

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO.2 OF 2007

.... Petitioner

Versus

State of Goa through Chief Secretary
& Ors.

... Respondents

WITH

CONTEMPT PETITION NO.31 OF 2010

IN

SUO MOTU WRIT PETITION NO.2 OF 2007

Jose Rodrigues

... Petitioner

Versus

Carmelina Fernandes & Anr.

.... Respondents.

WITH

CONTEMPT PETITION NO.43 OF 2017

IN

PIL WRIT PETITION NO.4 OF 2007

Aires Rodrigues

... Petitioner

Versus

Premdas Karapurkar & Ors.

.... Respondents

WITH

PIL WRIT PETITION NO.4 OF 2007

Mr. Nisser Dias

... Petitioner

Versus

Village Panchayat of Mercas
& Ors.

... Respondents

**WITH
PIL WRIT PETITION NO.20 OF 2017**

Barbara Andrade	Petitioner
Versus		
State of Goa & Anr.	Respondents

**WITH
WRIT PETITION NO.935 OF 2017**

Hype Constructions	...	Petitioner.
Versus		
Village Panchayat of Majorda Utorda Calata & Ors.	Respondents.

**WITH
PIL WRIT PETITION NO.39 OF 2018**

Kashinath J. Shetye and Ors.	Petitioners
Versus		
State of Goa & Anr.	...	Respondents

Ms. Norma Alvares, Amicus Curiae.

Mr. Nigel Da Costa Frias with Ms. I. Miranda and Ms. B. Kukalekar,
Advocates for the Petitioner in CP No.31 of 2010.

Mr. Rajneesh Naik, Advocate for Respondent No.56.

Mr. Marvin D'Souza, Mr. Matlock D'Souza with Mr. G. Almeida,
Advocates for Respondent No.57.

Mr. Pankaj Shirodkar with Ms. A. Godinho, Advocates for Respondent
No.49.

Mr. P. A. Kamat, Advocate for Respondent Nos.42 to 45 and 53.

Mr. Dinesh Naik, Advocate for Respondent No.48.

Mr. V. V. Pednekar, Advocate for Respondent No.9.

Mr. A. D. Bhohe with Ms. Annelise Fernandes, Ms. K. Govekar,

Advocates for Respondent Nos.11, 15 in SMWP No.2 of 2007, for Respondent No.1 in CP No.43 of 2017, PILWP No.4 of 2007, for Respondent No.2 in PILWP No.20 of 2017, for the Petitioner in WP No.935 of 2017.

Ms. Anita Thorat, Advocate for Respondent No.37.

Mr. B. Rodrigues, Advocate for Respondent No.2 in SMWP No.2 of 2007, CP No.31 of 2010.

Mr. Amit Palekar, Advocate for Respondent Nos. 29, 30, 31, 34 and 39.

Mr. Zeller D'Souza, Advocate for Respondent Nos.35 and 36.

Mr. D. Lawande with Mr. P. Dangui and Mr. A. Prabhudessai, Advocates for Goa State Pollution Control Board, Respondent No.2.

Ms. R. Pereira, Advocate for Respondent No.27.

Mr. Vinoj Daniel, Advocate for Respondent No.51.

Mr. S. D. Padiyar with Mr. P. Shirodkar, Advocates for Respondent Nos.14, 19 and 47.

Mr. H. D. Naik, Advocate for Respondent No.10.

Mr. Somnath Karpe, Advocate for Respondent No.16 in CP No.43 of 2017.

Mr. Ganesh Naik, Advocate for Respondent Nos.20, 21, 22, 23 and 24.

Mr. T. Gawas, Advocate for Respondent No.12.

Mr. D. Pangam, Advocate General with Mr. P. Faldessai, Addl. Government Advocate for the State in SMWP No.2 of 2007, CP No.43 of 2017, PILWP No.39 of 2018.

Mr. D. Pangam, Advocate General with Mr. Arun Talaulikar, Addl. Government Advocate for Respondent No.3 in WP No.935 of 2017.

***Coram:- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.***

Date:- 11th July 2019

P.C.

Garbage issue in the State of Goa has assumed critical

proportions. It has gravely affected civic life in the State. So many areas have come up here, within the jurisdictions of Municipal Councils, Municipal Corporation and Panchayats, which have practically become unauthorised dumping grounds. These go by the telling name of “black spots”. This Court has been seized of the issue of garbage disposal in Goa at least since 1990. A *Suo Motu* petition in this behalf was disposed of in the year 2001. Several PILs followed in 2002 and 2003. A *Suo Motu* petition was once again initiated in 2007 and during the next six years, whilst the petition was pending before this Court and called out practically almost on a fortnightly basis, this Court issued directions from time to time and monitored arrangements made by local bodies as well as the Pollution Control Board and the State in response to these directions. Major directions were passed in this behalf on 9th July, 2008. By that order, immediate measures were identified. These were to be adopted by Municipal Councils who were not having any waste treatment plant or facility in operation. These particularly included segregation of waste into organic waste (bio-degradable) and inorganic waste (non bio-degradable). Directions were issued for composting of organic waste by organizing temporary facilities at one or several places within the jurisdictions of local bodies. Directions were passed concerning collection of plastic waste and disposal through recyclers. A proper record was to be kept of the quantum of plastic waste sent for recycling and names of the recyclers. The Goa State Pollution Control Board was directed to inspect the facilities set up by Municipal Councils

and report to the Court so far as garbage collection and its disposal within their areas were concerned. The second group of measures was termed as interim measures to be adopted by the Municipal Councils within six months. These included details for segregation of waste, including liberty to the Municipal Councils to levy charges for collection, segregation and disposal of waste from residential and commercial establishments. All Municipal Councils as well as the Municipal Corporation (Corporation of the City of Panaji) were directed to set up adequate number of composting stations per ward as also collection/storage centres within their jurisdictions. Detailed directions were given for disposal of inert residual waste in accordance with law, i.e. Municipal Solid Waste Rules, 2000 then in force. Municipal Councils were also directed to identify and finalize disposal and segregation places in consultation with the Goa State Pollution Control Board (GSPCB) and set up sites within a stipulated period of the Board authorising such sites. A statement made on behalf of the State by the learned Advocate General for provision of grants to Councils/Corporation towards setting up of such composting stations and landfill sites was noted. Every Council/Corporation was directed to make composting stations mandatory in all multi-dwelling buildings of more than 20 residential units. This condition was to be made part of the construction licence to be issued for such buildings.

2. It appears that in 2010 there was some kind of inspection

carried out concerning compliance with these and other directions issued by this Court. The Pollution Control Board checked if individual local bodies had complied with the directions passed on 9th July, 2008 and thereafter from time to time. It was submitted that compliance was noted on the part of 12 Municipal Councils, one Municipal Corporation and about 26 Village Panchayats.

3. The matter, however, continued to engage the attention of the Court even thereafter and was called out periodically when further directions came to be passed. The *Suo Motu* writ petition was finally disposed of by an order pronounced on 13th August, 2013, after noting various interim orders passed in the matter from time to time and hearing the stakeholders. Detailed directions were given, firstly, to the Corporation and Municipal Councils, secondly, to Village Panchayats and thirdly, to the State Government and its agencies including the Goa State Pollution Control Board and the Director of Panchayats. The directions *inter alia* gave a final opportunity of one year's time to the Corporation of the City of Panaji and Municipal Councils named in the order for completing construction of landfill sites for burial of residual/inert waste collected within their jurisdictions. Special directions were passed in case of some individual Municipal Councils. The Director of Municipal Administration was directed to name the agency appointed by the Director of Panchayats for collection of plastic waste from Village Panchayats, even for collection by Councils. Three

months' time was given by way of a last opportunity to the Municipal Councils named in the order for setting up of adequate composting facilities for disposal of organic/bio-degradable waste to the satisfaction of the Pollution Control Board. The Board was directed to inspect the facilities within a stipulated time and file a compliance report in the Court. The Board was also directed to send a copy of its report to the concerned District Magistrate, who was then expected to take appropriate action in accordance with law in the event of any non-compliance of directions by any Municipal Council. So far as Village Panchayats are concerned, specific directions were issued *inter alia* for ensuring the collection of plastic waste at the level of each ward of the Panchayats and proper storage of it at an appropriate site so as to facilitate its collection by the appointed agency. Any non-compliance on the part of any Village Panchayat in this behalf was to be reported by the Director of Panchayats to this Court so that further orders including initiation of contempt proceedings could be made. By way of last opportunity, fixed time was granted to the Panchayats named in the order for creation of composting facilities and disposal of waste. The Pollution Control Board was directed to inspect the facilities and file a report in the Court in a time bound manner and to report non-compliance also to the concerned District Magistrate as in the case of the Municipal Councils. In so far as some other Village Panchayats were concerned (who had been named in the order), they were exempted from setting up composting stations but the Pollution Control Board

was directed to carry out periodical inspections of these Panchayats and issue directions to them from time to time if any composting stations were required to be set up in their jurisdictions having regard to the projects and establishments coming up in their villages. Some Village Panchayats named in the order were directed not to issue construction licences for multi-dwelling projects until the Pollution Control Board was satisfied that plastic waste was duly collected on weekly basis from all wards of the village named in the order in accordance with the directions of the Court. The Panchayats were directed to issue construction licences for these projects only after a certificate of compliance was issued by the Pollution Control Board. The Pollution Control Board as well as individual Panchayats were directed to maintain separate records in respect of each such certificate. General directions were issued to the State and its agencies for matters such as setting up of waste disposal units, two or more sanitary landfills within a period of one year for collection of residual/inert waste from Village Panchayats of North and South Goa as also setting up of a plastic waste disposal unit. The Pollution Control Board was to keep a proper record, designate officers for inspection periodically and report to the Court in case of non-compliance. The Board was also directed to provide technical assistance and guidance regarding proper methods of disposal of bio-degradable waste through composting and other scientific methods.

4. In addition to these detailed directions issued by the Court from time to time and finally resting with its order of 13th August, 2013, there have been many statutory instruments in place in the State of Goa, particularly under the Environment Protection Act. The Environment Protection Act itself authorises the Central Government, in exercise of its powers and performance of its functions under the Act, to issue directions in writing to any person, officer or authority and such person, officer or authority is bound to comply with such directions. By a Notification issued under Section 5, the Central Government through Ministry of Environment and Forests has delegated powers to issue directions under Section 5 to the Chairmen of State Pollution Control Boards/Committees State-wise. So far as the State of Goa is concerned, the powers have been delegated to the Chairman of Goa State Pollution Control Board with jurisdiction over the entire State. The State has also enacted an Act, called Goa Non-Biodegradable Garbage (Control) Act, 1996, under which Rules have been framed for waste management, first, Municipal Solid Waste Rules, 2000 and now, Municipal Solid Waste Management Rules, 2016. Elaborate duties and responsibilities have been assigned to local authorities including Municipal Councils and Village Panchayats and other authorities of the State for waste collection and disposal. The local bodies and authorities have even been given powers to frame bye- laws *inter alia* prescribing spot fines for persons who litter or fail to comply with the provisions of the Rules and directions issued thereunder. The State Pollution Control Board has

been empowered to take various steps for enforcement of these Rules. There are also rules framed under the Environment Protection Act.

5. In addition, there are various directions issued by National Green Tribunal, which are specifically made applicable to the State of Goa, concerning bio-degradable and other solid waste disposal.

6. One would have expected that with all this Legislation and orders passed by this Court as well as the National Green Tribunal from time to time, waste disposal in the State of Goa would be accomplished in a proper and efficacious manner redressing grievances of citizens of the State. The actual scenario at site is however diametrically opposite. If at all, garbage disposal scene has become all the more serious and practically unmanageable in the State, particularly so over the last couple of years. The ubiquitous black spots have been appearing everywhere in the State; road sides of Highways and public roads are littered with garbage. The phenomenon of 'not in my backyard' is on full show throughout the State and there is no one countable for this sorry mess. With these developments, if at all there was a time for this Court to intervene in all seriousness and in true public interest for urgent and expeditious measures for waste disposal, it is now.

7. On the last date, when the matter was on board, we called upon all stakeholders including the State Government, and its agencies

and in particular the Pollution Control Board and local bodies including the Municipal Corporation of Panaji, Municipal Councils and Village Panchayats all over the State (about twenty six coastal Village Panchayats being, in fact, parties to the present petition as also about eleven newly added Village Panchayats who are semi urban Panchayats, having been recently joined to the petition), to come up with concrete suggestions as to how waste management can be tackled in the State. Learned Amicus Curiae, who has been rendering assistance to the Court, was also asked to prepare recommendations for tackling garbage disposal. We must appreciate and place on record that the learned Amicus Curiae as well as all other stakeholders including the State and the Pollution Control Board and all local bodies as are represented before us have done a fair amount of spadework and come with various concrete suggestions, some of which we propose to discuss in this order and, based on some of which, we propose to pass directions for the present and chalk out a path even for future work to be done in the matter.

8. As the learned Amicus Curiae puts it, very simply, the disposal of garbage is to be considered in three separate categories. The first is the organic or wet waste, which has to be separately treated; the second is dry waste, which can be conveniently recycled; and the third is inert waste, i.e. dry waste which is not recyclable and which may have to be buried at landfill sites.

9. So far as the category of organic or wet waste is concerned, the State has a grandiose plan for solid waste management. It proposes to set up waste management facilities at four identified places in the State, each catering to named Talukas in the region. The capacity of these facilities vary from 100 tons per day to 250 tons per day. As of now, however, their grandiose plan is merely on paper save and except one facility which has already been created at Saligao. It was meant to cater to four talukas in the State, namely, Bardez, Pernem, Bicholim and Sattari, but it has been catering as of now to about twenty seven coastal Panchayats in North Goa. The capacity of the plant is said to be 100 tons (+ 25% per day) as against the originally planned capacity of 250 TPD (+20%). Learned Advocate General submits that the plant is already equipped to operate at 150 tons (+25%) per day. For this additional capacity, pollution clearance as well as environmental clearance has been in place. Learned Advocate General submits that in pursuance of these clearances the capacity of the plant has been increased to about 150 TPD (+25%) but it is awaiting a consent to operate from the Pollution Control Board. Learned counsel appearing for the Goa State Pollution Control Board states that the Board shall dispose of the State's application for consent to operate in a time bound manner. The State proposes to take expeditious steps for augmenting the capacity of this plant to its fullest, namely, 250TPD (+20%). At the moment, such augmentation awaits technical sanction from GSIDC, where-after construction activity can be undertaken post tendering process. Learned

Advocate General states that within a period of twelve months from the issue of work order, this augmentation shall be fully accomplished.

10. So far as the three other solid waste management facilities are concerned, namely, the facilities at Cacora, Baiguinim and Verna, respectively, of the capacity of 100 TPD (+25%), 250 TPD (20%) and 250 TPD (+20%), the State has placed its proposal before the Court giving a time line of twenty four months from the date of issuance of respective work orders. It is submitted that as of today these projects are at different stages. The facility at Cacora awaits technical sanction for project management from GSIDC, whereas a public hearing is scheduled on 28th July, 2019 for the facility at Baiguinim for environmental clearance. A project management consultant has been engaged and is preparing a detailed project report for the facility at Verna. It is expected that the State shall comply with all legal requirements and set up these facilities in a time bound manner.

11. So far as the Pollution Control Board is concerned, its proposal for disposal of bio-degradable or wet waste is that it is primarily for the local bodies to ensure door to door collection of segregated waste from households as well as from commercial establishments within their respective jurisdictions. The Board proposes to seek a detailed report in this behalf from all concerned local bodies within the State, including particulars such as number of households/commercial

establishments/hotels and restaurants as well as multi dwelling units within the jurisdictions of local bodies, lands available within their jurisdictions for composting units as well as material recovery facilities, their current arrangements for collection, transportation and treatment of garbage including scheduled collection plans ward-wise on a weekly basis. It is submitted that this information would be sought in a specified format from all local bodies in a time bound manner. The format would also be published on the website of the Pollution Control Board. It is submitted that after collection of this information, the Board shall conduct a verification exercise so as to verify the information submitted by local bodies. It is submitted that the Board will designate two of its officers, who are named by the Board for this exercise of verification. It is submitted that other agencies of the State such as Solid Waste Management Corporation, Block Development Officers of different Talukas, Director of Panchayats and Director of Municipal Administration may have to render assistance in this behalf to the Board and its designated officers so as to enable the Board to complete verification and also monitor and enforce the disposal mechanism suggested by the Court, wherever applicable.

12. So far as the organic waste generated within the jurisdiction of local bodies is concerned, it is proposed by the Board to direct the local bodies, who are yet to set up composting facilities within their jurisdictions, to make necessary applications for facilitating setting up of

such units expeditiously. The Board shall process these applications expeditiously. It is submitted that for segregation of waste, a total number of 29 applications (26 from Village Panchayats and 3 from Municipal Councils) have been received for setting up of material recovery facilities which are like collection and segregation centres. It is submitted that 19 of these 29 applications have already been sanctioned by the Board. It is submitted that balance 10 applications, which are under process, shall be disposed of within a period of two weeks from today. It is also submitted that as and when applications are received from other local bodies, in accordance with directions to be issued by the Court, the Pollution Control Board shall dispose them of as expeditiously as possible and in any event, within a period of four weeks of receipt.

13. So far as organic waste is concerned, learned Amicus Curiae has suggested various measures particularly involving composting of the waste in a suitable manner at the level of local bodies. The emphasis is on handling and disposal of local organic waste at the local level. Learned Amicus Curiae also prays for robust monitoring process to be put in place for ensuring compliance with various Court orders as well as applicable provisions of law. So far as garbage disposal facilities at Panchayat level are concerned, it is submitted that after Saligao plant was set up and disposal of waste generated by 27 coastal Village Panchayats of North Goa was entrusted to it, these Village Panchayats have simply

abrogated their responsibilities to deal with waste in accordance with law and instead have been sending whatever they collect, either in segregated or unsegregated form, to Saligao plant; the plant is practically treated as a garbage dumping plant. She submits that it is imperative that waste should be sent to the plant only in segregated form. Learned Advocate General also accepts that in many cases, waste was being transported to the plant in unsegregated form. He, however, submits that for the present, things are under control and about 80% waste comes in segregated form. He submits that, at any rate, the operators have to segregate the waste at the plant but he accepts that there have been instances, where the plant machinery would get choked up as a result of unsegregated waste being put through it. Some measures in this behalf may, therefore, be necessary. Learned Amicus curiae also submits that since other three plants/ facilities are yet to come up and would take quite some time, in the meantime, measures must be put in place for effective collection and disposal of organic waste.

14. So far as dry waste to be recycled is concerned, it is pointed out by learned Amicus Curiae that it is this waste which is predominantly found in the so called 'black spots', often mixed with organic waste. She submits that it is imperative that at the local level and in fact, preferably at the level of each household and establishment, waste must be segregated into organic or wet waste, and dry waste; effective mechanism needs to be worked out for effective collection and

segregation at the local level.

15. So far as plastic waste is concerned, the Court is informed that presently, Goa Solid Waste Management Corporation (GSWMC) has been handling and recycling dry waste, particularly plastic waste. Segregated plastic waste is collected by this Corporation and recycled, by sending it to a cement factory in Karnataka. Learned Advocate General submits that the State has undertaken to this Court, the undertaking having been recorded in one of the earlier orders passed by this Court, that the State shall be setting up a plastic to fuel plant for disposal of plastic waste. As per the undertaking given to this Court and time originally granted and now extended by this Court, this plant is expected to be ready by 15th August, 2019. It is submitted that this plant would only convert plastic into fuel but the other dry waste may continue to be transported for disposal to the cement factory in Karnataka as is being done currently. Anyway, effective measures will have to be in place to tackle this issue both at local and central level in the State.

16. So far as inert waste is concerned, this waste has to per force go to landfill sites for burial. Learned Amicus Curiae submits that since the Municipal Councils have been given grants for setting up garbage disposal facilities by the Government including landfill sites, these have to be constructed within their jurisdictions. Though, there is some information available as to the Municipal Councils who are ready with

such landfill facilities, there is no fuller picture so far as landfill sites are concerned. Directions in this behalf may accordingly be necessary.

17. After taking into account submissions of all stakeholders and also measures proposed by them, this Court is of the view that the key area having a critical bearing on any scheme of waste disposal, whether ordered by the Court or provided by statute, is the issue of implementation. Implementation, in turn, would depend on three key factors. The first is monitoring of scheme. It is absolutely imperative that adequate measures are put in place to see that there is robust monitoring of garbage disposal scheme. After all, there are adequate directions already passed by this Court (and some further directions would be passed in this order) as also by the National Green Tribunal and there are statutory instruments in place for proper collection and disposal of waste. It is secondly imperative that responsibilities must be fixed and people be made accountable. Thirdly, it is necessary to provide for penalties and, if possible, an effective regime of rewards and punishments. Effective implementation of any scheme at the local level ought to be rewarded, whereas its violation must be punished.

18. Keeping all these matters in view and also taking into account the measures suggested and debated before this Court, we pass the following order :

O R D E R

- (i) The Goa State Pollution Control Board shall consider and dispose of the State's application for consent to operate the additional 50 TPD capacity of Saligao waste management facility within a period of four weeks from today;
- (ii) The State shall operate facilities forthwith after such consent is received from the Pollution Control Board;
- (iii) The State shall complete all statutory formalities, tendering of work and erection and commissioning of the capacity of Saligao plant to its fullest, namely, 250 TPD (+20%), within a period of 16 months from today;
- (iv) The other three solid management facilities proposed at Cacora, Baiguinim and Verna, which are at various stages of implementation, including awaiting of technical sanction and appointment of management consultant, etc., shall be completed by the State Government within a period of 28 months from today;
- (v) For disposal of construction and demolition debris, the State has proposed waste management facilities at Colvale, for which land has been identified and the State

is in the process of procuring the same. In the meantime, the State has proposed setting up of temporary facilities in abandoned quarries. Three such quarries have been identified at Bicholim, which are proposed for use as construction and demolition debris disposal;

(vi) The State Government shall notify these quarries as landfill sites for construction and demolition debris within a period of three months from today;

(vii) The Goa State Pollution Control Board shall seek detailed reports from all concerned local bodies within the State, including Municipal Corporation of Panaji, all Municipal Councils and Village Panchayats in Goa, concerning particulars as informed to the Court in specified form;

(viii) These particulars shall include (i) number of households/commercial establishments/hotels and restaurants/multi dwelling units within the jurisdiction of such local bodies, (ii) lands available within their jurisdictions for composting as well as for material recovery facilities, (iii) present arrangements which such local bodies have for collection, transportation and treatment of garbage including a weekly collection plan

ward-wise of segregated waste. Such information shall be sought by the Board within a period of two weeks from today;

(ix) On receipt of this information from local bodies, the Pollution Control Board shall organize independent verification of actual status at site vis-a-vis particulars furnished by the local bodies with a view to ensure effective management of solid waste within the jurisdictions of local bodies;

(x) Mrs. Connie Fernandes, Scientist 'C' GSPCB and Mr. Sanjeev Joglekar, Environmental Engineer, GSPCB are designated as officers who shall be responsible for effective verification referred to in the clause above. These officers shall ensure that the entire verification exercise is accomplished within a period of eight weeks from today;

(xi) The agencies of the State Government including Goa Solid Waste Management Corporation, Block Development Officers, Director of Panchayats and Director of Municipal Administration shall render all necessary assistance and local support to the officers of the Board for conducting the exercise of verification;

(xii) After the verification exercise, a detailed report shall be presented to the Court of the findings of the two officers on such verification. Detailed directions to individual local bodies shall be considered by the Court as and when such report is presented to it;

(xiii) In the meantime, the Pollution Control Board itself would formulate, based on the verification carried out by it, requisite directions to be issued to individual local bodies with a view to see that the directions of this Court and various statutory provisions bearing on the subject of solid waste disposal are complied with. This exercise shall be completed by the Pollution Control Board within a period of four weeks of the verification referred to above;

(xiv) So far as local material recovery facilities are concerned, the existing pending applications of local bodies (10 nos.) for setting up of such facilities/units shall be processed and disposed of by the Pollution Control Board within a period of two weeks from today;

(xv) All future applications to be made by local bodies for setting up of such sites within their jurisdictions shall be processed and disposed of by the Pollution Control Board within a period of four weeks of making of the

applications;

(xvi) Non-recyclable waste collected at MRF sites shall be sent so far as possible to the plastic to fuel plant to be commissioned by the State Government at Pernem. Till that plant is commissioned, plastic waste shall be continued to be sent to the cement factory in Karnataka for incineration as is being done presently. It is made clear that even after commissioning of the plastic to fuel plant at Pernem, the other non- recyclable dry waste (i.e. other than plastic) shall be continued to be sent to the cement factory in Karnataka until further orders;

(xvii) Any recyclable dry waste collected and which is not either disposed of at the plant at Pernem or at the cement factory in Karnataka, shall be disposed of by handing over the same to authorised recyclers/units;

(xviii) The Board shall require individual local authorities to identify such waste collection agents or recyclers and submit a list thereof with their respective modes of recycling within their respective areas of jurisdiction within two weeks from today;

(xix) The Pollution Control Board shall requisition these particulars from local authorities either by publishing a

notice on its website or by individual notices addressed to particular local authorities. The Pollution Control Board may also enlist the assistance of Director of Panchayats as well as the Director of Municipal Administration for communicating this requisition to local bodies in Goa. The information shall be called for within a period of 15 days from the date of the requisition;

(xx) So far as organic waste is concerned, all local bodies who have not so far set up any composting facility within their jurisdiction shall be required to make necessary applications to the Board to facilitate setting up of such facilities as expeditiously as possible and in any event, within a period of four weeks from today;

(xxi) As and when applications are received, within four weeks of receipt of such applications, the Board shall carry out a detailed site inspection and on verification of the applications, grant permission as per law. Whilst considering these applications, the Board may consider number of sites per local body or a composite site for a group of local bodies, depending upon the number of households/commercial establishments/hotels and restaurant/multi dwelling units within the jurisdiction of the respective local bodies;

(xxii) Within four weeks of the Board communicating its permission, the subject local bodies shall create the requisite composting facilities within their jurisdiction under the guidance of Goa Solid Waste Management Corporation;

(xxiii) The local bodies shall also require individual households/commercial establishments/hotels and restaurant/multi dwelling units within their jurisdictions to set up composting facilities within their respective lands;

(xxiv) All local bodies in the State of Goa, including the Municipal Corporation of Panaji, all Municipal Councils and Village Panchayats are directed to comply with the directions made in this order and any requisition that may be made to them by the Goa State Pollution Control Board, in pursuance of this order, keeping to the respective time lines in that behalf. All local bodies shall ensure door to door collection of segregated garbage as a primary responsibility. Any violation on the part of the local bodies in this behalf shall be viewed as a breach of the orders of the Court;

(xxv) In particular, it shall be the duty of each local body

in the State to identify 'black spots' (garbage dumps) and ensure that these are eradicated and sites cleared of garbage within three weeks from today. Clearance of the site shall be reported to the Pollution Control Board;

(xxvi) Learned Amicus Curiae has offered to identify local NGOs and individuals in the jurisdiction of different local bodies, who could be roped in for periodical reports on compliance of these directions to the Pollution Control Board as well as this Court. Suitable directions in this behalf would be considered after such NGOs and individuals are identified;

(xxvii) Without prejudice to the generality of the foregoing directions, it shall be imperative for the Village Panchayats including, in particular, the coastal Village Panchayats, to send only segregated waste to the landfill sites or Saligao waste disposal plant facility. It is made clear that the Goa State Waste Management Corporation will have to keep a proper record of segregation of waste coming to the Saligao plant from different local bodies. It is made clear that if unsegregated waste is sent by any local body to Saligao plant, the facility of accepting its waste in the plant shall be withdrawn;

(xxviii) It is also made clear that increased capacity of Saligao plant shall be made available for only those Village Panchayats and Municipal Councils and Municipal Corporation, who send segregated waste to the plant. Since augmentation of the capacity is presently in progress, detailed directions in this behalf shall be considered later and such directions shall then be made part of the Court order in this behalf;

(xxix) The State Government has propounded a scheme for collection, transportation, segregation, storage, processing and disposal of garbage in Panchayat areas of the State. The scheme is called "Rural Garbage Disposal Scheme, 2005," which was notified in the Official Gazette of Government of Goa dated 20.01.2005 and has come into effect from that date;

(xxx) The State shall endeavour to see that this scheme is implemented both in letter and spirit. In particular, under this scheme, collection of garbage and its proper disposal is the prime responsibility of the Sarpanch and Secretary of the Village Panchayat. They are made accountable for statutory obligations provided in Goa Panchayat Raj Act, 1994 as well as in Goa Non-Biodegradable Garbage (Control) Act, 1996. The scheme

provides that failure to carry out duties thereunder should be construed as a serious lapse on their part in discharge of their duties and functions and should attract stringent disciplinary action. Any act of remiss in discharge of these duties attracts the penalty of removal under the Panchayat Raj Act. This provision, in particular, shall be implemented in strict letter and spirit;

(xxxii) Learned Amicus Curiae has offered to prepare a form of bye-laws to be made by individual local authorities and Village Panchayats in terms of clauses (e) and (zf) of Rule 15 of Solid Waste Management Rules, 2016;

(xxxiii) Individual local bodies are also expected to frame their own bye-laws by incorporating provisions of Solid Waste Management Rules, 2016 in terms of clause (e) and also clause (zf) of Rule 15, prescribing criteria for levying of spot fines from persons who litter or fail to comply with the provisions of disposal rules as well as for delegation of powers to officers for such spot levying of fines. In any event, after the receipt of model bye-laws proposed by learned Amicus Curiae and hearing all stakeholders, this Court proposes to finalize the model bye-laws for the purposes of clauses (e) and (zf) of Rule 15

for each individual local authorities or Panchayats and make them applicable to each such body or Panchayat till the time such body or Panchayat frames its own bye-laws under clauses (e) and (zf) of Rule 15;

(xxxiii) Learned Amicus curiae shall prepare a draft within a period of six weeks from today. The draft shall be circulated to the State as well as the Pollution Control Board and the Director of Panchayats and Director of Municipal Administration for onward publication to respective stakeholders. The draft shall be considered and all stakeholders shall be heard in that behalf on the next date;

(xxxiv) The Goa State Pollution Control Board, in co-ordination with Goa State Waste Management Corporation, shall carry out public awareness camps within the jurisdiction of local bodies to create awareness about the directions of the Court and statutory provisions of waste disposal. Such programmes shall be undertaken at various levels, such as schools, colleges, residents' camps, workshops for Panchayat officials, etc. A report of such workshops conducted between today and the next date of hearing shall be given to the Court on the next date;

(xxxv) The petitions to appear on board for further orders on 23rd September, 2019.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J

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