

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

Execution Application No. 13/2019
IN
Original Application No. 247/2017

Central Pollution Control Board
Versus Applicant(s)

State of Andaman & Nicobar & Ors. Respondent(s)

Date of hearing: 22.07.2019

(Status Report on implementation of Plastic Waste Management Rules, 2018, E.A. No. 13/2019 in O.A. No. 247/2017)

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Rajkumar, Advocate for CPCB

For Respondent (s): Mr. Shubham Bhalla, Advocate for Chhattisgarh
Mr. Bibhash Kr. Sharma and Mrs. Asha Nayar Basu, Advocates for WBPCB
Mr. Narender Pal Singh, Advocate for DPCC
Mr. Pradeep Misra, Advocate for UPPCB
Mr. Rahul Khurana, Advocate for Haryana and HSPCB
Mr. Siddhesh Kotwal, Ms. Bansuri Swaraj and Mr. Arshiya Ghosh, Advocates for State of Mizoram
Mr. Shuvodeep Roy and Mr. Vinayak Gupta, Advocates for State of Assam
Mr. Leishangthem Roshmani Kh. And Ms. Anupama Ngangom, Advocates for State of Manipur
Ms. K. Enatoli Sema, Advocate for State of Nagaland and State PCB
Mr. Avijit Roy, Advocate for Assam Pollution Control Board
Mr. G. Indira and Mr. K.V. Jagdishvaran, Advocates for Anandman and Nicobar Administration

Ms. Sharmishtha Shukla, Advocate for Arunachal PCB
Mr. Neginder Benipal, Advocate for State of Punjab
Mr. Jai Dehadrai and Mr. S.S. Rebello, Advocates for Goa State PCB
Ms. Ruchira Gupta, Advocate for Goa State Urban Development Municipal Administration
Ms. Gayatri Gulati and Mr. TVS Raghavendra Sreyas, Advocates for Andhra Pradesh Pollution Control Board
Mr. Dhananjay Bajjal, Advocate for Telangana State PCB
Mr. Soumyajit Pani and Mr. Chittranjan Singh, Advocates for State of Odisha

ORDER

1. The issue for consideration is the implementation of Plastic Waste Management Rules, 2016 (PWM Rules) and directions issued by the CPCB on 30.06.2016 to implement the thickness norms for carry bags, constitution of squads for vigilance, preventing littering of plastic waste in public, submission of annual reports and action plan for management, quantification and characterization in every city/town of all the States/UTs.
2. On 12.03.2019, we noted the stand of the CPCB that States are not furnishing information and not taking steps to take preventive and regulatory measures envisaged under the PWM Rules. Though, ban was imposed on the use of plastic carry bags etc. in many States, the same was not enforced. Burning of plastic waste was continuing, apart from littering of plastic waste on railway tracks, bus stations etc.

3. Accordingly, the Tribunal directed the States/UTs to ensure compliance of the PWM Rules requiring furnishing of reports as well as taking other steps. In default, the defaulting States were to be required to pay compensation @ Rs. 1 Crore per month after 01.05.2019. CPCB was to furnish status of compliance.
4. As per report of the CPCB filed on 30.05.2019, annual reports have not been submitted by States of Haryana, Jharkhand, Lakshadweep and Mizoram till 30.04.2019.
5. Following further observations/recommendations have been made by the CPCB in its report:-

“2.4 Details of Plastic Waste Management as per Provisions 5, 6 and 9 of PWM Rules, 2016, as amended, 2018:

- a. Seven (7) States/UTs namely; Bihar, Daman Diu and Dadra Nagar Haveli, J&K, Maharashtra, Manipur, Sikkim and Uttarakhand have not submitted the details in the matter.
- b. Ten (10) States/UTs namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Meghalaya, Odisha, Rajasthan and Tamil Nadu are sending the collected plastic waste to cement plants for co-processing.
- c. 12 States/UTs namely Andhra Pradesh, Assam, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Orissa, Nagaland, Tamil Nadu, Telangana, Puducherry and West Bengal are using plastic waste for polymer bitumen road construction.
- d. Further, some of the States/UTs namely Chandigarh, Delhi, Karnataka & Madhya Pradesh are using the plastic waste for waste to energy and oil production.

2.5 **Complete/Partial Ban on carry bags/products:-** 18 States/UTs have imposed complete ban on plastic carry bags/products. Besides 5 States namely Andhra Pradesh, Gujarat, Jammu & Kashmir, Kerala and West Bengal have imposed the partial ban on plastic carry bags/products at religious/historical places. Further, 7 States/UTs namely Assam, Bihar, Goa, Manipur, Meghalaya, Puducherry & Telangana have not imposed the ban on plastic carry bags/products. Odisha has not provided any details in this regard.

2.8 **Status of marking & labelling on carry bags/products:** As per provision '11' of PWM Rules, 2016, as amended, 2018, proper marking & labelling on carrybags/products by the producers & Brand owners. There are 18 States/UTs which have complied with Rule and 2 States/UTs namely Bihar & Uttar Pradesh which have partially complied with the Rules. Besides, there are 10 States/UTs which have not provided the information in this regard. Further, there is no plastic manufacturing in unit Chandigarh.

2.9 **No. of violations & action taken on non-compliance of Rules:** As per provision '12' of PWM Rules, 2016, as amended, 2018, "the prescribed Authorities for implementation of Rules", 16 States/UTs have imposed fine, issued notices & closure directions to the defaulters in their respective State/UT. These are namely Chandigarh, Daman Diu Dadra & Nagar Haveli (DDDNH), Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Punjab, Puducherry, Tamil Nadu, Telangana & Tripura. Further, there are no violations in 10 States/UTs. 5 States/UTs namely Andaman & Nicobar Islands, Arunachal Pradesh, Sikkim, Uttar Pradesh and Uttarakhand have not submitted the information in this regard.

2.10 **Status of submission of AR by ULBs to SPCBs/PCCs:** Most of the Urban Local Bodies have failed to submit the information to SPCBs/PCCs. The list of no. of ULBs have submitted and not submitted is given in the below table:

S. No.	Name of the SPCB/PCC	Submission of AR by ULBs to SPCBs/PCCs	
		No. of ULBs submitted	No. of ULBs no submitted
1.	Bihar	3	138
2.	Delhi	3	5
3.	J&K	20	80
4.	Kerala	30	63
5.	Madhya Pradesh	106	272
6.	Maharashtra	1	240
7.	Odisha	25	89
8.	Puducherry	5	5
9.	Uttar Pradesh	Not provided	653
10.	Uttarakhand	Not provided	101

3. Recommendations:

1. SPCBs/PCCs shall ensure that Annual Report on implementation of PWM Rules, 2016, as amended, 2018 is complete in all respect as per Form-VI and submitted timely to CPCB i.e. on 31st July each year along with Action plan.
2. SPCBs/PCCs should direct to UDDs to ensure setting-up of collection, source segregation & disposal system for plastic waste.
3. SPCBs/PCCs shall provide the details such as quantification, characterization & disposal methods of plastic waste. The details of disposed plastic waste should be provided to CPCB.
4. SPCBs/PCCs should also ensure that no unregistered plastic manufacturing/recycling units is in operation & no unit is running in nonconforming/ residential areas. Besides, it is also to be ensured that plastic carrybags /films <50microns thickness

should not be manufactured, stocked, sold and used in cities/towns.

5. *SPCBs/PCCs, UDDs shall ensure to promote compostable carry bags certified by CPCB.*
6. *SPCBs/PCCs and Municipalities should constitute squad to check illegal manufacturing, stocking, sale of <50microns thickness plastic carry bags and uncertified compostable carry bags/products in the market.*
7. *SPCBs/PCCs and UDDs to ensure prohibit litter of plastic waste at historical, religious, public places and dumping of plastic waste on drains, river, banks & sea beaches is prohibited.*
8. *SPCBs/PCCs and UDDs to prohibit ensure open burning of plastic waste*

3.0 Action Plan:

The Action Plan for plastic Waste Management Rules has been submitted by 12 States/UTs namely Chhattisgarh, Delhi, Himachal Pradesh, Kerala, Madhya Pradesh, Meghalaya, Punjab, Telangana, Tripura and Andaman & Nicobar Islands, Daman Diu & Dadra Nagar Haveli and Puducherry.”

6. The concerned States/ UTs may now take further action meeting the gaps pointed out above as per the timeline laid down under the PWM Rules. The CPCB may monitor the same and furnish its further status report by 30.09.2019 by e-mail at judicial-ngt@gov.in The recovery of compensation for the delay in compliance timeline will be considered on the next date.

List again on 16.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 22, 2019

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