Rule 24 E-Waste Management Rule 2016)</i>	<i>Lucknow Municipal Corporation have engaged a private partner for collection, transportation and processing of E-waste.</i>
<i>Responsibilities of the</i>	<i>Lucknow Municipal corporation will</i>

producer for implementing the Extended Producers (Responsibility (Rule 5 of E-Waste Management Rule 2016))	ensure its registration will seek assistance of producers under EPR framework.
--	--

”

5. The affidavit mentions about the other initiatives for improvement of habitat and environment and workers safety in the following tabulated form:-

“F. OTHER INITIATIVES

LMC taken few more steps for improvement of habitat & environment and workers safety as summarised below in Table 11.

Sr. No	Points	Description
1	Efficient Waste Management	LNN took swift action to terminate the services of M/s Ecogreen, the company responsible for waste collection, due to their failure to fulfill their obligations. Subsequently, over 50% of malfunctioning primary and secondary waste collection vehicles were repaired to ensure prompt waste removal, benefiting the citizens of Lucknow.
2	Solid Waste to Wealth	LNN adopted a "Waste to Wealth" strategy within its waste policy by implementing plans to recycle waste for biogas and electricity production. Additionally, the daily wages of approximately 8,500 sanitation workers were increased from ₹308 to ₹388, starting in September.
3	Eco-Friendly Initiatives:	In line with environmental protection efforts, 90 new CNG vehicles were deployed for primary waste collection.
4	Waste Collection Expansion:	LNN provided 1,215 new rickshaw trailers, 300 garbage trot cycles, 2,605 speed (sweeper) cycles, and 1,000 Hand Cart to facilitate primary waste collection.
5	Employee Safety:	In the interest of employee safety, 4,132 safety helmets, 4,132 safety goggles, and 4,132 rubber gloves were distributed.
6	Secondary Waste Collection:	600 different capacity dustbins were procured to facilitate secondary waste collection.
7	Greenery Enhancement	The green cover of Lucknow was expanded through tree planting and the development of various parks, including Amousi, Gram Saintha, Gram Rasulpur Kayasth, and green belts along various roads.
8	Drain Cleaning	A total of 414 drains were cleaned to address waterlogging issues during the monsoon.
9	Tree Pruning:	High trees that posed a risk were pruned using tree pruners and threader and chipper machines.
10	Sustainability and clean energy	LNN is transitioning its waste collection fleet to CNG vehicles and installing CNG pumps to reduce dependence on fossil fuels.

11	Central Workshop Upgrade	The central workshop of LNN is being renovated and is expected to operate with modern facilities in the near future.
12	Anti-Encroachment Efforts	LNN successfully reclaimed municipal land worth ₹1,60,36,62,000 from unauthorized occupants at six different locations in the past three months.

”

6. A separate compliance report on behalf of Municipal Corporation has been filed. Counsel for Municipal Corporation submits that the annexures mentioned in the report could not be filed. He is permitted to file the same within one week.

7. Learned Counsel for Municipal Corporation, Lucknow has submitted that contract was awarded to M/s Eco Green Energy Lucknow Private Limited for the Solid Waste Management at Lucknow and on account of the irregularities committed by the said company, now the contract had been terminated and M/s Eco-Green Energy Lucknow Private Limited has been blacklisted by order dated 28.11.2023.

8. Since in the affidavit dated 11.09.2023, a Commissioner, Municipal Corporation has indicated certain timelines for compliance of the directions, therefore, we grant two months’ time to the Commissioner, Municipal Corporation to proceed in accordance with the timelines so indicated in the affidavit and submit a fresh affidavit on completion of two months indicating the action taken in compliance of the timelines disclosed in the affidavit dated 11.09.2023.

9. List this matter on 07.02.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 04, 2023
Original Application No. 654/2022
SN