



NGT Imposed Penalty on State Govt of Punjab

For Prelims: [The National Green Tribunal \(NGT\)](#), [Central Pollution Control Board \(CPCB\)](#), [Solid Waste Management Rules, 2016](#), [Environment \(Protection\) Act, 1986](#), [Chief Justice of India \(CJI\)](#), [Plastic Waste Management \(Amendment\) Rules, 2022](#), [the Commission for Air Quality Management \(CAQM\)](#).

For Mains: Issues of Waste Management in India.

Source: DTE

Why in News?

Recently, the [National Green Tribunal \(NGT\)](#) has imposed a penalty of Rs 1,000 crore on the Punjab government for its **failure to manage solid and liquid waste in the state**, despite multiple warnings. The amount is to be deposited with the [Central Pollution Control Board \(CPCB\)](#) within one month.

Why has the NGT Penalised the Punjab Government?

- **Fines Imposed over Past Six Months:** The NGT determined this penalty on account of failure to manage solid and liquid waste.
 - The penalty was calculated based on environmental fines over six months for 5.387 million tonnes of **legacy waste** and for **untreated sewage** due to a **gap in sewage treatment capacity**.
 - The NGT underlined that [Solid Waste Management Rules, 2016](#), and Section 15 of the [Environment \(Protection\) Act, 1986](#) apply in this case.
- **Repeated Offenders:** The tribunal found that the Punjab government had also **failed to comply with its previous orders in 2022**, including the creation of a **ring-fenced account for Rs 2,080 crore** under the **Section 26 of NGT Act, 2010**.
 - The NGT has issued **show cause notices** to the Chief Secretary and Additional Chief Secretary (Urban Development) of Punjab, asking for their explanations.

Solid Waste Management Rules 2016:

- These rules replaced the **Municipal Solid Wastes (Management and Handling) Rules, 2000** and focused on segregation of waste at source, responsibility on the manufacturer to dispose of sanitary and packaging wastes, user fees for collection, **disposal and processing from the bulk generator**.
- **Key Features:**
 - **Responsibilities of Generators** have been **introduced to segregate** waste in to three streams – wet (biodegradable), dry (plastic, paper, metal, wood, etc.) and domestic hazardous wastes (diapers, mosquito repellents, etc.) and handover segregated wastes to authorised rag-pickers or waste collectors or local bodies.
 - **Waste Generators will have to pay:**
 - 'User Fee' to waste collectors.
 - 'Spot Fine' for Littering and Non-segregation.

What is the National Green Tribunal?

▪ About:

- The NGT was established in **2010** under the **National Green Tribunal Act 2010**.
- Its primary focus is to facilitate the swift and efficient resolution of cases related to **environmental protection, conservation of forests, and preservation of natural resources**.
- The Tribunal is headed by the **Chairperson (appointed by Central govt in consultation with the CJI)** who sits in the **Principal Bench** and has at least 10-20 judicial members and expert members.

▪ Jurisdiction:

- The Tribunal's jurisdiction **extends to enforcing environmental rights, granting relief and compensation for damages to individuals and property**, and addressing matters associated with environmental protection and conservation.
 - Apart from original jurisdiction on filing of an application, NGT also **has appellate jurisdiction to hear appeal as a Court (Tribunal)**.
- The NGT deals with civil cases under following laws:
 - [The Water \(Prevention and Control of Pollution\) Act, 1974](#)
 - [The Water \(Prevention and Control of Pollution\) Cess Act, 1977](#)
 - [The Forest \(Conservation\) Act, 1980](#)
 - [The Air \(Prevention and Control of Pollution\) Act, 1981](#)
 - [The Environment \(Protection\) Act, 1986](#)
 - [The Public Liability Insurance Act, 1991](#)
 - [The Biological Diversity Act, 2002](#)

▪ Powers:

- The Tribunal is **not bound by the procedure laid down under the CPC 1908**, but shall be guided by principles of '**natural justice**'.
- NGT by an order, can provide:
 - **relief and compensation to the victims of pollution** and other **environmental damage** (including accident occurring while handling any hazardous substance),
 - for **restitution of property damaged**, and
 - for **restitution of the environment** for such areas or areas, as the Tribunal may think fit.
- **An order/decision/award of Tribunal is executable as a decree of a civil court.**
- The NGT Act also **provides a procedure for a penalty for non compliance**:
 - Imprisonment for a term which may extend to three years,
 - Fine which may extend to ten crore rupees, and
 - Both fine and imprisonment.

- **An appeal against order/decision/ award of the NGT lies to the Supreme Court**, generally within ninety days from the date of communication.

What are the Major Administrative Challenges in Solid Waste Management?

▪ Inadequate Implementation of Regulations:

- Urban centers across India frequently suffer from inadequate waste management infrastructure, characterized by **outdated, damaged, or insufficient garbage bins**.
- A critical concern is the **failure to enforce waste segregation at the source**, resulting in the **mixing of unprocessed waste in landfills, in violation of the Solid Waste Management Rules, 2016**.

▪ Poor Interdepartmental Coordination:

- Solid waste management requires coordinated efforts across various departments such as urban development, environment, and public health. State governments often struggle with interdepartmental coordination, leading to inefficiencies in waste collection, processing, and disposal.

▪ Resource Allocation and Infrastructure Deficiencies:

- Insufficient allocation of financial and technical resources by state governments hampers

the development of necessary waste management infrastructure. This includes delays in setting up waste processing facilities, composting units, and waste-to-energy plants, particularly in urban areas.

▪ **Challenges of Waste Disposal Sites:**

- The **scarcity of land for waste processing plants in metropolitan cities has led to the accumulation of untreated waste.** This situation is further aggravated by **illegal dumping practices.** A significant portion of **solid waste remains unprocessed.**

Way Forward

- **Urban municipalities** must proactively **enhance their waste processing capabilities,** anticipating future population growth. This necessitates a **strategic focus on composting and biogas generation for biodegradable waste.**
- A **decentralised waste processing model** could be implemented **in metropolitan** regions like Delhi by collaborating with neighbouring states such as Haryana and Uttar Pradesh.
 - This approach would involve the **establishment of multiple composting facilities, capitalising on the existing organic compost market** in these states.
- An **integrated waste management approach** that combines decentralised processing options with large-scale waste processing facilities is essential to ensure comprehensive treatment of all waste streams.
 - This approach would **ensure that waste is effectively managed at both local and regional levels,** contributing to the overall sustainability of urban waste management systems.

Drishti Mains Question:

Q. Examine the role of the National Green Tribunal (NGT) in addressing issues related to waste management in India?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. As per the Solid Waste Management Rules, 2016 in India, which one of the following statements is correct? **(2019)**

- (a)** Waste generator has to segregate waste into five categories.
- (b)** The Rules are applicable to notified urban local bodies, notified towns and all industrial townships Only
- (c)** The Rules provide for exact and elaborate criteria for the identification of sites for landfills and waste processing facilities.
- (d)** It is mandatory on the part of waste generator that the waste generated in one district cannot be moved to another district.

Ans: (c)

Q. How is the National Green Tribunal (NGT) different from the Central Pollution Control Board (CPCB)? **(2018)**

1. The NGT has been established by an Act whereas the CPCB has been created by an executive order of the Government.
2. The NGT provides environmental justice and helps reduce the burden of litigation in the higher courts whereas the CPCB promotes cleanliness of streams and wells, and aims to improve the quality of air in the country.

Which of the statements given above is/are correct?

- (a)** 1 only
- (b)** 2 only

- (c) Both 1 and 2
(d) Neither 1 nor 2

Ans: (b)

Mains:

Q. What are the impediments in disposing the huge quantities of discarded solid waste which are continuously being generated? How do we remove safely the toxic wastes that have been accumulating in our habitable environment? (2015)

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