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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1346/2015

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)..... Petitioner
Through: Mr Kailash Vasdev, Sr. Adv.(Amicus Curiae) with
Mr Sumer, Mr S. Singhvi, Ms Ekta Mehra and Mr U.S.
Rawat, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Rahul Mehra, Adv. with Mr Aditya Swaroop
Agarwal and Mr Tushar Dhaiya, Advs. for GNCTD.

Mr Vivek Goyal, CGSC for UOI.

Mr Anil Grover, Adv.

Mr Manoj C. DCP/T/HQ Traffic, Inspector Kailash Bhist,
Insp Jitender Kr. Jha and SI Ramtirth.

Mr KMM Khan, Adv. for applicant Sanjay Colony, Bhati
Mines.

Ms Latika Choudhary, Adv.

Mr Ajay Digpaul, CGSC with Mr Kunal Gosain, Adv. for
UOI.

Mrs Biji Rajesh, Adv.for Mr Gaurang Kanth, Adv. for
EDMC.

Mr Sanjeev Ralli, Adv. with Mr Vinod Kapoor, Mr Dinesh
Jindal, LO. DPCC.

Mr Sanjay Kumar, Adv. for DMRC.

Mr Mukesh Kumar, Adv. for NHAI.

Mr Pawan Mathur, Adv.

Mr Anchit Sharma, Adv. for DCB.

Mr Ajjay Aroraa, Adv. with Mr Dinesh K. Puchnanda, Adv.
for SDMC.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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19.05.2016

Today we have considered the submissions with regard to the landfill sites. Mr Vasdev, the learned amicus curiae, pointed out that there are three major landfill sites in Delhi – Bhalswa, Ghazipur and Okhla. Bhalswa falls within the jurisdiction of the North Delhi Municipal Corporation, whereas Ghazipur and Okhla fall under the East and the South Delhi Municipal Corporations,

respectively.

It is an admitted position that the maximum recommended height of the landfill sites is 30 metres or approximately 98ft. But, we find that the landfill sites at Bhalswa, Ghazipur and Okhla already have heights of 147 ft, 147 ft. and 196 ft., respectively, that is, much beyond the maximum permissible height.

Mr Vasdev also pointed out that there are essentially three elements of waste, they being – (1) organic waste (2) plastic and metallic waste and (3) construction waste. He submitted that at the landfill sites there are emissions of noxious gases, including carbon monoxide and methane. The fact that the landfill sites have a large content of moisture which, according to the Master Plan Report for Delhi of April 2004, is approximately 43.8%, implies that the noxious material gets mixed up with the moisture and percolates to the subsoil level, thereby affecting and contaminating the underground water system also.

This is apart from the fact that frequent fires at the landfill sites create serious problems of air pollution. Even in the report of the Committee constituted with regard to the incidents of fire at Ghazipur and Bhalswa landfill sites dated 26.04.2016, burning instances at landfill sites are common phenomenon and that landfill emissions are the result of the decomposition of organic materials in the landfills, which include household waste, food waste, paper etc. and this decomposition results in the production of large quantities of methane which is highly flammable as also carbon dioxide. Both methane and carbon dioxide are greenhouse gases and pose serious environmental problems. The report clearly mentions that out of the two gases, methane is far more potent than carbon dioxide and that landfill gas, which is emitted at the landfill sites, generally comprises of forty to sixty percent methane. The report also indicates that none of the landfill sites at Bhalswa, Ghazipur and Okhla have been established as scientific landfill sites. In fact, Mr Ralli appearing on behalf of DPCC informs us that none of the sites have valid permissions from the DPCC.

It is also common ground that about 8500 metric tonnes of garbage/waste is generated in Delhi per day. This amounts to approximately 3.1 million metric

tonnes per year. The main issue, according to Mr Vasdev, and we agree with him is one of segregation of waste because if waste is segregated most of it can be utilized/recycled. Most of the bio-degradable wastes can be utilized for converting the same into energy either through gas or directly to electricity. Insofar as plastics are concerned, if the same are segregated properly they can be recycled and the same goes for metallic waste and paper. It is, therefore, paramount that the Municipal Corporations and the other local bodies, such as the New Delhi Municipal Council and the Delhi Cantonment Board pay particular attention and give immediate priority to ensure that proper segregation of waste is carried out and that, too, at the source. Adequate provisions have been made for the purposes of segregation of waste in the Plastic Waste Management Rules, 2016, Solid Waste Management Rules, 2016 and the Construction and Demolition Waste Management Rules, 2016. These rules have been notified by the Central Government recently in March/April 2016. We expect the local bodies mentioned above to immediately swing into action to ensure that segregation of waste is given utmost priority. Apart from this, there must be proper waste management protocols, as prescribed under the said rules, in place at the earliest. Certain bye-laws have also to be framed by the local bodies under the said rules and a time period of six months has been given. We hope that the exercise is completed within the six months' period.

The Government of NCT of Delhi shall give us a status report as to whether there are any further proposals with regard to utilization of waste for generating energy and, if so, what are the time-lines.

It is abundantly clear that the landfill sites are already full beyond their capacity and, therefore, the only solution is for segregation of waste and utilization of waste for generating energy or through recycling.

The Delhi Cantonment Board and the New Delhi Municipal Council are directed to file affidavits of responsible persons indicating the action that they have taken and propose to take in order to solve this problem of waste management. The said affidavits be filed within four weeks.

Mr Vasdev also drew our attention to the status report by way of affidavit of one Mr Krishan Mohan, Executive Engineer (Road Division -IV&V), New Delhi Municipal Council with regard to the road parallel to North and South Avenue. In paragraph 9, it has been stated that the resurfacing work would be started by the month of February, 2016 and completed by the end of February, 2016. We are informed by Mr Vasdev that this has not been done. Consequently, we direct Mr Krishan Mohan to be present in court on the next date of hearing to explain as to why the work assured in the affidavit has not been done.

Renotify on 28.07.2016.

Dasti.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MAY 19, 2016

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