

Item No. 02

Court No. 1

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

(By Video Conferencing)

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

(With report dated 04.09.2020)

Central Pollution Control Board

Applicant(s)

Versus

State of Andaman & Nicobar & Ors.

Respondent(s)

Date of hearing: 10.09.2020

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

Applicant(s): Mr. Raj Kumar, Advocate

**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. The Rules lay down conditions for manufacture, import, stocking, distribution sale and use of carry bags, plastic sheets, multilayer packaging etc. and waste management. Responsibilities are assigned to

local bodies, waste generators, producers, importers and brand owners. Provisions including protocols for compostable plastic material, marking, labelling have also been made. State PCBs/PCCs are the authorities for enforcement. There is a provision for registration for manufacturers, producers and recyclers. Responsibility is also assigned to the retailers and street vendors. State level monitoring Committees are to be constituted. Reports are to be filed by recyclers/processors to local bodies, by local bodies to Urban Development Departments and PCBs/PCCs, by PCBs/PCCs to CPCB and by CPCB to the Central Government. CPCB itself has approached this Tribunal with a grievance that compliance of Rules is not taking place.

3. As earlier mentioned, the matter has been considered on several occasions in the last three years. Directions were issued to all the States/UTs to ensure the compliance with PWM Rules and to furnish information to the CPCB under the relevant heads. Thereafter, as per report of the CPCB filed on 30.05.2019, it was found that there was huge gap in preparation and execution of action plans for implementation of the Rules. The Tribunal also noted that implementation of Extended Procedures Responsibility (EPR) remained a challenge for which MoEF&CC had to finalize a policy framework.

4. On 06.12.2019, the Additional Secretary, MoEF&CC appeared in person and submitted that three models were being debated in this regard. The Tribunal, after referring to earlier proceedings and stand of the concerned parties, issued following directions:-

*“14. In view of above discussion, we sum up our directions as follows:*

- a) **National Framework for extended producers liability be finalized and enforced as far as possible within three months and a report furnished by the MoEF&CC as per observations in para 12 above.**
- b) **CPCB may give its report for compensation regime in terms of para 13 above.**
- c) *The States/UTs may finalize the time targeted action plans and give information about the implementation status to the CPCB as per recommendations in the report of the CPCB summarized in para 9 above.*
- d) *An institutional mechanism be established to ensure that:*
  - i. **No unregistered plastic manufacturing/recycling units is in operation and no unit is running in non-conforming/ residential areas.**
  - ii. **No plastic carry bags /films <50 microns thickness should be manufactured, stocked, sold and used in cities/towns.**
  - iii. **Thermocol/polystyrene cups, plates, etc. used extensively and haphazardly littered are properly regulated.**
  - iv. **Special Environment Squads may be set up for enforcement to oversee and ensure that no litter of plastic waste takes place at historical, religious, public places and dumping of plastic waste on drains, river, banks and sea and no burning of plastic takes place in open.**
  - v. *The States/UTs may submit their compliance reports to CPCB quarterly in a cumulative format, failing which compensation of Rs. 1 lakh per quarter shall be levied by the CPCB. The CPCB may compile and file its consolidated report on quarterly basis before this Tribunal. First quarterly report be filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

5. In view of above, the CPCB has filed its report on 04.09.2020. The conclusion in the report is as follows:-

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- i. **15 States/UTs namely A&N island, Assam, D & NH, Goa, Jharkhand, Karnataka, Lakshadweep, Manipur, Mizoram, Nagaland, Orissa, Rajasthan, Sikkim, U.P.**

**and West Bengal** have not submitted compliance report on PWM and these States & UTS are required to pay compensation of Rs 1 Lakh for the quarter Oct-Dec,2019 in compliance of Hon'ble NGT Order dated December 6<sup>th</sup>, 2019.

- ii. 80% ULBs & 10% VPs have set-up of plastic waste management system as per provision of PWM Rules ; 82% ULBs & 9.1% VPs have facility for collection of segregated waste. only 59.5 % ULBS and 5.93% have provision for Material Recovery Facility. States/UTs are required to setup PWM system as per rule 7 of PWM rules.2018 in each and every ULB and GP. Emphasis has to be laid on provision of facilities for secondary segregation of waste and more emphasis in Village Panchayats
- iii. Only 11% of the Registered brand owners have engaged with 6% ULBs for PWM. Increased engagement of brand owners with ULBs is recommended for efficient PWM
- iv. Timelines to be provided by States and UTs for management of plastic waste as per provisions of PWM Rules
- v. Capacity of recycling ( 5347 TPD- 80% ) is only 63% is utilized which can be attributed to unequal distribution of recyclers and inefficient channelization of plastic waste. Efficient channelization of plastic waste and increased networking of recyclers required for recycling of plastic waste
- vi. Comparatively less quantity of plastic waste used in road making, waste to oil, co-processing and RDF preparation. Impetus required for increased use of plastic waste in these areas.
- vii. Registration granted for compostable plastics in only eight States & UTs as per 8a in the above table. CPCB has issued certificate to 108 manufacturers/sellers in 19 States/UTs. However Registration has been granted to only 32 units by concerned SPCBs/PCCs. Impetus required for promotion of compostable plastics in the States & UTs and bringing them under the purview of PWM Rules
- viii. All unregistered units to be brought under the purview of legal framework as per provision of PWM Rules
- ix. Most states & UTs have imposed restriction on manufacture and usage of plastic bags. Similar restrictions should be imposed on manufacture and usage of plastic sheets
- x. Time targeted action plan for efficient channelization and utilization of plastic waste addressing the cells marked as "GAPS" in **annexure III** as identified for the individual state to be framed and implemented in the States & UTs."

6. We may review the status of compliance of directions in the order of this Tribunal dated 16.12.2019, already quoted above. With regard to direction (a), it is submitted that the MoEF&CC is yet to finalize its policy though the CPCB has already given its report on the subject to the MoEF&CC. None appears for the MoEF&CC. Even in O.A. No. 15/2014 listed today, involving overlapping issues, no one appeared for the MoEF&CC which shows that **the MoEF&CC is ignoring even most serious environmental issues which is very unfortunate. Let Secretary, MoEF&CC look into the matter and take remedial action.**

However, we have come across the draft of “Guidelines Document” on 'Uniform Framework for Extended Producers Responsibility (Under Plastic Waste Management Rules, 2016)', seeking comments till 31.07.2020. It is not clear whether the policy has been so far finalised or not.

7. With regard to (b), compensation regime, the CPCB has still not finalized the same on the ground that it is waiting for the MoEF&CC finalizing its policy on the subject of EPR, which is no justification for delay by the CPCB. With regard to direction (c), the relevant information has not still been provided. With regard to direction (d), the information is not available with regard to the number of unregistered plastic units and number of such units in non-conforming/residential area. With regard to directions (ii) to (iv) of (d), adequate steps are not being taken.

We are of the view that having regard to significance of the issue, the Chairman and Member Secretary, CPCB need to hold periodic meetings by Video Conferencing with the Chairmen and Member Secretaries of all the State Boards/Committees on the subject to work out enforcement strategies, including action plans in all the Districts, involving Educational, Religious and other Institutions in the interest of

public health and protection of environment. Atleast one District in every State should be made a model for compliance of PWM Rules in the first instance and thereafter, the entire State should be made so compliant. State PCBs/PCCs, in coordination with State Level Monitoring Committees, need to involve the District Magistrates and other concerned local authorities for effective enforcement of the statutory regime.

8. Let the MoEF&CC and the CPCB may give their action taken reports before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

9. The concerned Joint Secretary, MoEF&CC and the Member Secretary, CPCB may remain present during the hearing by Video Conference to enable the Tribunal to consider and pass further orders in the interest of the environment and public health.

List for further consideration on 14.10.2020.

A copy of this order be sent to the Secretary, MoEF&CC and the Member Secretary, CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 10, 2020  
Execution Application No. 13/2019  
In Original Application No. 247/2017  
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