



SPEED POST/EMAIL

CM-13011/122/2024-LAW-HO-CPCB-HO

December 09, 2024

To,

The Chairman,
Delhi Pollution Control Committee
6th Floor, C Wing, Delhi Secretariat,
I P Estate, Delhi-110002

Subject: Direction under section 5 of "The Environment (Protection) Act, 1986" regarding compliance of Environmental norms inside Parks in Delhi.

WHEREAS, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Wastes (Management and Handling) Rules, 2000, except as respect things done or omitted to be done before such supersession, the Central Government notified "The Construction and Demolition Waste Management Rules, 2016" (hereinafter referred as C& D Waste Management Rules, 2016); and

WHEREAS, the Central Government has notified the Solid Waste Management Rules, 2016 (hereinafter referred to as SWM Rules,2016) under the Environment (Protection) Act,1986 for proper Management and handling of Solid Wastes; and

WHEREAS, in the exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the PlasticWaste (Management and Handling) Rules, 2011, except as respects things done or omitted to be done before such supersession, the Central Government notified "The Plastic Waste Management Rules, 2016 (hereinafter referred as PWMRules, 2016); and

WHEREAS, Rule 8 of C& D Waste Management Rules, 2016, defines the duties of State Pollution Control Boards/Pollution Control Committees (hereinafter referred as SPCBs/PCCs) for enforcement & implementation of these rules in their State through local bodies and competent authorities; and

WHEREAS, Rule 15 of SWM Rules,2016, entrust the responsibility for making necessary provisions for segregation, collection, transportation, processing and disposal of Solid waste with the Local Authorities; and

WHEREAS, Rule 16 of SWM Rules,2016, entrust the responsibility for enforcement & implementation of SWM Rules with SPCBs/PCCs in their jurisdiction through local bodies; and

WHEREAS, in the Hon'ble National Green Tribunal Original Application No 535 of 2024 "Corruption Removal Society through Secretary Vinay Kumar Walia Vs Department of Forest Wild Life, Government of NCTD through The Principal Chief Conservator of Forest" applicant has raised the issue that Khasra No 209 Sadulajab, Saket, New Delhi is a forest Land and the

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'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in

High

land mafia has captured this land and has deforested almost 50 % of this land; and

WHEREAS, Hon'ble NGT vide its order dated 14.05.2024 in the above stated matter directed the following:

"Para 4 To ascertain the truthfulness of the allegation, we also deem it proper to constitute a Joint Committee comprising of the representative of Member Secretary, CPCB, a representative of MoEF & CC along with a representative of Forest Survey of India, Dehradun. Representative of the Member Secretary, CPCB will act as the nodal agency.

Para5. The Joint Committee will visit the site, ascertain the correct situation and extent of damage to the forest, if any, caused and persons responsible for the same and submit factual status report before the Tribunal within eightweeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF"; and

WHEREAS, Joint Committee constituted by Hon'ble NGT inspected the area on 08.07.2014 and following are the observations:

1. The site under question located in Khasra No 209 predominantly is a park being maintained by the Horticulture unit of the Department of Environment, GNCTD, and is under non-forestry activity.
2. Indiscriminate disposal of C&D and unsegregated Solid waste in the said area indicating non-compliance of said provisions of SWM Rules and C&D Waste Management Rules by the concerned Authorities which poses a majorthreat to environment; and

WHEREAS, the erstwhile Ministry of Environment & Forests, Government of India, vide Notification No. S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, CPCB, to issue directions to any industry or any local or other authority for the violation of the standards and rules related to Municipal Solid Waste as notified under the Environment (Protection) Act, 1986; and

Now, THEREFORE, in exercise of powers vested under section 5 of "The Environment (Protection) Act, 1986", the following directions are issued to Chairman, Delhi Pollution Control Committee (DPCC) to take further necessary action so as to:

1. Ensure that waste dumped (C&D Waste & Solid Waste) in the Park area of Khasra No 209 is collected and processed in accordance with provisions of the C&D Waste Management Rules, 2016 and SWM Rules, 2016.
2. Ensure that waste is not dumped in any parks of Delhi and the C&D Waste and Solid Waste are managed in accordance with the respective rules notified under the Environment (Protection) Act, 1986.

It is further directed that receipt of the directions should be acknowledged within 15 days and action taken report is submitted to this office within 30 days.

(Tanmay Kumar)
Chairman

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Copy to:

1. The Joint Secretary
CP Division, Ministry of Environment, Forests &
Climate Change, Indira Paryavaran Bhawan, Jorbagh
Road, New Delhi – 110003 : For kind information,
please.
2. The Divisional Head, Law Division,
Central Pollution Control Board Delhi -110032 : For kind information and
record, please
3. The Divisional Head
IT Division, Central Pollution Control Board
Delhi-110032 : With request to upload
on CPCB website
please.
4. The Divisional Head UPC-I Division,
Central Pollution Control Board Delhi - 110032 : For record, please.



(Bharat Kumar Sharma)
Member Secretary

