

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

Original Application No. 360/2018

(With Report dated 14.02.2020)

Shree Nath Sharma

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.03.2020

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent(s):

Mr. Mukesh Kumar, Advocate for CPCB

ORDER

1. The issue for consideration is compliance of directions of this Tribunal for preparation of District Environmental Plans in all the States followed by State Environmental Plans and finally National Environment Plan. Such plans will certainly be an aid in environment protection.
2. Having regard to the large scale grievances of violation of environmental norms, this Tribunal vide the order dated 15.07.2019 in O.A. No. 710/2017, *Shailesh Singh vs. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors.*, directed as follows:-

“ We find it necessary to add that in view of Constitutional provisions under Articles 243 G, 243 W, 243 ZD read with Schedules 11 and 12 and Rule 15 of the Solid Waste

Management Rules, 2016, it is necessary to have a District Environment Plan to be operated by a District Committee (as a part of District Planning Committee under Article 243 ZD) with representatives from Panchayats, Local Bodies, Regional Officers, State PCB and a suitable officer representing the administration, which may in turn be chaired and monitored by the District Magistrate. Such District Environment Plans and Constitution of District Committee may be placed on the website of Districts concerned. The monthly report of monitoring by the District Magistrate may be furnished to the Chief Secretary and may be placed on the website of the District and kept on such websites for a period of one year. This may be made operative from 1.08.2019. Compliance of this direction may also be seen by the Chief Secretaries of the States/UTs. This may not only comply with mandate of law but provide an institutional mechanism for effective monitoring of environment norms.”

3. Thereafter, vide order dated 26.09.2019 in the present matter, it was observed:-

“ 6. This Tribunal in O.A. No. 606/2018, while dealing with the compliance of Municipal Solid Waste Management Rules, 2016 also flagged other issues and required monitoring at the level of the Chief Secretaries and the District Magistrates. The Chief Secretaries of all the States/UTs have appeared before this Tribunal, including the Chief Secretary of State of Rajasthan and directions have been issued for continuous monitoring and filing of further reports.

7. Vide order dated 12.09.2019, while fixing a schedule for further appearance of the Chief Secretaries of all the States/UTs, direction has been issued to compile information with reference to the following specific thematic areas viz.:

- Compliance to Solid Waste Rules including Legacy Waste.
- Compliance to Bio-medical Waste Rules.
- Compliance to Construction & Demolition Waste.
- Compliance to Hazardous Waste Rules.
- Compliance to E-waste Rules.
- 351 Polluter Stretches in the country.
- 122 Non-attainment cities.
- 100 industrial clusters.
- Status of STPs and re-use of treated water.
- Status of CETPs/ETPs including performance.
- Ground water extraction/contamination and re-charge.
- Air pollution including noise pollution.
- Illegal sand mining.

- Rejuvenation of water bodies.
8. Such information is to be furnished to the CPCB by the Chief Secretaries of all the States/UTs indicating:
- Current status
 - 4 Desirable level of compliance in terms of statutes.
 - Gap between current status and desired levels.
 - Proposal of attending the gap with time lines.
 - Name and designation of designated officer for ensuring Compliance to provisions under statute.
9. Since CPCB is to file updated report by 15.11.2019, the Chief Secretaries of all the States/UTs may furnish such information by 31.10.2019.

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11. To facilitate preparation of such District Environment Plan, it will be appropriate that CPCB prepares a Model/Models and places the same on its website which may be adopted with suitable changes as per local requirements for all Districts in the country and monitored by the Chief Secretaries with reports to the Tribunal in O.A. No. 606/2018.
12. The Department of Environment of all States and Union Territories may collect such District Environment Plans of their respective States and finalize the 'State Environment Plan' covering the specific thematic areas referred in Para-7 including information as contained in Para-8 and template of Model/Models District Environment Plan provided by the CPCB. The action for preparation of State's Environment Plan shall be monitored by the respective Chief Secretaries of States and Administration of UTs. Let this action be completed by 15.12.2019 and compliance be reported to the Tribunal by 31.12.2019.
13. Based on States and UTs Environment Plans, MoEF&CC and CPCB shall prepare country's Environment Plan accordingly. Let the Secretary, MoEF&CC and Chairman, CPCB steer the preparation of country's Environment Plan. Let their action be completed by 31.01.2020 and compliance be reported to the Tribunal by 15.02.2020."

4. In pursuance of the above, a status report has been filed by the CPCB on 14.02.2020 as follows:-

"2. Status of Compliance

2.1 Action Taken by CPCB

- (i) In compliance to the directions from Hon'ble NGT, CPCB has prepared a template for model District Environment Plan, which provides data sheets to capture all relevant information pertaining to thematic areas. The objectives of data sheets is to identify quantifiable gaps in implementations of environmental norms for each thematic area at the level of Districts. Such data will help in planning and execution of time bound action plans in quantifiable manner.

Template for model District Environment Plan, covers the following 7 areas capturing all thematic areas identified by Hon'ble Tribunal;

1. Waste Management

- a) Solid Waste
- b) Biomedical waste
- c) Construction and Demolition Waste
- d) Hazardous Wastes
- e) Electronic Waste (E-Waste)
- f) Plastic Waste

- 2. Water Quality Management
- 3. Ambient Air Quality
- 4. Domestic Sewage
- 5. Industrial Waste Water
- 6. Mining Activity
- 7. Noise Pollution

Templates for District Environment Plan captures basic information on 64 action areas using nearly 220 data points, which are essential for framing District Environment Plan. The office of District Magistrate is expected to use the template of action points and indicative data requirements given for preparing District level Environment Plan. It is suggested Information pertaining to data points may be collected from respective agencies in the District. Copy of Model Template for District Environment Plan shared by CPCB is given at Annexure IB.

- (ii) CPCB uploaded template for District Environment Plan on its website and also circulated the same to office of District Magistrates by E-mail. Further, CPCB vide letter dated 01.11.2019 requested Chief Secretaries of all States / UTs to ensure that District Environment Plans (hereinafter will be referred as DEP) and State Environment Plans (hereinafter will be referred as SEPs) are prepared and submitted as per the time lines given in Hon'ble NGT order dated 26.09.2019. Copy of said CPCB letter dated 01.11.2019 is enclosed at Annexure II.

(iii) CPCB vide letters dated 20.11.2019 requested all State Pollution Control Boards (hereinafter will be referred as SPCBs) / Pollution Control Committees (hereinafter will be called as PCCs) and Principal Secretary, Environment Department of every State/UT to kindly coordinate the above matter with District Magistrates and for submission of SEP within stipulated time so that CPCB can compile the same to prepare National Environment Plan (herein will be referred as NEP). Copy of said CPCB letter dated 20.11.2019 is enclosed at Annexure III.

(iv) CPCB issued a reminder letter dated 10/01/2020 to Principal Secretaries of States / UTs requesting submission of SEPs. Copy of said CPCB letter is enclosed at Annexure IV.

(v) CPCB coordinate with MoEF&CC for holding joint review meeting by Secretary MoEF&CC and Chairman, CPCB as per directions of Hon'ble NGT.

2.2. Compliance by States

(i) 07 States namely Maharashtra, Lakshadweep, Chandigarh, Puducherry, Tamil Nadu, Tripura and Andhra Pradesh submitted State Environment Plan to CPCB. In case of MP State, MP Pollution Control Board has shared District Environmental Plans of 9 Districts and reported that DEPs of 39 out of 52 districts completed.

(ii) The following observations made upon scrutiny of 07 State Environment Plans submitted by States;

a. The State Environment Plans are not uniform among the States, which will make it difficult prepare National Environment Pan.

b. Some SEPs does not capture action areas comprehensively

c. Time bound action plans to close identified gaps and for meeting environmental norms not outlined.

d. Some SEPs does not capture information of DEPs.

(iii) Observations on SEPS received from 7 State is given in Table 1 below;

Table 1: Details of SEP/DEP submitted by States / Union Territories

Sl. No.	Name of State	DEP/SEPs Received From	Details of Information received	Comments/Remarks
1.	Maharashtra	Maharashtra SPCB	DEPs for 36 Districts have been submitted. DEPs outlines action plan for each thematic area. Specific timelines not specified, however actions are classified as priorities High & immediate/short-term/Mid-term/	SEP provides environmental status report pertaining to each thematic area. However, SEP does not capture action points specified in DEPs with timelines. SEP may need upgradation with additional information.
2.	Lakshadweep	Department of Environment	SEP captures information relevant to thematic areas as per CPCB template. 5-Year time-targeted action plan along with budgetary requirement is provided for all thematic areas.	SEP is satisfactory. May need revision of few action points.
3.	Chandigarh UT	Department of Environment	SEP comprises of only the filled in template data for model DEP. UT specific implementation gaps and proposed strategy to implement UT-Environment Plan not given.	Need to prepare UT Environment Plan based on template information.
4.	Tripura	Department of Science, Technology and Environment, Tripura	SEP has been prepared as per template of DEP, therefore it may be difficult to monitor. Present Status, gaps and Timelines for implementation are given.	SEP may be simplified.
5.	Tamilnadu	Department of Environment	Draft SEP is mere compilation of data received from all the Districts. There is no specific plan except status report. DEP not provided, however data sheets provided for all districts as per template given by CPCB.	Draft SEP identifies the gaps, but action plans not envisaged. Draft SEP may need revision.

6.	Puducherry	Puducherry PCC	SEP is submitted with proposed strategy however timelines for compliance is not given DEP prepared for 02 out 04 districts in UT. DEPs provides status report and strategic action plan, however deliverables not quantified along with timelines for compliance.	SEPs may be revised to include quantifiable deliverables along with timelines for compliance.
7.	Andhra Pradesh	Department of Environment, Forests, Science and Technology	SEP covers all thematic areas. Provides present status, and gaps including financial status of ULBs	SEP is satisfactory

iv. 06 States namely West Bengal, Chhattisgarh, Madhya Pradesh, Assam, Rajasthan and Jammu & Kashmir sought time ranging between two weeks to six months for preparation of District Environment Plan and State Environment Plan. In response to which, CPCB vide letter dated between 15.01.2020 to 22.01.2020 informed all States that CPCB cannot provide time extension and the same may be sought only from Hon'ble NGT. Copies of said CPCB letters given at **Annexure V**.

3. Review meeting on preparation of National Environment Plan

In compliance to directions of Hon'ble Tribunal, to steer preparation of National Environment Plan, a joint review meeting was held by Secretary, MoEF&CC and Chairman, CPCB on 30.01.2020 at MoEF&CC. The following observations were made in steering meeting;

- (i) National Environment Plan cannot be prepared unless CPCB or MoEF&CC receives all State Environment Plans and such plans are prepared uniformly according to a model template for State Environment Plan. Therefore, it was suggested CPCB may prepare model template of State Environment Plan and

circulate the same to States so as to maintain uniformity in SEPs.

(ii) State Environment Plans of 7 States needs revision and the shortcomings may be communicated to States specifying the points that require revision.

(iii) In some districts information required for preparation of DEPs as per model template is not readily available with local agencies and thereafter preparation of SEPs at State/UTs may take some time at State level. Therefore, MoEF/CPCB may pray before Hon'ble Tribunal for extension of up to 6 months to complete National Environment Plans in coordination with States.

4. Strategy for Preparation of National Environment Plan

The objective of National Environment Plan on thematic areas would be to improve quality of recipient environment, ensure environmentally sound management of waste, identify responsible stakeholders, ensure compliance to norms and to set objectives and goals to achieve in a targeted timeframe. National Environment Plan may focus on strategies to be followed on thematic areas for compliance to environmental norms and Rules across the States. National Environment Plan may present, information pertaining to existing scenario, gaps in infrastructure, short-comings in waste management, sewage treatment, environmental quality etc., which will be captured from State Environment Plans. NEP may also identify thrust areas, States requiring special attention, institutions responsible for monitoring and agencies responsible to ensure compliance on thematic areas across the States. National Environment Plan on thematic areas cannot be prepared without capturing State Environmental Plans.

State Environment Plans needs to provide present status, gaps in implementation and roadmap for compliance to thematic areas across the State. State Plans may identify regional issues, constraints in implementation, priority action areas and districts requiring more attention. State Environment Plan should also

provide timelines for implementation and compliance on thematic areas. It is required to ensure that information pertaining to all District Environment Plans is captured into State Environment Plans.

Each District Environment Plans needs to capture information on about 220 data points and 64 action areas pertaining to thematic areas as specified in CPCB model template and each district plan should outline the present status and gaps in implementation. District environment plan should also identify agencies responsible, requirement of infrastructure facilities for sewage treatment, waste management, monitoring environmental quality, etc.”

5. While we note the steps taken, completion of environmental plans in terms of order of this Tribunal cannot be unduly delayed having regard to implications of such steps for protection of environment and public health. Some of the handicaps pointed out can be overcome by pro-active role of CPCB in ensuring preparation of at least one model District Environment Plan in every State in the first instance which can thereafter be replicated for all the Districts in the States/UTs and so on. For this purpose, State PCB and concerned District Magistrate may assist the CPCB. This step may be completed by simultaneous initiative in all the States within three months. In the last nine months, some work may have already been done in the States/UTs. Thus, it should be possible to finalize a model action plan at least for one District each in all States/UTs in the next three months. Thereafter, the exercise may be replicated with regard to all the Districts followed by State Environmental Plan and then a National Environmental Plan in further three months. CPCB is at liberty to utilize compensation funds and involve any individuals/organizations in the process.

This exercise will be without prejudice to monitoring mechanism in terms of earlier directions. Wherever exercise has been completed and found to be satisfactory, further steps for execution may be taken accordingly. Status report of progress in this regard may be furnished before the next date by email at judicial-ngt@gov.in.

List for further consideration on 14.10.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

March 19, 2020
Original Application No. 360/2018
(M.A. No. 823/2018)
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