

**CWP No. 2369 of 2018**

**16.12.2019 Present:** Mr. Rajnish Maniktala, Senior Advocate as Amicus Curiae with Mr. Naresh Verma, Advocate.

Mr. Deven Khanna, Advocate, for the petitioner.

Mr. Rajesh K. Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Ajay Vaidya, Senior Additional Advocate General with Mr. J.K. Verma, Mr. Ranjan Sharma, Mr. Adarsh Sharma, Ms. Ritta Goswami and Mr. Nand Lal Thakur, Additional Advocates General, for respondents No. 2 & 4.

Mr. Maan Singh, Advocate, for respondent No. 3.

Mr. Jagdish Thakur, Advocate, for respondent No. 5.

From the perusal of the record, it appears that the Central Pollution Control Board is a necessary party to this petition. Hence, Central Pollution Control Board through its Chairman is ordered to be impleaded as party respondent in the writ petition, shall figure as respondent No. 6 in the array of respondents. The Registry to carry out necessary corrections in the cause title. Learned Counsel for the petitioner to file amended memo of parties by or before the next date.

Issue notice to newly added respondent No. 6, returnable within two weeks, on taking steps within two days.

Learned Amicus Curiae has filed a Table containing the Solid Waste Management Rules, 2016, is taken on record.

We have perused the aforesaid Table filed by the learned Amicus Curiae. We pass the following directions in this matter:-

- (i) The learned Assistant Solicitor General of India is directed to file a status report on behalf of the

Ministry of Urban Development, Ministry of Chemical & Fertilizers and Ministry of Agriculture, Ministry of New and Renewable Energy, indicating therein as to what steps have been taken by the aforesaid Departments in terms of Rules 5, 6 to 8 & 10 of the Solid Waste Management Rules, 2016, (for short 'the Rules').

(ii) The respondent State is directed to file a status report through the Secretary, Urban Development of the State, with regard to compliance of Rules 11(f) & 11(m) of the Rules, indicating therein as to whether the State Policy has been prepared and whether the amount has been allocated to all local bodies and whether the Scheme for registration of waste pickers and waste dealers has been formulated and as to what steps have been taken thereunder.

(iii) All the District Magistrates/Commissioners within the State are also directed to file status report(s) as to whether they have reviewed the performance of all local bodies within their districts with respect to segregation, processing, treatment and disposal of waste in terms of Rules 14(a), 14(d), 14(f), 15(a), 15(b), 15(c), 15(e), 15(i), 15(k), 15(m), 15(q), 15(r), 15(s), 15 (za), 15(zd) 16(1)a, 16(1)(b), 17(1), 17(2), 19, 19(1), 19(2), Rule 19(4), 19(6), 21(1), 21(2) and 21(3) since 2016. The affidavits/status reports shall also indicate the compliance to Rule 15(a) in respect

of local bodies and Panchayats of Census Towns and whether a Solid Waste Management Plan as per the State Policy has been prepared and whether an arrangement has been made for door to door collection of segregated waste.

(iv) The State Government shall also file a status report with regard to local bodies and Panchayats as to whether Annual Report(s) are submitted by the Local Bodies or Panchayats before 30<sup>th</sup> April, through designated officer.

(v) The respondent-State is also directed to file an affidavit in terms of Schedule 1-A, Clause (VII) & (VIII)., indicating therein as to whether the landfill sites at Baddi, Barotiwala fall 100 meters away from Sirsa River, 200 meters away from habitable area, public parks and water supply wells and 20 kilometers away from the Airports or Airbase. The affidavit should also contain the land evaluated area and the processing and disposal of solid wastes with reference to the land fill at Baddi.

List alongwith CWPII No. 269 of 2017 on 08.01.2020.

**(L. Narayana Swamy)**  
Chief Justice.

**December 16, 2019**  
(hemlata)

**(Jyotsna Rewal Dua)**  
Judge.

High Court of H.P.