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ALMITRA H. PATEL AND ANR.

v.

UNION OF INDIA AND ORS.

JANUARY 16, 1998

B

[J.S. VERMA, CJI., B.N. KIRPAL AND V.N. KHARE, JJ.]

Environmental Law :

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Urban Solid Waste Management—Committee appointed to give report for Class-I Cities on existing practice for improvement and to review Municipal bye-laws and powers of local bodies and Regional planning authorities and to suggest necessary modifications.

ORIGINAL JURISDICTION : Writ Petition (c) No. 888 of 1996.

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Under Article 32 of the Constitution of India.

E

Aftaf Ahmad, Additional Soliciter General, Joseph Vellapally, N.N. Goswami, Bhimrao N. Naik, R. Mohan, T.C. Ray, A. Raghbir, Nikhil Sakhadande, R.N. Karanjawala, Ms. Manikaranjawala, Ms. Nandini Gore, Y.P. Mahajan, P. Parmeswaran, Ms. Anil Katiyar, D.N. Mishra, M.N. Shroff, R.K. Maheshwari, S.K. Agnihotri, Ms. Yogmaya Agnihotri, V.G. Pragasam, Anil Shrivastav, Vijay Panjwani, O. Prakash, Ms. Beena Prakash, Ashok K. Srivastava, H.S. Parihar, Gyanendra Agarwal, Bharat Sangal, K.R. Nagaraja, K.K. Tyagi, H.K. Puri, Bijan Ghosh, K.B. Rohtagi, Aparma Rohtagi, B.S. Chahar, Prem Malhotra, Ashok Mathur, S.K. Mehat, Dhruv Mehta, Fazlin Anam, Ms. Sobha Verma, Ms. A Subhashini, K.S. Bhati, Bhaumik, K.H. Nobin Singh, Ms. Hemantika Wahi, Ms. Neithomp Rhetto, S.C. Patel, B.B. Singh, Shiv Sagar Tiwari, Ms. Kirti Mishra, Pradeep Mishra, Ms. Niti Dikshit, T. Mahipal, Ujjwal Banerjee, Gopal Singh, V. Krishna Murthy, M.A. Chinnasamy, K. Ram, Kumar, Ms. Asha N. Nair, C. Balasubramanian, Y. Subba Rao, Santhi Narayan, Ranjan Mukherjee, R.S. Sodhi, Kailash Vasdev, C.K. Sasi, Z. Angami, Mr. D.M. Nargolkar, Sunil Kumar Jain, Vijay Hansaria and Jatinder Kumar Bhatia for the appearing parties.

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The following Order of the Court was delivered :

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We have heard learned Additional Solicitor General and Shri Vellapalli, learned Senior counsel. We consider it appropriate at this stage to constitute

a Committee and to specify the specific aspects which the Committee is required to examine. We direct accordingly. A

The Committee for Class -I Cities (having population over one lac) shall consist of the following:-

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| 1. | Mr. Asim Burman (Commissioner Calcutta Municipal Corpn.) | Chairman | B |
| 2. | Mr. S R Rao (Secretary, SSI, Govt. of Gujarat & ex-Commr.,Surat) | Member | |
| 3. | Mr. S K Chawla, Chief Engineer, CPWD | Member | |
| 4. | Mr. P U Asnani (Urban Env. Infrastructure Rep. for India, USAID and Consultant, Ahmedabad Mun. Corpn.) | Member | C |
| 5. | Dr. Saroj (Jt. Director, Ministry of Environment & Forests) | Member | |
| 6. | Mr. Rajat Bhargava (Commissioner, Vijayawada Mun. Corpn.) | Member | D |
| 7. | Mr. yogendra Tripathi. (Dy. Secy. Urban Dev MOUA&E) | Secretary | |
| 8. | Mrs. Almitra Patel (Convener, INTACH Waste Network) | Member | |

The terms of Reference for the committee shall be as under:- E

To look into all aspects of urban solid waste management, particularly:

1. Examine the existing practices and to suggest hygienic processing and waste disposal practices and proven technologies on the basis of economic feasibility and safety which the Corporations/ Government may directly or indirectly adopt or sponsor. F
2. Examine and suggest ways to improve conditions in the formal and informal sector for promoting eco-friendly sorting, collection, transportation, disposal, recycling and reuse.
3. To review Municipal bye-laws and the powers of local bodies and regional planning authorities and suggest necessary modifications to ensure effective budgeting, financing, administration, monitoring and compliance. G
4. Examine and formulate standards and regulations for management of urban solid waste, and set time frames within which the H

A authorities shall be bound to implement the same.

The committee is requested to give its report as early as possible preferably not later than 30th June, 1998. The committee is also requested to give such interim reports as it may find convenient so to do.

B The secretarial assistance at Delhi will be provided by the Ministry of Urban Development which will also make all other arrangements required by the committee for its proper functioning while arrangements within the States/ Union Territories would be made by the concerned State/UT. The expenses incurred for the purpose to the same extent would be borne at this stage by the Ministry of Urban Development and the concerned State Governments/ UTs. The final responsibility for meeting these expenses would be decided later on.

C The local authorities and concerned State Governments/Union Territories shall extend all cooperation and assistance to the committee for its proper functioning.

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List the matter on 20th July, 1998.

R.P.

Petition Still Pending.