



**Suleman vs. Union of India a/w connected matters**

**CWP No.2369 of 2018 with CWP Nos.1074 of 2019, 3334 of 2021, CWPIIL Nos. 32, 42, 56 of 2021, CWP No.3511 of 2022 and CWPIIL No.4 of 2022**

**18.07.2024** Present: Mr. Deven Khanna, Advocate, for the petitioners, in CWP No. 2369 of 2018.

Mr. Bhuvnesh Sharma, Senior Advocate with Ms. Vaishali Lakhanpal, Advocate, for the petitioner in CWP No.1074 of 2019.

Mr. K. B. Khajuria, Advocate, for the petitioner in CWP No. 3511 of 2022 and for respondent No. 6-Central Pollution control Board in CWP No. 2369 of 2018.

Court on its own motion in CWPIIL Nos.32, 42 & 56 of 2021.

Mr. Anup Rattan, A.G. with Mr. I.N. Mehta, Senior Additional Advocate General and Ms. Sharmila Patial, Additional Advocate General, for the respondent(s)-State.

Mr. Balram Sharma, Deputy Solicitor General of India, for Union of India and for respondent No.4-Central Pollution Control Board, in CWP No. 3511 of 2022.

Mr. Neeraj Gupta, Sr. Advocate with Mr. Ajeet Jaswal, Advocate, for respondent No. 8 in CWP No. 2369 of 2018 and CWP No. 1074 of 2019

Mr. Tara Singh Chauhan Advocate, for respondent-HP Pollution Control Board, in CWP No. 2369 of 2018 and CWP No. 1074 of 2019.

None for respondent No.2, in CWPIIL No. 32 of 2021, for respondent No.1, in CWPIIL No. 42 of 2021 and for respondent No.3 in CWP No. 3511 of 2022.

Ms. Priya Sharma, Advocate, for respondent in CWPIIL No. 4 of 2022.

Mr. Naveen K. Bhardwaj, Advocate, for M.Cs Kullu, Manali and Nagar Panchayat, Bhuntar, District Kullu, H.P., in CWP No. 2369 of 2018.

Mr. Adarsh K. Vashista, Advocate, for M.Cs. Chamba, Baddi, Nalagarh, Nagrota Bagwan, Jwalamukhi, Nurpur, Shahpur, Jawali and Baddi.

Mr. Rajesh Kashyap, Advocate, for MCs Sundernagar and Dalhousie.

Mr. Mukul Sood, Advocate, for M.Cs Shimla and Dharamshala.

Mr. Lalit K. Sharma, Advocate, for respondent No. 4 in CWPIIL No. 32 of 2021.

Mr. Virbahadur Verma, Advocate, for respondent No. 2 in CWPIIL No. 32 of 2021, for respondent No. 1 in CWPIIL No. 42 of 2021 and for respondent No. 3 in CWP No. 3511 of 2022.

Mr. H. S. Rangra, Advocate, for MC Mandi, in CWP No. 2369 of 2018.

Mr. Ajay K. Chauhan, Advocate, MC Palampur in CWO No. 2369 of 2018.

Ms. Divya Sood, Advocate, for respondent-Central Pollution Control Board in CWP No. 3511 of 2022.

The learned counsel Mr. Deven Khanna, Advocate, for the petitioners, in CWP No. 2369 of 2018 has placed on record Note-IV, which reads as under:-

#### **“Part - 1**

#### **Summary of High Court Directed Meeting on Solid Waste Management**

**\*Purpose:\*** To discuss and address various aspects of solid waste management in Himachal Pradesh as per the directives of this Hon’ble Court. This meeting aims to bring together all relevant stakeholders to deliberate on the current status, challenges, and actionable solutions.

In compliance to the Hon’ble Court’s orders dated 20.06.2024 in CWP No. 2369 of 2018 a meeting of the Multi member Committee constituted in compliance to directions dated 11.01.2024 was held on 15.07.2024 at 3:30 PM in the Meeting Hall of Urban Development Department (UDD) under the Chairmanship of Director, Urban Development, HP. Sh. Pradeep Sangwan, President, Healing Himalayas NGO and Ms. Etosha & Sh. Vishal Kumar representatives of Waste Warrior NGO were also invited for the meeting. The representative from RDD & PR was not present in the meeting.

Following this, detailed deliberations and discussions were held:-

### **1. Update on Hotspots and Action Taken by ULBs**

The Urban Development Department (UDD) reported that 300 hotspots have been identified in Urban Local Bodies (ULBs) of Himachal Pradesh. To date, 191 hotspots have been eliminated. The report on garbage hotspot removal, including photographic evidence, was presented in the meeting. The work on eliminating the remaining 109 hotspots is ongoing.

### **2. Training at HIPA**

UDD proposed training at HIPA in two slots for 50 participants each from 5th to 9th August 2024 and 19th to 23rd August 2024, considering conference hall availability. The Municipal Corporations of Shimla and Solan will attend the first batch, and Mandi, Dharamshala, and Palampur will attend the second batch.

It was decided that Advocate Deven Khanna will lecture on solid waste management laws and court directions, while NGO representatives will share their practical experiences..

### **3. Formation of a Special Task Force (STF)**

It has been decided in the meeting that STF comprising members from MCs, State/District legal services authorities, TDC, Forest department, NGOs and other stakeholders shall be formed which will focus on cleaning hillsides, streams and other hotspots. The court may direct the expeditious creation of the same by including stakeholders as feasible and relevant to the area where these STFs are to be set up.

Further, the State Legal Services Authority and each District Legal Services Authority maybe directed to monitor the implementation of the court's directions regarding clean and pollution-free environments made on 09.05.2024 and report the work done by the special task force to this Hon'ble Court. The District Legal Services

Authorities must file reports on the cleaning of streams by the Urban Local Bodies and Municipalities.

\* The Secretary of the District Legal Services Authority must regularly inspect their respective districts for pollution, including issues caused by the collection and non-disposal of waste and garbage. They should report these issues to the District Magistrate concerned.

\* The District Magistrate must ensure that such complaints are attended to promptly.

\* The Secretary of the District Legal Services Authority shall involve Para- Legal Volunteers/ and local NGOs to implement the directions of this court.

\* The District Legal Services Authority must furnish compliance reports before each court hearing and also in the meetings that are being convened under the order of this Hon'ble Court.

#### **4. Training and Capacity Building-Site Identification and Perception Change**

It has been apprised that there is resistance by Gram Panchayat Pradhan's to provide land for developing Material Recovery Facility (MRFs) in Panchayat area. In this context, it has been decided that the site visit to the already established MRFs by the NGOs (Healing Himalayas and Waste Warriors) shall be scheduled for public representatives of Gram Panchayats and awareness shall be created for waste management facilities to avoid deterrence from local residents and others.

- Training programs for Panchayats, TDC, and ULBs on waste segregation, MRF setup, and relevant policies to be conducted at MRFs set up by Healing Himalayas and Waste Warriors so more such facilities can be set up by the Government for other rural and urban areas. MRFs are essential component for solid waste management. Conduct training programs for Panchayats, TDC, and Urban Local Bodies (ULBs) on setting up MRFs,

segregation processes (material literacy), and relevant policies. These training sessions will equip stakeholders with the necessary knowledge and skills to manage waste effectively.

#### **Update on Collaboration between NGO and Government for setting up MRFs**

14th July - A meeting with RDD was organised to sign a MOU between Healing Himalayas foundation & RDD. The highlight of the MOU is to set up MRFs in Kullu district and eventually other districts.

- a) RDD will help HHF to collect user fees from commercial & household properties and installation of three phase electricity connection
- b) HHF will enhance the capacity of PWMUs in-terms of size & machinery along with the IEC activities
- c) Identification of high footfall tourist destinations & procure land to setup MRFs which will be done by HHF
- d) HHF will get CSR to set up MRFs
- e) HHF will explore the possibility to set up Recycling unit in Kullu district with multiple vendors

17th July - Construction of the MRF at the foothill of Kheerganga trek route in village Barshaini at the land allotted by the Ecotourism society. The EcoSoc has authorised Healing Himalayas to setup the MRF and take care of the operations as well.

#### **5. Sustainable Trekking Routes - Suggestions for Preserving Meadows from Solid/Plastic Waste on High Footfall Trekking Routes**

Develop sustainable ecosystems along trekking routes by setting up Check point for assessing the plastic/ glass waste being taken by the tourists via trek routes to the meadows. Further, tourist information centers, eco-friendly toilets, standard operating procedures (SOPs) for adventure companies, local guides, and camp owners. Ensure proper waste disposal facilities and implement guidelines to maintain cleanliness and sustainability.

**Priority Trekking Routes Include:**

- 1) Kheerganga
- 2) Hamta
- 3) Bijali Mahadev
- 4) Sar Pass
- 5) Beas Kund
- 6) Shrikhand Mahadev
- 7) Manimahesh Yatra

**Key Suggestions for Waste Management and Preservation:**

**a. Establishment of Checkpoints at Entry Gates: Tourist Information Centers:** Set up checkpoints at the entry gates of every sensitive and high footfall trekking route. These centers will serve as tourist information hubs, providing guidance on responsible trekking practices, rules, and regulations.

**b. Waste Audit and User Fees:** Conduct audits of the waste being carried by trekkers and collect user fees that contribute to waste management and environmental conservation efforts.

**c. Rescue Operations:** Equip checkpoints to handle rescue operations and provide necessary assistance to trekkers in case of emergencies.

**d. Dry Waste Storage Facilities: Small Storage Units:** Establish small dry waste storage facilities at the checkpoints. These units will serve as temporary storage for collected waste until it can be transported to central waste management facilities.

**e. Formation of Monitoring Committees: Multi-Stakeholder Committees:** Formulate committees comprising representatives from the concerned panchayat, Tourism Development Corporation (TDC), Ecotourism Society, and Non-Governmental Organizations (NGOs). These committees will be responsible for overseeing waste management, restoration work, and rescue operations.

**f. User Fees Management:** Ensure that user fees collected at checkpoints are transparently managed and utilized for waste management and environmental conservation activities.

**g. National Parks and Wildlife Sanctuaries:** **Monitoring Tourist Activities:** Explore the working of national parks, which have a mandate to monitor tourist activities, taking on a similar role in the above mentioned trekking routes. This would involve monitoring trekking routes, enforcing regulations, and ensuring minimal environmental impact from tourism.

### **Detailed Plan for Implementation:**

#### **a. Checkpoints Implementation:**

**Location and Setup:** Identify strategic locations at the entry points of each trekking route. Set up well-marked and easily accessible checkpoints with clear signage.

**Staffing and Training:** Train staff to handle waste audits, provide information to trekkers, and manage emergency situations. Ensure they are knowledgeable about local flora and fauna and the importance of preserving the environment.

#### **b. Dry Waste Storage Facilities:**

**Design and Capacity:** Design storage units to accommodate the expected volume of dry waste. Ensure they are secure and prevent wildlife access.

**Regular Collection:** Schedule regular collection and transportation of stored waste to central waste management facilities.

#### **c. Monitoring Committees:**

**Formation and Roles:** Form committees with defined roles and responsibilities for waste management, restoration, and rescue operations. Include local community members, environmental experts, and tourism stakeholders.

**Funding and Accountability:** Establish a transparent system for managing user fees. Regularly audit the funds and publish reports to maintain accountability.

**d. National Parks and Wildlife Sanctuaries:**

**Policy Exploration:** Engage with policymakers to explore the extension of monitoring mandates from national parks to wildlife sanctuaries. This could involve revising existing regulations and ensuring adequate resources for implementation.

**Collaboration with Authorities:** Work closely with forest and wildlife authorities to ensure coordinated efforts in preserving trekking routes and surrounding meadows.

By implementing these measures, the high footfall trekking routes in Himachal Pradesh can be better preserved from solid and plastic waste. Establishing checkpoints, providing dry waste storage facilities, forming monitoring committees, and leveraging the monitoring capabilities of national parks can collectively ensure sustainable trekking practices and the conservation of the natural beauty of these meadows.

**6. Plastic Buyback Policy**

UDD and MC have reported that the buyback system is not functional. However, a detailed affidavit on the funding provided by the Department of Environment, Science, Technology, and Climate Change has been filed. DEST was not present at the meeting. This issue needs further clarification. The buyback depots need to be made functional and advertised so that citizens, especially rag pickers, have an incentive to collect plastic waste lying in streets, jungles, and streams, and in some cases, earn a livelihood from this system.

**7. Status of Legacy Waste at Kenduwal**

The Executive Engineer BBND reported that the capacity of legacy waste treatment has been enhanced, with 2000 tonnes bioremediated in May and 4000 tonnes bioremediated in June. It was decided that the



quantification of legacy waste available at the Kenduwal site should be done by a third party, such as a government institute/IIT or NIT, at the earliest. Given the slow progress and mounting legacy waste, which poses a threat to the river Sirsa and human habitation, it was resolved to expedite the work.

#### **8. Status update on the relocation of Suleman to new land finalized by Suleman and BBND.**

A) Relocation of Suleman who has agreed to the offer of land exchange proposed by BBND may be expedited. The file of the said work is lying pending in DC Solans office the same may be ordered to be expedited. B) Ensure that no waste goes into the river and regular inspection may be conducted by pollution control board of the site.

#### **9. Amendment in MC Act**

It has been apprised by UDD that proposal has been prepared and is being submitted to Govt.

#### **10. Sign Boards Depicting Penalties and Cleaning Efforts**

It has been apprised by UDD that 552 nos. of sign boards has been placed at various hotspots of the ULBs. Municipal Corporation Health Officer,

Municipal Corp. Shimla apprised that sign boards has been prepared and it will be placed at 50 nos. of identified site.

Further, it has been directed that all the ULBs shall penalize the violators as per SWM Rules 2016 and Bye Laws and action taken report be sent to UDD time to time.

#### **11. Complaint Mechanism of MC**

- Enhancing the complaint mechanism of MC and displaying complaints on a public forum until resolved.
- Making officials accountable for unresolved complaints.

#### **12. Developing MC Shimla as Model Town**

As MC Shimla has already submitted Action plan in Hon'ble High Court and it requires implementation in a time bound manner. Hence, after discussion it was decided that MC Shimla will make a detailed presentation on the action taken for implementation of action plan in next meeting.

### **13. Utilization of Green Tax and SADA Tax**

- Discussion on the effective utilization of these funds for waste management initiatives. Audit of Manali, Sisu And Kokser and how the tax collected is being utilised, the DCs of these locations may file an affidavit in this regard.

### **14. Decentralized Waste Management and Centralized Recycling**

- Discussion on the strategy to decentralize waste collection and management while centralizing recycling processes.

- Enhancement of Material Recovery Facilities (MRFs) and identification of key districts for setting up centralized recycling units.

Decentralize the collection and management of solid waste while centralizing the recycling processes. This involves enhancing the capacity of Material Recovery Facilities (MRFs) to aggregate solid waste efficiently. Identify key districts like Shimla, Dharamshala, and Kullu to establish centralized recycling units, specifically targeting post-consumer and municipal solid waste.

### **15. Digitization of Waste Management Processes**

Implement digital systems for the Municipal Corporation and MRFs to track and monitor waste management operations. A centralized dashboard should be created to calculate the cost of operations, monitor incoming solid waste, and manage the output materials for recycling.

### **16. Feasibility of Municipal Waste Management Corporation**

- Evaluation of the pros and cons of establishing a Himachal Pradesh Municipal Waste Management Corporation as is in Goa.

### **17. RDD's Affidavit and Policy Update**

- Discussion on the Rural Development Department's (RDD) affidavit and update on their waste management plan and policy.

## **PART - 2 - DEPOSIT REFUND SYSTEM**

### **18. Deposit Refund System**

a. Deposit refund system (DRS) is a mechanism in which a consumer pays a deposit upfront during the purchase of a product and receives a refund of the deposit while the product packaging is returned (after use). This system is often used for items that are recyclable, such as bottles, cans, and other packaging. DRS is completely supported by legislation under the Extended Producer Responsibility guidelines and can be implemented with No investment from the government. The scheme would be financed by brands under collect back obligation of Plastic Waste Management (Amendment) Rules, 2022

**b. Under Section 10.5 Of Schedule II (Guidelines On Extended Producer Responsibility For Plastic Packaging** published on 16th Feb 2022, the Central Pollution Control Board states that;

*“In order to develop a separate waste stream for collection of plastic packaging waste for directly fulfilling Extended Producer Responsibility obligations, the Producers, Importers & Brand-Owners may operate schemes such as deposit refund system or buy back or any other model. This will prevent mixing of plastic packaging waste with solid waste.”*

**c. In Jitendra Yadav vs Union Of India Writ Petition (PIL) NO.93 OF 2022**, in the order dated 3rd August 2023, directed Uttarakhand Pollution Control Board for framing of DRS rules. Obligated by this, a compliance

affidavit filed on 17th October submitted that DRS rules, 2023 are framed. The Honorable High Court order reads "The Scheme floated by the State to ensure return of recyclable non-biodegradable waste is a laudable Scheme, and we find no reason why the same should not be implemented in respect of all other non-biodegradable packaging in which goods are sold in the State. Paper-based cartons, plastic bottles and plastic pouches are very commonly used for selling items, particularly food items, and the respondents should examine the feasibility of implementing the said Scheme in respect of all such packaging."

The same hearing has referred to the implementation of DRS in Kedarnath and suggested statewide implementation by addressing the drawbacks. This is possible with comprehensive technology and private partners involvement. Adherence to the hearing the state in the affidavit submitted to the Honorable Court, declared that the draft DRS rules are drafted and shared with the line departments for inputs.

d. The state of Goa has announced in the assembly for the implementation of Deposit Refund System in the state and amended the State Act. The Goa Non Biodegradable Garbage Control Act to accommodate implementation of DRS. The Department of Environment and Climate Change is given the responsibility of framing the DRS rules for the State

**e. Success story India (District administration Rudraprayag)**

DRS has been successful in reducing litter and increasing recycling rates around the world. However, the concept of deposit is not new to India and was done at scale by small scale retailers, where the product carried a value if it had to come back to the point of sale. A small collateral or deposit was charged by a retailer or point of sale to ensure that the packaging is returned to claim the deposit back. In India, Uttarakhand has been the pioneer state to

implement a deposit refund system (DRS) in Kedarnath in May 2022. This comprises a unique QR code with a deposit value of INR. 10 for bottles and successful return of deposit through UPI or cash at collection points. This initiative has been widely acclaimed and received the prestigious Digital India award 2022 from Ministry of Electronics and Information Technology (MeiTY) conferred by the Hon'ble President of India. The initiative collected 1.6 million post-consumption bottles in the recent year of implementation.

#### **f. Global success stories of DRS**

A well planned DRS system has been highly successful in several countries for many years. Few examples have been listed below with some salient features:

Country	Materials Covered	Collection Infrastructure	Collection & Recycling Rate	Year implemented
Norway	Plastic, glass, metal	Reverse vending machines in supermarkets, gas stations and other public spaces	Over 90%	1999
Germany	Packaging materials	Collection via curbside, drop-off points, and municipal waste management systems	90% for paper 70% for plastics	1991
Sweden	Aluminium and PET bottles	Reverse vending machines in supermarkets and public spaces	Over 90%	1984
Lithuania	Plastic, glass, metal	Reverse vending machines in supermarkets and other public spaces	Over 90%	2016

#### **g. How DRS Works:**

The Deposit Refund System (DRS) is a process where consumers pay an upfront deposit when purchasing a product. They receive a refund of this deposit when they return the product's packaging after use.

#### **Key Technologies:**

**QR Code:** Each product label has a QR code that manages the deposit and refund process through UPI or

cash. This ensures traceability and prevents counterfeiting of products and refunds.

#### **Transaction Flow in DRS:**

**1. Bottlers Deposit:** All bottlers deposit a consolidated amount into a designated Escrow account (calculated as total production \* deposit per bottle).

**2. Supply Chain Forwarding:** The bottlers then send the products to distributors, collecting the equivalent deposit amount from them.

**3. Distributors to Retail:** Distributors send the products to retail points, collecting the deposit from them as well.

**4. Retail to Consumer:** Retailers sell the product to consumers, adding the deposit to the product's price.

**5. Consumer Refund:** After consuming the product, consumers return the packaging to collection points (either Reverse Vending Machines or manual collection points) and receive a refund directly from the Escrow account.

**6. Closed Loop:** This completes the cycle, ensuring that the packaging is returned and recycled.

#### **Process Flow:**

**1. Compliance:** All brands using non-biodegradable packaging in the State must comply with the DRS.

**2. Government Oversight:** The Department of Environment Science and Technology and State Pollution Control Board is responsible for framing DRS rules under The Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995.

#### **3. Scheme Administration:**

- o A Government body is appointed as the Scheme Administrator to oversee DRS.
- o The Scheme Administrator appoints a Scheme Operator to manage DRS operations.

#### **Roles and Responsibilities:**

##### **Scheme Administrator:**

- Appoints the Scheme Operator.

- Decides the deposit amount for each product category.
- Forms an Escrow account for deposit collection.
- Administers the DRS scheme.

**Scheme Operator:**

- Develops technology for printing Unique Serial Identifier (QR codes).
- Provides an interface for brands to print QR codes and participate in DRS.
- Manages deposit transfers from brands to the Escrow account and refunds back to consumers.
- Establishes collection points across the State for empty packaging.
- Ensures proper recycling or reuse of returned packaging.

This system ensures that packaging is returned, reducing waste and promoting recycling.

**h. Meeting with DEST and Chief Secretary H.P**

Presentation was given to DESTHP in the presence of Director Shri D C Rana about the implementation of DRS by Dinesh from "Recykal pvt Ltd" company (The company has installed DRS system in 4 dham Yatra in Uttrakhand). Outcome of the meeting is that Recykal will submit a proposal to present the case to CS Himachal Pradesh.

**PART - 3 - STATUS OF LAND FOR SWM**

19. Status of Land Cases regarding SWM facility The Status of pending Land Cases w.r.t Solid Waste Management Facility is provided below:

Sr. No.	ULBs	Land (Type/Ownership)	Status
<b>District Shimla</b>			
1	Chopal	Land Type: Forest (FCA case) Proposal No. FP/NP/CPL/2020-1208 Title: Construction of Garbage Collection Centre at Chopal Category of proposal:	Case is pending with MOEF&CC GoI at Chandigarh Office.

		others Area: 0.0728 hec.	
2	Rohroo	Land Type: Forest (FCA case) Proposal No. FP/HP/Others/3735 3/2018 Title: C/O Solid Waste Management Plant at MC Rohroo, Distt. Shimla, H.P. Category of Proposal: Other Area:0.252 hec.	The case was uploaded on the portal 21.06.2024 The case is with DFO Rohroo
3	Theog	Forest Area: 0.096 hect	The case was uploaded on portal on 24.06.2024. The case is with Modal Officer (Forest).
4	Nerwa	Land Type: Forest Proposal No. FP/HP/Others/479633/2014 Title:C/O. Garbage Disposal Centre at Gram Panchayat Rulsan, Nerwa, Shimla. Category of Proposal: Others	The case was uploaded on the portal on 7 <sup>th</sup> June, 2024 The case is with DFO Chopal.
5	Chirgaon	Forest	The joint inspection for the identified land was held on 16.07.2024. The case is with SDM Rohroo
<b>District Kullu</b>			
6	Bhuntar	Forest	NOC is pending from Bhrain (Gia) panchayat. EO has discussed the importance of the case with Gram Sabha members on 14.07.2024. The Pradhan still not agreed to provide the NOC. The case is pending with SDM Kullu
7	Banjar	Forest	The SDM has visited the Chanhuta Pul site on 12.06.2024. The local people have opposed during the visit at site. Further, SDM has directed to Pradhan(s) and Tehsildar to identify the revenue land for the same. The matter will be discussed in Gram Sabha which is scheduled to held on 21.7.24. The case for land finalisation is with SDM.
8	Nirmand	Forest Area: 9 Bighas	The case was uploaded on portal on 17.7.2024 The case is with ULB.



<b>District Bilaspur</b>			
9	Bilaspur	Private Land	The NOC from the Railway Department is pending for the identified land. The case is pending at ULB level.
10	Ghumarwin	Forest	The land has been identified in Baddi Panchayat for which joint inspection has been done on 13.06.2024. The gram Panchayat Pradhan has rejected to provide the NOC. EO will apprise the situation to DC on 16.07.2024. The case is with ULB.
<b>District Kangra</b>			
11	Shahpur	Forest Area: 0.0759 hec.	Joint inspection was done on 10 <sup>th</sup> June 2024. NOCs from the concerned departments have been received. The case will be uploaded on portal by 17.07.2024. The case is pending with ULB.
<b>District Solan</b>			
12	Kandaghat	Revenue	The DC has released the notification to set-up the SWM plant on the identified site. The land may be transferred to ULB by 20 <sup>th</sup> July, 2024
<b>District Chamba</b>			
13	Chowari	Land Type: Forest Proposal No. FP/HP/Others/36413/2018 Title: Solid Waste Management Project in Chowari Town over Khasra No. 1041/956/1 Category of Proposal: Others Area: 0.3596 hec.	The DFO Dalhousie has transferred the case to Nodal Officer (Forest). The case is with Nodal Officer (Forest)

The Forest Department was also requested to expedite the land cases which has already been uploaded on portal.

**Details of Gram Panchayat wise functional Plastic Waste Management Unit (PWMU) or MRFs established in Himachal Pradesh**

Sl. No.	Name of District	Name of Block	Name of GP
1	Chamba	Mehla	Gagla
2	Hamirpur	Bamson	Samirpur

3	Hamirpur	Bhoranj	Paplah
4	Hamirpur	Bijhari	Dangota
5	Hamirpur	Hamirpur	Daruhi
6	Hamirpur	Nadaun	Daloor
7	Hamirpur	Sujanpur	Panoh
8	Kangra	Baijnath	Kiyori
9	Kangra	Bhawarna	Kaloond
10	Kangra	Lambagaon	Gander
11	Kangra	Indora	Damtal
12	Kinnaur	Kalpa	Rakcham
13	Kinnaur	Pooh	Pooh
14	Mandi	Bali Chowki	Jhiri
15	Mandi	Chauntra	Passal
16	Mandi	Drang	Dalah
17	Mandi	Sadar	Sadyana
18	Mandi	Sundernagar	Salapad
19	Shimla	Narkanda	Thanadhar
20	Shimla	Chopal	Jhiknipul
21	Solan	Solan	Barog
22	Una	Bangana	Mucchali
23	Una	Una	Ajouli
24	Una	Haroli	Pandoga

#### **PART - 4 - EPR**

##### **20. EPR implementation**

i. UDD apprised that all ULBs have been registered in the EPR portal of CPCB. Further, one Waste Processor Agency has approached for signing the agreement and directions has been issued to all ULBs to explore agreement with the agency. The HPSPCB apprised that a meeting was held on 12.07.2024 at Kangra with ULBs and the above WPA to execute the agreements.

##### **ii. Environmental Compensation and EPR Guidelines:**

##### **Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility(EPR) for Plastic Packaging 9.1**

Environmental Compensation shall be levied based upon polluter pays principle, with respect to nonfulfillment of Extended Producer Responsibility targets by Producers, Importers & Brand Owners

□ Escrow Accounts: The State Pollution Control Board must maintain an Escrow account for environmental compensation. Compensation levied by the State Pollution Control Board is to be deposited in this account, and compensation levied by the CPCB in the CPCB's account.

□ Compliance Reporting: The State Pollution Control Board must file an affidavit detailing the targets and achievements of registered Producers, Importers, and Brand Owners (PIBOs) for the years 2022-23 and 2023-24, and report any deficiencies or failures before the next court date.

**iii. Targets for PIBOs:**

□ Target Compliance: The State Pollution Control Board must provide the updated number of registered PIBOs and indicate the targets for each PIBO for the relevant years.

□ Monitoring and Reporting: The board must monitor the achievements of these targets and take steps to address any deficiencies. Compliance must be reported before the next court date.

**iv. Update from SPCB on the fulfillment of EPR responsibilities and registrations of Producers, Importers, and Brand Owners (PIBOs) stands filed separately. And Presentation of a workable model of a circular economy in kangra. Is given below:**

Directions issued	Status/Directions		
All the entities, who have not yet applied for the EPR registration shall submit the cases within one month from today and for any query, the Units approach shall the ROS between 4.00-5.00 p.m.	State Board has issued a public notice to PIBOs and PWPs to obtain registration and the same has been uploaded on the website of State Board <a href="https://hppcb.nic.in/PWM/_PIBOs24.04.2024.pdf">https://hppcb.nic.in/PWM/_PIBOs24.04.2024.pdf</a> (copy enclosed as Annexure- I).  As per the inventory, total 524 nos. (Producers, Importers, Brand Owners and PWPs/Recyclers were issued Show Cause Notices for EPR registration under PWMR 2016 (as amended).  As on date, registration issued by State Board to total 234 nos. of entities, as detailed below and 29 cases for EPR Registration are under process: -		
	<table border="1" style="width: 100%;"> <tr> <td data-bbox="893 2271 1161 2319"><b>Entity</b></td> <td data-bbox="1161 2271 1432 2319"><b>Entities registered</b></td> </tr> </table>	<b>Entity</b>	<b>Entities registered</b>
<b>Entity</b>	<b>Entities registered</b>		

	<table border="1"> <tbody> <tr> <td>Producer</td> <td>118</td> </tr> <tr> <td>Importer</td> <td>65</td> </tr> <tr> <td>Brand Owner</td> <td>9</td> </tr> <tr> <td>Plastic Waste Processor</td> <td>42</td> </tr> <tr> <td><b>Total</b></td> <td><b>234</b></td> </tr> </tbody> </table>	Producer	118	Importer	65	Brand Owner	9	Plastic Waste Processor	42	<b>Total</b>	<b>234</b>
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<p>The registered Producers, Importers/Brand Owners ("PIBOs") and Management Agencies ("WMAS") Waste are directed to explore the registered Plastic Waste Processors ("PWPs") in the State of Himachal Pradesh as the PWPs are working on very minimal capacity and it otherwise would be economical more to process the waste within the State rather transporting than the same to other State.</p>	<p>All PIBOs have been directed to submit the information in the prescribed format vide letter 14.05.2024 (Annexure-II). Till date 15 Producer, 12 Brand Owners &amp; 1 importer have submitted the detail which is attached as <b>Annexure-III</b>. <b>The details enclosed, reveal that majority of Producers/Brand Owner are working with other State recyclers.</b></p>										
<p>The HPSPCB shall upload the details of the registered PWPs in State on its website, so that PIBOS coordinate can with n_HP.pdf PWPs in the State for their EPR fulfillment.</p>	<p>The information depicting the information "Address, Email, Phone No., Plastic Waste Processing Capacity" has been uploaded on the website of HPSPCB.</p> <p>The link <a href="https://hppcb.nic.in/ImportantLink/Registered_PWPs_in_HP.pdf">https://hppcb.nic.in/ImportantLink/Registered_PWPs_in_HP.pdf</a>.</p>										
<p>Recycler (s) shall submit the detail of the quantity of plastic waste processed to the HPSPCB quarterly basis.</p>	<p>Vide letter 14.05.2024 (Annexure-IV), PWPs have been directed to the submit the information to HPSPCB for the period of Jan-March, 24 within 7 days. No information in the matter has been received till date.</p>										
<p>All the PIBOS shall submit the detail of the plastic waste generated from their product in the State of H.P. and the PIBOs are directed to collaborate with the ULBs and GPs through WMAS and work out the modalities effective collection, segregation processing plastic of and of waste through registered PWPs in the State. A detailed report in this regard shall be submitted to HPSPCB within one month</p>	<p>All PIBOs have been directed to submit the information in the prescribed format vide letter 14.05.2024 (Annexure-II). Till date 15 Producer, 12 Brand Owners &amp; 1 importer have submitted the detail which is attached as Annexure-III. The details enclosed, reveal that majority of Producers/Brand Owner are working with other State recyclers.</p>										
<p>The WMAs are. directed to submit the consolidated details such as; (a) List of PIBOS on behalf of whom they fulfill EPR targets in Himachal</p>	<p>Various directions issued in meetings held on 26.09.2023, 29.02.2024, 01.03.2024 &amp; 20.04.2024.</p> <p>Further letter dated 14.05.2024 along with email</p>										

<p>Pradesh;</p> <p>(b) Details of plastic waste collection in H.P. (the detail information, shall include the contact agreement with the ULBs/Vendor/Aggregator, storage facilities in HP)</p> <p>(c) Details of the disposal of plastic waste. The details shall be provided for financial year 2022-23 and 2023-21 within 15 days.</p>	<p>dt 27th May, 2024 enclosing the order dated 90.05.2024 (appended as Annexure-V) was issued to the above-mentioned WMAs.</p> <p>Till date only information from M/s Gem Enviro Management Private Limited Waste Management Agency which is appended as Annexure-VI and M/s. Recykal (Rapidue Technologies Private Limited).</p> <p>As per the detail submitted by M/s Gem Enviro, they have handed over about 888 tonne to recyclers within HP and about 376 tonne of plastic waste to recyclers outside HP during FY 22-23 and 23-24.</p> <p>As per the detail submitted by M/s. Recykal (Rapidue Technologies Private Limited), there are about 28 Brands on whose behalf we have fulfilled the EPR targets for the FY 2022-2023 and FY 2023 -2024.</p>
<p>All the registered PWPs are directed to tie up with ULBs/WMAs for the processing of postconsumer waste and start generating the EPR certificate on the Centralized Portal of the CPCB and also ensure submission the of annual report on the portal.</p>	<p>Vide letter dated 14.05.2024, PWPs were directed to submit the detail w.r.t. EPR certificate generation, Detail of PIBO to whom EPR certificate has been issued, Detail of tie up with ULBs etc. As on date 17 PWPs have submitted the information and the same is enclosed as Annexure-VII. It was observed that most of the PWPs do not receive waste from ULBs. Also, most of the PWPs have yet not initiated the EPR certificate generation on the centralized portal. State Board will conduct a webinar/ training session for PWPs and ULBs to give demo regarding EPR Certificate generation/ transfer on the centralized portal of CPCB in the month of June, 2024.</p> <p><b>• Also a workshop regarding EPR was conducted on 12th July, 2024. In the said meeting Municipal Commissioner, Executive Officers, Secretaries of Urban Local Bodies of district Kangra, Hamirpur &amp; Chamba alongwith Additional Commissioner, Kangra, Block Development Officers and Plastic Waste Processors (M/s Rana Enterprises and Anandita Plastic) were present. In the meeting detailed discussion and deliberation upon the Extended Producer Responsibility guidelines and EPR Portal formed by CPCB for registration of PWPs, PIBOs and ULBs was done.</b></p> <p>The EPR model based of Ghaziabad Model was appraised. As per the model it was discussed that since the ULBs in the State are actively engaged in the collection and transportation of the plastic waste, no monetary benefits are provided by the PIBOs, so a system needs to be established wherein the plastic waste collected by ULBs is channelized to registered PWPs in the State and in return PWPs shall give EPR credits to</p>

	<p>ULBs which could be further sold to PIBOs by ULBs.</p> <p>Further discussion regarding the agreement/Memorandum of Understanding between ULB and Plastic Waste Processor (PWP) was held wherein the exchange/ transportation of plastic waste, its quality and quantity and Extended Producer Responsibility certificate between ULB and PWP took place.</p> <p>M/s Rana Enterprises, registered PWP, has submitted the proposal to Department of Urban Development for proposed agreement with ULBs to process the plastic waste lying at ULBs sites and share EPR certificate with ULBs.</p> <ul style="list-style-type: none"> <li>• The ULBs now need to sign MoU/ agreement with PWPs in the State.</li> </ul>										
<p>All PIBOs working in State of H.P. shall submit progress of EPR compliance through online portal on quarterly basis and not through offline mode.</p>	<p>Vide letter dated 14.05.2024 all PIBOs have been directed the to comply with the direction.</p>										
<p>Rural Development Department ("RDD") shall provide the details of the gram panchayats wherein the plastic management units are being established within 15 days</p>	<p>The information is awaited</p>										
<p>All ULBs shall generate their login credentials on the Centralized portal of CPCB for EPR registration as has already been directed by this Court.</p>	<p>Pertains to UDD</p>										
<p>All the ROs of the Pollution Control Board ("PCB") shall submit progress report on fortnightly basis after coordinating with all the stakeholders with respect to registration and EPR compliance</p>	<p>* As on date following is the status of the registration issued by State Board-</p> <table border="1" data-bbox="894 1714 1443 1991"> <thead> <tr> <th>Entity</th> <th>Entities registered</th> </tr> </thead> <tbody> <tr> <td>Producer</td> <td>113</td> </tr> <tr> <td>Importer</td> <td>62</td> </tr> <tr> <td>Brand Owner</td> <td>9</td> </tr> <tr> <td>Plastic Waste Processor</td> <td>40</td> </tr> </tbody> </table> <p>* The portal has resumed on 25.04.2024. State Board has issued a public notice to PIBOs and PWPs to obtain registration and the same has been uploaded on the website of State Board uploaded on the website of State Board <a href="http://hppch.nic.in/PWM/Public_Notice_EPR_PWPs_PIBOs24.04.2024.pdf">http://hppch.nic.in/PWM/Public_Notice_EPR_PWPs_PIBOs24.04.2024.pdf</a> (copy enclosed as Annexure-I)</p>	Entity	Entities registered	Producer	113	Importer	62	Brand Owner	9	Plastic Waste Processor	40
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**PART-I**

Having perused the note, we are of the considered view that the following directions in the given facts and circumstances are absolutely imperative and necessary:-

(i) The State is directed to constitute a Special Task Force comprising of members of the Municipal Councils/ Corporations, Nagar Panchayats, Secretary, District Legal Services Authorities, Tourism Development Corporation (TDC), Forest Departments, NGOs and other stakeholders etc as the case maybe, which will focus on the cleaning of hill-sides streams and other hotspots. This shall be known as the Special Task Force (STF), which shall be created by the State on or before the next date of hearing.

(ii) The Secretary Legal Services Authority of each District Legal Services Authority would be the coordinator to monitor the implementation of the directions given by this Court on 09.05.2024, 23.03.2024 and in the present order, especially regarding creating a clean and pollution free environment, cleaning of hot-spots and streams, creation of MRFs and roles and responsibilities of various stakeholders under the Solid waste management Laws, and thereby the Legal Services Authority shall submit its report to this Court in every three months.

We are conscious of the fact that Secretary of the State Legal Services Authority has not been posted in every District, in such case the report shall be submitted by the Civil Judge (Senior Judge) of the concerned

District . These reports shall be routed through District Magistrate, who after noticing the shortcomings shall issue necessary directions so that the shortcomings so pointed out are attended to promptly and he/she shall then thereafter submit the report(s) alongwith the action taken report to this Court.

(iii) There appears to be resistance by Panchayats to provide land for developing Material Recovery Facilities (MRFs) in panchayat area. Therefore, in such circumstances, the Director, Panchayati Raj is directed to draw out a schedule for a visit of these public representatives to the already established MRFs by the NGOs like "*Healing Himalayas*" and "*Waste Warriors*" so that the awareness is created for waste management facilities.

(iv) The Director, Urban Local Bodies alongwith Director, Panchayati Raj is further directed to conduct training programme for Panchayats, TDC and Urban Local Bodies (ULBs) on waste segregation, MRFs set up by associating NGOs like Healing Himalayas and Waste Warriors and others so that more MRF facilities can be set up by the government for rural and urban areas.

(v) The State Government is directed to consider the development of sustainable ecosystems along trekking routes by setting up check point for assessing the plastic/glass waste etc. being taken by the tourists via trek routes to the meadows. It may also consider setting



up of tourist information centres, eco-friendly toilets, drawing out standard operating procedures (SOPs) for adventure companies, local guides and camp owners so as to ensure proper waste disposal facilities and implementation of guidelines to maintain cleanliness and sustainability.

The State Government could at the first instance consider some of the priority (high footfall) trekking routes like:-

1. Kheerganga
2. Hamta
3. Bijali Mahadev
4. Sach Pass
5. Beas Kund
6. Shrikhand Mahadev
7. Manimahesh Yatra
8. Churdhar
9. Triund
10. Chansal

The State Government could well consider the following suggestions for waste management and preservation:

- a. Establishment of Checkpoints at Entry Gates: Tourist Information Centers: Set up checkpoints at the entry gates of every sensitive and high footfall trekking route. These centers will serve as tourist information hubs, providing guidance on responsible trekking practices, rules, and regulations.

b. Waste Audit and User Fees: Conduct audits of the waste being carried by trekkers and collect user fees that contribute to waste management and environmental conservation efforts.

c. Rescue Operations: Equip checkpoints to handle rescue operations and provide necessary assistance to trekkers in case of emergencies.

d. Dry Waste Storage Facilities: Small Storage Units: Establish small dry waste storage facilities at the checkpoints. These units will serve as temporary storage for collected waste until it can be transported to central waste management facilities.

e. Formation of Monitoring Committees: Multi-Stakeholder Committees: Formulate committees comprising representatives from the concerned panchayat, Tourism Development Corporation (TDC), Ecotourism Society, and Non-Governmental Organizations (NGOs). These committees will be responsible for overseeing waste management, restoration work, and rescue operations.

f. User Fees Management: Ensure that user fees collected at checkpoints are transparently managed and utilized for waste management and environmental conservation activities.

g. National Parks and Wildlife Sanctuaries: Monitoring Tourist Activities: Explore the working of national parks, which have a mandate to monitor tourist activities, taking on a similar role in the above mentioned trekking routes. This would involve monitoring trekking routes, enforcing regulations, and ensuring minimal environmental impact from tourism.

The State could also consider the Great Himalayan National Park as the model and replicate the same in the high footfall trekking routes.

The State could also draw up a plan for implementation on the following lines:-

**a. Checkpoints Implementation:**

**Location and Setup:** Identify strategic locations at the entry points of each trekking route. Set up well-marked and easily accessible checkpoints with clear signage.

**Staffing and Training:** Train staff to handle waste audits, provide information to trekkers, and manage emergency situations. Ensure they are knowledgeable about local flora and fauna and the importance of preserving the environment.

#### **b. Dry Waste Storage Facilities:**

**Design and Capacity:** Design storage units to accommodate the expected volume of dry waste. Ensure they are secure and prevent wildlife access.

**Regular Collection:** Schedule regular collection and transportation of stored waste to central waste management facilities.

#### **c. Monitoring Committees:**

**Formation and Roles:** Form committees with defined roles and responsibilities for waste management, restoration, and rescue operations. Include local community members, environmental experts, and tourism stakeholders.

**Funding and Accountability:** Establish a transparent system for managing user fees. Regularly audit the funds and publish reports to maintain accountability.

#### **d. National Parks and Wildlife Sanctuaries:**

**Policy Exploration:** Engage with policymakers to explore the extension of monitoring mandates from national parks to wildlife sanctuaries. This could involve revising existing regulations and ensuring adequate resources for implementation.

**Collaboration with Authorities:** Work closely with forest and wildlife authorities to ensure coordinated efforts in preserving trekking routes and surrounding meadows.

By implementing these measures, the high footfall trekking routes in Himachal Pradesh can be better preserved from solid and plastic waste. Establishing checkpoints, providing dry waste storage facilities,

forming monitoring committees, and leveraging the monitoring capabilities of national parks can collectively ensure sustainable trekking practices and the conservation of the natural beauty of these meadows.

(vi) It has been noticed that the plastic buyback policy in the State is virtually non-functional. This has been so acknowledged both by the Directors of Urban Development Department as also by the Municipal Councils/Corporations. Therefore, the State Government is directed to make the plastic buyback policy fully functional for seven days a week so that the citizen especially the rag pickers have an incentive to collect waste lying in streets, jungles and streams etc. which in many cases could become a source of their livelihood from the system itself.

(vii) Looking to the slow progress of the work and the mounting legacy waste at Kenduwal, the Executive Engineer, BBND, is directed to expedite the legacy waste treatment so that there is no potential threat to river Sirsa and the human habitation around the area.

(viii) With Respect to relocation of the writ petitioner Suleman, who has agreed to the offer of land exchange proposed by BBND, the Deputy Commissioner, Solan is directed to expedite the exchange and report compliance by the next date of hearing.

(ix) The State Pollution Control Board is directed to regularly monitor the legacy waste of Kenduwal so as to ensure that no waste goes into the river.

(x) Since the Urban Development Department has already sent the proposal for carrying out amendment in the Municipal Corporation Act, the State Government is directed to expedite the decision of such proposal and submit its compliance on the next date of hearing.

(xi) There is a dire need for enhancing the complain mechanism of Municipal Corporations (MCs) and therefore all the MCs are directed to keep on displaying the complaints on their official website(s) until the same are resolved. MC Shimla who have provided the complaint number i.e +91 98052 01916, is to be widely publicized, similarly other Municipal Corporations are directed to provide a complaint mechanism number before the next date of hearing, they must also create a portal (website or app) where such complaints would be displayed until resolved.

(xii) In order to make the system more robust and ensuring the accountability of official for unresolved complain, the Secretary, DLSA shall take a regular feedback every month and issue appropriate orders in this regard.

(xiii) It is noticed that in District Kullu, the authorities have imposed green tax whereas the Special Area Development Authority (SADA) have imposed tax in Manali, Sirsu and Koksar but there is nothing on record which may show that tax so collected has been effectively utilised for waste management incentives in the said

area. We are also not very sure whether there has been an audit of this tax. Therefore, in such circumstances, the Deputy Commissioner, Kullu and Deputy Commissioner, Lahaul & Spiti are directed to file their personal affidavit regarding the funds collected towards green tax and how these funds have been utilised/spent alongwith its purpose.

(xiv) Since Himachal Pradesh is a tourist destination and major part of its economy depends on the tourist visiting the State, the State could consider evaluating the pros and cons of establishing Municipal Waste Management Corporation on the line of Goa.

(xv) The authorities after convincing the local panchayats and urban area for setting up waste management centres may consider entering into a Memorandum of Understanding (MoUs) with NGOs and the Panchayats as has been done in the case of the MoU entered into between Waste Warriors Society and the Pradhan, Bir Panchayat on 07.10.2022.

(xvi) From the record we find that the Director, Rural Development has not been showing the desired interest and in fact has skipped the meeting which was convened pursuant to the directions of this Court. This indeed is a serious matter. The Director, Rural Development is directed to take keen interest in the matter and effectively participate in all the meeting henceforth and give his valuable inputs.

**PART-II**

(I) The State and its agencies despite extended producer responsibility guidelines, are struggling with the non-biodegradable waste generated in this State, more particularly during the tourist season at the tourist destinations. Therefore, we would commend upon the State for considering the desirability for framing Deposit Refund System (DRS) on the lines of Goa and Utrakhand where the DRS is being implemented by the District Administration, Rduraprayag and in Kedarnath from May, 2022.

We are informed that DRS comprises of unique QR (Quick Response) code with a deposit value of Rs. 10 for water plastic bottles and on successful return of deposit through UPI or cash on collection points. This initiative has not only been widely acclaimed but also received the prestigious Digital India Award 2022 from the Ministry of Electronics and Information Technology (MeITY) conferred by the Hon'ble President of India.

Apart from system in Kedarnath and draft policy being proposed in Goa the State could also take a cue from some of the countries where the well planned DRS system is operating for a considerable time. Some of the countries are enumerated below:-

Country	Materials Covered	Collection Infrastructure	Collection & Recycling Rate	Year implemented

Norway	Plastic, glass, metal	Reverse vending machines in supermarkets, gas stations and other public spaces	Over 90%	1999
Germany	Packaging materials	Collection via curbside, drop-off points, and municipal waste management systems	90% for paper 70% for plastics	1991
Sweden	Aluminium and PET bottles	Reverse vending machines in supermarkets and public spaces	Over 90%	1984
Lithuania	Plastic, glass, metal	Reverse vending machines in supermarkets and other public spaces	Over 90%	2016

### PART-III

Having gone through the status report regarding SWM facilities submitted by the various Deputy Commissioners, we are of the considered view that the following directions needs to be passed:-

1. **Chopal:-** MOEF&CC - Respondent No. 7 is directed to expedite the decision in the case(s) pending before it.
2. **Rohru:** The DFO, Rohru alongwith respondent No. 7 is directed to expedite the decision in the case(s) pending before it and report compliance on the next date of hearing.
3. **Theog:** The Nodal Officer , Forest alongwith respondent No. 7 is directed to expedite the decision in the case(s) pending before it and report compliance on the next date of hearing.
4. **Nerwa:** The DFO, Chopal alongwith respondent No. 7 is directed to expedite the decision in the case(s) pending before it and report compliance on the next date of hearing.



5. **Chirgaon:** The SDM, Rohru is directed to sent the proposal to the concern authorities and in case the forest clearance is required then to ensure that the same is uploaded on the portal by the next date of hearing.

6. **Bhunter:** The SDM, Kullu is directed to expedite the decision in the case(s) pending before it and report compliance on the next date of hearing.

7. **Banjar:** The SDM is directed to finalise/take decision on the case submitted to him.

8. **Nirmand:** The ULB is directed to expedite the decision.

9. **Bilaspur:** The ULB is directed to expedite the decision.

10. **Ghumarwin:** The ULB is directed to expedite the decision.

11. **Shahpur:-** The ULB is directed to expedite the decision.

12. **Kandaghat:** The Deputy Commissioner, Solan is directed to transfer the land notified to set up the SWM plant to the ULB by the next date of hearing.

13. **Chamba:** Nodal Officer is directed to expedite the case transfer to it.

#### **Part-IV**

(i) The State Pollution Control Bard is directed to file its affidavit detailing the targets and achievements of registered producers, importers and brand owners (PIBOs) for the years 2022-23 and 2023-24 and report the deficiencies and failures, if any, by the next date of hearing.

(ii) It was way back on 23.03.2024 that this Court had apart from other orders, passed the following order:-

..... At the outset, we place on record our appreciation for the valuable assistance rendered by Shri Deven Khanna, Advocate.

2. We also place on record our appreciation for the pro-active role played by Shri Anil Joshi, I.F.S., Member Secretary, Himachal Pradesh State Pollution Control Board ("**HPSPCB**"), who after calling for the meetings of all the stakeholders on 29.02.2024 and 01.03.2024, has issued certain directions, which we deem it appropriate to accept and make them a part of the directions of the Court. Accordingly the following directions are issued:

(i) All the entities, who have not yet applied for the Extended Producer Responsibility ("**EPR**") registration shall submit the cases within one month from today and for any query, the Units shall approach the Regional Offices ("**ROs**") between 4.00-5.00 p.m.

(ii) The registered Producers, Importers/Brand Owners ("**PIBOs**") and Waste Management Agencies ("**WMAs**") are directed to explore the registered Plastic Waste Processors ("**PWPs**") in the State of Himachal Pradesh as the **PWPs** are working on very minimal capacity and it otherwise would be more economical to process the waste within the State rather than transporting the same to other State. The **HPSPCB** shall upload the details of the registered **PWPs** in State on its website, so that **PIBOs** can coordinate with **PWPs** in the State for their **EPR** fulfillment.

(iii) Recycler (s) shall submit the detail of the quantity of plastic waste processed to the **HPSPCB** on quarterly basis.

(iv) All the **PIBOs** shall submit the detail of the plastic waste generated from their product in the State of H.P. and the **PIBOs** are directed to collaborate with the Urban Local Bodies ("**ULBs**") and Gram Panchayats ("**Gps**") through Waste Management Agencies and work out the modalities of effective collection, segregation and processing of plastic waste through registered **PWPs** in the State. A detailed report in this regard shall be submitted to **HPSPCB** within one month.

(v) The **WMAs** are directed to submit the consolidated details such as ;

(a) List of **PIBOs** on behalf of whom they fulfill **EPR** targets in Himachal Pradesh;

(b) Details of plastic waste collection in H.P. (the detail shall include the contact information, agreement with the **ULBs/Vendor/Aggregator, storage facilities in HP**)

(c) Details of the disposal of plastic waste. The details shall be provided for financial year 2022-23 and 2023-24 within 15 days.

(vi) All the registered **PWPs** are directed to tie up with **ULBs/WMAs** for the processing of post-consumer waste and start generating the **EPR** certificate on the Centralized Portal of the Central Pollution Control Board ("**CPCB**") and also ensure the submission of annual report on the portal.

(vii) All **PIBOs** working in the State of H.P. shall submit progress of **EPR** compliance through online-portal on quarterly basis and not through offline mode.

(viii) Rural Development Department ("**RDD**") shall provide the details of the gram panchayats wherein the plastic management units are being established within 15 days.

(ix) All **ULBs** shall generate their login credentials on the Centralized portal of **CPCB** for **EPR** registration as has already been directed by this Court.

(x) All the **ROs** of the Pollution Control Board ("**PCB**") shall submit progress report on fortnightly basis after coordinating with all the stakeholders, with respect to registration and **EPR** compliance.

3. In addition to the above, we find that the brand-owners, who are operational in more than two States, are registered by **CPCB** on the centralized portal. During the registration and after obtaining registration, these brand-owners are required to submit sales detail of the commodity packed in plastic packing. The data of sales submitted is based on the GST invoice and the portal is linked with the GST portal. However, we find that there is no bifurcation with respect to quantification of plastic packaging reaching to a specific State.

4. Further, the **EPR** certificates to be purchased by **PIBOs** from **PWPs** is a geo neutral concept. The **PIBO** operational in State of Maharashtra can purchase the **EPR** certificate from **PWP** in West Bengal. The State Board has raised the issue regarding quantification of the plastic packaging being introduced by various **PIBOs** in the State of Himachal Pradesh, however, the same has been denied as the **EPR** mandate is geo-neutral.

5. In such circumstances, we proceed to pass the following direction:

The **CPCB** is directed to ensure that brand-owners submit the details of the plastic packaging sold in the State of Himachal Pradesh so that the **EPR** fulfillment of those brand-owners can be ensured within the State of H.P...

We are informed by respondent No. 3 at Bar that apart from two PWPs i.e. M/s Gem Enviro Management Private Ltd. and Ms. Recykal (Rapidue Technologies Private Limited) have complied with the order.

Thereafter the case came up for compliance on 09.05.2024 and this compliance has been so noted at page 19 of the order which read as under:-

<p>vi. The WMAs are directed to submit the consolidated details such as ;          (a) List of PIBOs on behalf of whom they fulfill EPR targets in Himachal Pradesh;          (b) Details of plastic waste collection in H.P. (the detail information, shall include the contact agreement with the ULBs/Vendor/Aggregator, storage facilities in HP)          (c) Details of the disposal of plastic waste. The details shall be provided for financial year 2022-23 and 2023-24 within 15 days.</p>	<p><b>REPLY OF HPSPCB</b>          As per the record, following WMAs has been identified who are engaged with PIBOs in the State of Himachal Pradesh: -          1. EPR Plastic Pvt. Ltd, Plot No 19, New Cotton Market Layout, Behind Hotel Rahul, Ganeshpeth, Nagpur, 440018          2. Gem Enviro Management Private Limited Waste Management Agency (WMA) Reg. office unit no. 203, Plaza-3, Central Square, Bara Hindu Rao, Delhi-110006          3. Recykal Rapidue Technologies Private Limited 401, Janardhan Plaza Gachibowli Hyderabad, Telangana, Code:36          4. The Shakti Plastic Industries 202/203/204/205, 2nd Floor, Business Classic, Chincholi Bunder Road, Malad (W), Mumbai 400064          5. Rekart Innovations (P) Ltd. Corporate Office: 2007, Sector-45, Gurugram, 122003 Reg. Office: 1K/72, NIT Faridabad, Haryana-121001</p> <p>Despite various directions issued in meetings held on 26.09.2023. 29.02.2024, 01.03.2024 &amp; 20.04.2024 the WMA have not submitted the requisite information.</p> <p>In the meeting held on 20.04.2024, the WMAs have</p>
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	been directed to submit the information to HPSPCB within 1 week.
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We are informed at the Bar that WMAs at serial No. 2 and 3 have complied with the order whereas WMAs at serial No. 1,4 and 5 have failed to comply with the directions passed by this Court. Clearly the WMAs have committed contempt of this Court by not adhering to the lawful directions passed by this Court from time to time.

Therefore, let notice in Form-I of the Contempt of Court Act be issued to M/s EPR Plastic Pvt. Ltd., Plot No. 19, New Cotton, Karket Layout, Behind Hotel Rahul, Ganeshpeth, Nagpur 440018, M/s The Shakti Plastic Industries, 202/203/204/205, 2<sup>nd</sup> Floor Business Classic Chincholi Bunder Road, Malad (W), Mumbai 400064 and M/s Rekar Innovation (P) Ltd. Corporate Office 2007, Sector-45, Gurugram, 122003, Reg. Office 1K/72, NIT Faridabad, Haryana-121001, directing their Managing Directors to be personally present before this Court and to show cause why they be not prosecuted and punish for willfully and deliberately violating the orders of the Court.

(iii) On 20.06.2024, this Court passed a detailed order the relevant portion whereof read as under:-

4. We are also informed at the Bar that sewage and sullage is being discharged into river Chandrabhaga at places Sirsoo, Tandi, Keylong, Jispa and Udaipur. This indeed is a serious matter. It shall be the personal responsibility of the Deputy Commissioner, Lahaul & Spiti at Keylong to ensure that no sullage and sewage is discharged into river Chandrabhaga by any

person(s)/authority(ies) and personal affidavit in compliance to this order shall be filed by him/her by or before the next date of hearing.”

In compliance to the aforesaid directions, the Deputy Commissioner, Lahaul & Spiti has filed his personal affidavit and we are applauded to note the contents of para-2 whereof, which reads as under:-

In compliance with the Para No.4 of the order passed by this Hon'ble Court on 20.06.2024, Committee were framed to sought the report on the issue of Sewage and Sullage in District Lahaul and Spiti. The Committee framed under the chairmanship of Sub Divisional Magistrate Keylong (Annexure-R-I for perusal of Hon'ble Court) reported that, the committee visited the area Jispa, Keylong, Tandi & Sissu on 8-7-2024, 9-7- 2024 and 10-07-2024 to thrash out the factual position of Sewage and Sullage. At Jispa, it was found that the commercial / tourism units have provided their septic tanks for disposal of Sewage and soak pits for the disposal of Sullage. However, in few units where soak pits have not been provided for Sullage; the generated Sullage is being discharged into their own land / field so however no Sullage is being discharged into river Bhaga directly in the Jispa area. The Sub Divisional Magistrate Keylong has given strict direction to such units to provide soak pits for disposal of Sullage within 15 days. The committee has also inspected village Jispa and it further observed that community toilets have been built at Tandi for Sewage disposal and no discharge of Sewage was noticed into river. The Sullage from Eateries and Dhabas is being discharge in open land leading to river Bhaga at two locations. The strict directions was given on spot to all the eateries/dhaba's to provide soak pits of adequate capacity within 15 days. Notice were issued to them in this regard. At Sissu area it was observed that Gram Panchayat Sissu has provided community toilets with septic tank/ soak pit at helipad and there was no discharge of Sewage into river

Chandra, However one Sullage pipe was found lying towards Sissu Nallah from households.

We really wonder how the units which have not provided pits for sullage are being permitted to generate sullage in open, which is clearly in violation of Water (Prevention and Control of Pollution) Act, 1974 and other relevant provisions of the Air (Prevention and Control of Pollution) Act, 1981.

We are further of the considered view that in order to promote sustainability in all the tourist destinations and to ensure community participation towards achieving this goal, the State should take cue from the Government of Sikkim, in which it has been made mandatory for all tourist vehicles entering the State to carry a large garbage bag in their respective vehicles and the responsibility has been fastened upon the concerned tour operators, travel agencies and vehicle drivers to disseminate the information about the use of garbage bag for waste collection and disposal.

It shall be apt to reproduce the notification, which reads as under:-

#### Notification

In order to promote environmental sustainability in all the tourist destinations and to ensure community participation towards achieving this goal, Department of Tourism & Civil Aviation hereby makes it mandatory for all tourist vehicles entering the State to carry a large garbage bags in their respective vehicles. Further, it shall be the responsibility of concerned tour operators, travel agencies and vehicle drivers to disseminate the

information about use of garbage bags for waste collection and disposal.

Department 'shall conduct random checks of tourist vehicle to ensure compliance of the order and any vehicle found violating the order shall be subject to penalties in terms of prescribed rule of the Department. Department shall also conduct awareness campaign and cleanliness drive to educate the tourist about garbage management and environmental sustainability.

The Deputy Commissioner, Lahaul & Spiti is directed to ensure that there is no discharge of sullage in open without it first being treated and report compliance on the next date of hearing.

The Principal Secretary (Forest) is directed to comply with the order dated 20.06.2024.

List on 01.08.2024.

**(Tarlok Singh Chauhan)**  
**Judge**

**(Sushil Kukreja)**  
**Judge**

**18<sup>th</sup> July, 2024**  
(sanjeev)