

Item No. 06

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 08/2022

Varun Sheokand

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 04.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Mansi Chahal, Advocate

ORDER

1. Grievance in this application is against burning of E-waste in Sarurpur Industrial Area, Faridabad, Haryana by Respondent Nos. 6 to 18 - Amrit Udyog, Alifa Enterprises, Rajendra Singh Mohonia, Shree Vardhman Casting, Apson Engineers, Deep Printers, Jagdamba Metal and Elite Industry, Durga Works, Shri Sidhi Vinayak Engineers, Radiant Engineers, Neelkamal Enterprises Pvt. Ltd, Satnam Engineering Works and S.S. Tools, Faridabad, Haryana.

2. Case of the applicant is that the Sarurpur Industrial area in Faridabad is a totally unauthorized and non-conforming area in which about 100-200 "Red category" and highly polluting units are illegally operating. These units are engaged in the illegal activity of burning E-waste in and out of their units on everyday basis. The units operating in Sarurpur Industrial area burn approximately 40-50 tons of E-Waste daily which has made the environment of the region toxic. The magnitude of

air pollution is such that the visibility upto 2-3 kilometres is affected. These units collect the leftover ash from the E-waste after it is burnt and load them in the tractors and tippers which take this ash and dump unscientifically in the open area & landfills, which proves to be a threat to the environment. People residing in nearby colonies and areas are facing devastating impact on their health and on the city's environment. Around 10-15 people residing in the close proximity of Sarurpur Industrial Area have also lost their eye vision due to the toxic air pollutants released in the air by burning of E-waste. E-waste contains lead, cadmium, mercury, polyvinyl chloride (PVC), brominated flame retardants (BFRs), chromium, beryllium etc Long term exposure to these substances damages the nervous system, kidney, bones and the reproductive and endocrine systems. Some of them are carcinogenic. E-Waste is of little monetary value but it is often burnt in huge quantities by the respondent units to recover metal. After the metal is recovered from the electronic devices by burning it, the leftover toxic ash is dumped on the ground, resulting in ground water contamination in the area. Chronic diseases and cancer are taking place at higher rates in adjoining area because of the burning of E-waste releasing fine particles, which travel thousands of miles, creating numerous negative health risks to humans and animals. The local authorities are in hand in gloves with these illegal units operating in the Sarurpur Industrial Area for their personal benefits. No action is taken against this hazardous activity. The applicant has referred to order of this Tribunal dated 15.01.2021 in *O.A. No. 512 of 2018 titled as Shailesh Singh versus State of U.P & Ors.* dealing with the issue of burning of E-waste in the context of Delhi and Ghaziabad and also directing other States/UTs to take similar action but no action has been taken for compliance of directions of this Tribunal at Faridabad.

3. We have considered the averments in the application and perused the photographs annexed showing disturbing state of affairs in support of the allegation that there is serious potential for damage to the environment and public health unless steps are taken to check unscientific handling of E Waste.

4. Vide order dated 15.01.2021 in O.A. No. 512 of 2018, *Shailesh Singh versus State of U.P & Ors.* and other matters, after noting the magnitude of the problem shown by the data compiled as well as media reports, the Tribunal issued directions. It is worthwhile to extract some parts of the said order:-

“1. Common question for consideration in the three matters is the remedial action against unscientific disposal of e-waste resulting in contamination of ground water and soil acidification. E-Waste (Management) Rules, 2016 (EWMR) have been framed under the Environment (Protection) Act, 1986 (EP Act) and apply to manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment listed in Schedule-I, including their components, consumables, parts and spares which make the product operational.

2to7.....xx.....xx.....xx

8. The matter was thereafter considered on 20.02.2020 in the light of report of the DPCC dated 19.12.2019 and report of the UP State PCB dated 18.02.2020 wherein violations were acknowledged. Accordingly, further action was directed to be taken. The extract from the order dated 20.02.2020 is as follows:-

“2. Accordingly, a report has been filed by the DPCC on 19.12.2019 as follows:

*“5. **That, the teams headed by the respective SDMs have inspected 130 premises till 16.12.2019 and 104 premises were found to be storing/handling E-Waste. 31 number of premises were closed effectively. The area in which these activities were being carried out ranges from 30 to 100 Square meters and are of a very tiny scale.** In most of the premises, it was observed that the owner(s) themselves are carrying out the labour work. Environmental Compensation of Rs. 7.30 lakhs has*

been imposed on these 31 tiny handlers. The said drive is continuing till the entire area is covered.

6. That, apart from the above actions, **Delhi Pollution Control Committee took suo-moto action against illegal e-waste handling units in Old Seelampur area and closed 57 premises effectively in the month of July 2019. It has been decided to levy EDC on these 57 tiny illegal e-waste handlers.** The list of the said 57 units is enclosed as Annexure-2.
7. That, it is relevant to mention here that **in compliance of the orders passed by this Hon'ble Tribunal regarding initiating action on e-waste handling units, in the matter of OA No. 20/2019 (Resident of Gali No. 11, Bhagirathi Vihar Vs NCT of Delhi), Delhi Pollution Control Committee had effectively closed 36 illegal E-waste storage/handling units in the area of Bhagirathi Vihar in the months of May and June 2019 and an Environmental Compensation (EC) of Rs. 7.20 lakhs was imposed on them as these were a very tiny entities.** Till date 21 occupiers have deposited the EC imposed on them. Recovery Certificate has been issued to the Recovery Officer ie SDM (Yamuna Vihar) for recovery of EC as an arrears of land revenue. Recovery Officer has once again been requested to recover the EC.”

3. The UPPCB has also filed its report on 18.02.2020 inter alia as follows:

“3. Action Taken Against Illegal Industries

A joint team of District Administration, Ghaziabad, Nagar Palika Parishad, Loni, Ghaziabad Development Authority, Electricity Department, Police and Uttar Pradesh Pollution Control Board has been taking action against industries in confirming as well as non-confirming areas in Tehsil Loni of District Ghaziabad. **Since August, 2019 the joint team has identified and closed/dismantled 315 illegal industries in the said area.**

3.1 Action Taken against Illegal units Engaged in Handling and Processing of E-waste and other Related Items.

Sub-Divisional Magistrate, Loni, Tehsildar, Loni, officers of Nagar Palika Parishad Loni, Regional Office, UPPCB, Ghaziabad, Electricity Department and Police carried out survey of the area from 09.09.2019 to 11.09.2019. During the survey, it was observed that a **number of illegal industrial activities majorly comprising of small furnaces for melting aluminum, iron, lead etc. for producing sheets, foils, ingots and electronic waste processing units are set up in a residential cluster of Amit Vihar, Sewa Dham, Loni, Ghaziabad.**

During the survey, the joint team demolished 42 industries in Ghaziabad region of Amit Vihar area. The electrical connections of the industries were also disconnected by the officers of electricity department.

Action Taken against Illegal E- Waste Processing units in Behta Hazipur and Tila Shahbajpur, Loni

Similarly, regular survey of areas of Behta Hajipur, and Loni Border area is being carried out. During inspections between 17.08.2019 to 22.08.2019 by the joint committee 17 illegal units carrying out operations of wire drawing were found operating in the residential areas. All the 17 units were sealed during inspection. Further, Action under section

151/107/116 of CRPC was taken against 12 persons found responsible for carrying out the illegal operations in the residential areas.

*Further, drive was carried out from 19.11.2019 to 21.11.2019 in the area and electrical wires and e-waste was seized and **FIRs were registered against 15 individuals. During the said period public announcements were also made to sensitize the public about harm of burning wires and processing e-waste in open and warning was issued to deposit such items voluntarily with representatives from Nagar Palika's office. Another drive has been carried out on 6.2.2020 and 7.2.2020 in the said area and material has been seized.***

Action Taken against Illegal E- Waste Processing units in Sewa Dham, Loni.

*During regular survey, it was found by the joint committee that **number of illegal e-waste processing units are operational in open area of Sewa Dham area of Loni. The common practice obtained by these illegal units was to recover the metals from the PCBs using acids like Hcl and H₂SO₄. After recovering the metals like copper, the waste PCBs were burnt in open causing air pollution. During inspection between 29.10.2019 till 31.10.2019, almost 80 illegal units were demolished by the joint committee. FIRs against 16 individuals carrying out the illegal activities were also lodged. The illegal materials like PCBs, Chips were seized and stored at Nagar Palika, Loni road, New Delhi on 02.11.2019 to ascertain the status of closure of units. The seized material is proposed to be disposed off as per rules.***

4. Major Findings

- i) *Illegal units engaged in handling/processing of e-waste, primarily wires and PCBs have been identified in Behta Hajipur, Tila Shahbajpur, Krishna Vihar, Amit Vihar and*

Sewa Dham areas of Tehsil Loni which is adjoining North-East Delhi

- ii) *The said area is notified region of Ghaziabad Development Authority's Master Plan — 2021*
- iii) *The activities with regards to e-waste handling/processing are primarily restricted to burning of wires, etching of PCBs and smelting.*
- iv) *No electronic or electrical equipment's were found to be dismantled in the area, from which it is evident that dismantling of e-waste is being done outside Ghaziabad and only PCBs and wires are being brought for burning and processing.*

Recommendations

In view of above findings and observations, following recommendations are made:

- ***Ghaziabad Development Authority should demarcate the areas where units are operating against the land use as per Master Plan and take necessary action against these units as per law/demolition of illegal units against the master plan.***
- ***Ghaziabad Development Authority and District Administration should take action against owners of plots/land on which such illegal activities are being carried out under provisions of law.***
- ***To stop the illegal clustering of industries in residential areas of Loni, it is mandatory that no industrial electricity connection to any industry in residential areas.***
- ***It should be ensured that the illegal industries which are being closed down by the joint committee should not be allowed to operate again in the residential areas.***
- ***Police should install a checking post and boom barrier at Loni-Delhi border and do mandatory checking of vehicles to stop transboundary movement of wires, PCBs and smelted ingots.***
- ***All Dharam Kantas (weighing bridges) in the abovementioned areas of Loni should be stringently monitored by Weights and Measures Department and Police. They should be directed to report vehicles suspected to be carrying prohibited items like PCBs, wires etc.”***

4. In view of the above, let further action be taken in the matter after making inventory of all such units and a further report be filed before the next date of hearing by email at judicial-ngt@gov.in. It may also be ascertained as to what is the destination of the e-waste involved so that remedial action is taken. The DPCC and the State PCB may also involve any other authority/agency found concerned with the matter.”

9. *The matter was last considered on 30.09.2020 in the light of the report of DPCC dated 25.09.2020 and report of the UP State PCB*

dated 28.09.2020 finding large scale violations damaging the environment and public health. It was observed:-

“1to3...xxx.....xxx.....xxx

4. In pursuance to the above, the DPCC has filed its action taken report on 25.09.2020 inter-alia as follows:-

“4. That pursuant to the above office order, 218 premises were surveyed by two teams till 23.9.2020 and 120 premises were found to be carrying out illegal e-waste storage/handling activity. Since the inspecting teams are required to follow social distancing norms, area being highly congested with narrow lanes, people's tendency to crowd the inspecting teams; the survey is progressing at a slow pace. While carrying out the survey, the teams have observed that the people engaged in the illegal handling of e-waste are operating from very tiny premises with an area ranging from 20 to 50 Sqm, carrying out manual work without any machinery. Many of people have closed down the illegal operations due to lockdown & very dull economic activity. In most of the cases, it was observed that the owner(s) themselves are carrying out the labour work. Further action for effective closure of these illegal activities has been planned once the survey is completed. Delhi Police have been requested to provide sufficient police force for carrying out the task of effective closure to avoid any adverse law & order situation, as the areas are sensitive in this aspect.”

5. The State PCB has filed its report dated 28.09.2020 mentioning as follows:-

“2. Chief Engineer (Distribution) Ghaziabad Zone, PVVNL, Ghaziabad has been submitted a report vide letter dated 25.06.2020. As per the report total 704 connections in Loni area have been verified in which 506 connections were not found, 64 connections could not be verified due to incomplete address, 23 connections have been permanent disconnected, 85 connections were found disconnected, 26 connections were found connected. Copy of compliance submitted by PVVNL is annexed as Annexure IV.

3. Senior Inspector, Legal Metrology (Weight and Measures), Ghaziabad has submitted report on dated 25.06.2020 & 04.07.2020. As per report received total 12 Dharam Kantas (Weighing bridges) have been inspected, in which challan has been issued against defaulting 09 Dharam Kantas.

4. Further, in view of directions of District Magistrate, Ghaziabad, Sub-Divisional Magistrate, Tehsil, Loni vide order dated 09.09.2020 has constituted a Joint Team of

officers from District Administration, UPPCB, District Industries Centre, Nagar Palika Parishad, Loni, Ghaziabad Development Authority, Labour, Electricity and Police to carry out regular survey in Loni area, not only for purpose of identifying and taking action against electronic waste units but all pollution causing activities.

5. The joint team has also surveyed the areas of Seva Dhaam, Behta Hajipur and Amit Vihar in Loni region and it has been found that unit which were closed/ demolished have not started any unauthorized activity again.”

6. It is thus clear that as per report of the DPCC, the problem is continuing and time is sought for further action. As regards report of the UP PCB, necessary action has been taken but we are of the view that this needs to be reverified. Let further action be taken by the DPCC and the UP State PCB and compliance status as on 15.10.2020 be filed before the next date 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.”

10to13.....xxx.....xxx.....xxx

14. In the second report dated 18.12.2020 the summary of review, actions taken and to be taken as follows:-

1.0.....xxx.....xxx.....xxx

2.0 ACTION TAKEN BY CPCB:

- (i) CPCB estimated the quantum of e-waste generated during the last three financial year and the estimated quantities for the FY 17-18, FY 18-19 & FY19-20 are given below:
 - For financial year **2017-18**, the estimated generation of e-waste is **708445 tonnes** for **21 types of EEE**.
 - For financial year **2018-2019**, the estimated generation of e-waste is **771215 tonnes** for **21 type of EEE**.
 - For the financial year 2019-2020, the estimated generation of e-waste is **1014961.2 tonne** for **21 types of EEE**.
- (ii) CPCB in compliance with Hon’ble NGT order dated 02-09-2019 submitted review report on 11.02.2020.
- (iii) **CPCB issued direction under section 18 (1) (b) of the Water Act 1974 and under the Air Act 1982 to UPPCB on 05-05-2020 for taking action against three dismantlers and recyclers for violation of e-waste rules and guidelines of CPCB. Accordingly, UPPCB ordered for closure of these units.**
- (iv) CPCB recommended to MoEF & CC for inclusion of 75 numbers electrical and electronic equipment in addition to the

existing 21 number of electrical and electronic equipment in the schedule – 1 of the E-Waste (Management) Rules, 2016

- (v) **CPCB has prepared the guidelines for Environmental Compensation Charges (ECC) under E-Waste Rules in compliance of the Hon’ble NGT order dated 02-09-2019 and the same has been enclosed at Enclosure - A.**
- (vi) A review meeting for reviewing the progress made with regard to implementation of action plan through video conference was organised by CPCB on June 17th , 2020. In the review meeting the progress made during the 4th Quarter of the FY 2019-20 by the SPCBs/PCCs was reviewed.
- (vii) CPCB also organised two-day training programme on “E-waste Management Portal” for official of all SPCBs/PCCs engaged in activity related to uploading of quarterly reports at E-Waste Review portal on 06.08.2020 and 07.08.2020 respectively.
- (viii) **CPCB issued show cause notices to 186 producers on 16.09.2020 for not meeting the collection targets for the FY 2018-19. The reply of producers are under compilation.**
- (ix) **CPCB issued show cause notice to 523 producers on 06.10.2020 for not submitting their annual returns for the FY 2018-19. The reply of producers are under compilation.**
- (x) A review meeting with all SPCBs/PCCs via video conference was organised on 09.10.2020 to review status of implementation of action plan during 1st & 2nd quarter of FY 2020-21.
- (xi) (xi) CPCB has issued show cause notices to 292 producers on 26-11-2020 whose collection centres were found non-complying or non-traceable and show cause them why not their EPR Plan/EPR Authorisation be suspended and action as per e-waste rules be initiated.

3.0&4.0.....xxx.....xxx.....xxx

5.0 CPCB’S SUBMISSION IN THE MATTER OF OA NO. 1001/2019 – IN COMPLIANCE WITH HON’BLE NGT (PB) ORDER DATED 30-09-2020

- (i) Under the E-Waste (Management) Rules, 2016, Producers of notified electrical and electronic equipment (21 equipment as listed in schedule – I of the above said rules) have been given collection target for collection of e-waste under the policy instrument namely Extended Producer Responsibility (**EPR**). The producer have to collect e-waste as per the specified target and get it dismantled and recycled in an environmentally

sound manner through an authorised dismantlers and recyclers.

- (ii) For managing its EPR, Producers have to obtain EPR Authorisation (**EPRA**) from CPCB. For obtaining **EPRA**, the producers have to submit their **EPR Plan**. EPR Plan details out producer's awareness plan, system of collection, storage, transportation, dismantling, recycling, its service providers/channel partners (logistic partners, PROs, dismantlers and recyclers) and budget for EPR.
- (iii) **CPCB approves the EPR Plan of the producers and grant them EPRA. EPRA contains information on yearly collection target. So far 1630 producers have been granted EPRA.**
- (iv) Under the EPR regime, the producers are required to fulfil its annual collection target. Based on the evaluation of EPR Plan of the producers it submitted that producers are mostly engaging authorised dismantlers, recyclers or registered PROs for collection of e-waste and the collected e-waste is being dismantled at dismantlers and recyclers premises. Based on the certification from the authorised dismantlers & recyclers the producers submits their annual returns specifying the amount of e-waste collected and recycled.
- (v) UPPCB in its report submitted that process of unauthorised dismantling and recycling has not been found in the area. Unauthorised units are small establishment engaged in burning, etching or smelting only. **From the report of UPPCB it appears that only populated waste printed circuit boards (WPCB) are coming to the Loni region and after removing of all the useful and valuable materials from the WPCB the bare waste printed circuit boards are dumped in the area.**
- (vi) **Absence of dismantling activities and presence of populated waste printed circuit board in Loni area establish the fact that these material are coming from dismantlers and recyclers of e-waste having their dismantling and recycling facilities elsewhere. This establishes the fact that materials are leaking from dismantlers and recyclers as Producers are getting their collected e-waste dismantled and recycled through the authorised dismantlers and recyclers and do not dismantled and recycled the collected e-waste themselves.**
- (vii) The leakage of e-waste from dismantlers and recyclers is the reason for e-waste reaching to these areas. It has been observed that dismantlers and recyclers have been given processing capacity beyond their actual processing capacity by the SPCBs/PCCs.
- (viii) **CPCB has observed that SPCBs/PCCs are not observing the guidelines of CPCB on capacity of the dismantlers and recyclers. The capacity has been linked with shed area available with the dismantlers & recyclers. For**

dismantlers it is 300 square meter for capacity of 1 tonne per day and for recyclers it is 500 square meter for capacity of 1 tonne per day.

- (ix) In one instance, CPCB has noted that capacity of one dismantlers increased to eight (8) times of its original capacity without any increase in corresponding shed the area. **This increase in the capacity in excess of its actual processing capacity results in such leakage.** In this regard, CPCB through review meetings regularly asking the SPCBs/PCCs for revising the capacity of dismantlers and recyclers in accordance with CPCB guidelines.
- (x) Under the E-waste (M) Rules, dismantlers/ Recyclers are authorized by SPCBs/PCCs. **Hence, SPCBs/PCCs while issuing authorizations to the dismantlers/recyclers should strictly follow CPCB's guidelines w.r.t to required facilities, pollution control equipment and availability of areas with the dismantlers & recyclers and on the basis of same should grant authorization and authorized capacity.**
- (xi) EPR regime is in place and most of the producers have engaged the authorized dismantlers/recyclers/PROs for collection of e-waste for meeting their collection targets. So we need to prevent leakage from dismantlers/recyclers.
- (xii) **Leakage of e-waste from authorised dismantlers/recyclers can be prevented by monitoring the authorised dismantlers/recyclers regularly & continuously for material balance, material movement and for tracing the destination of dismantled materials.**
- (xiii) Bulk consumers (MNC, Govt. Departments, Ministry companies, etc.) generate large quantity of e-waste. **They auction the waste to highest bidder who in turn is an authorised dismantlers/recyclers. The auctioned waste reaches to informal processors for recovery operations from these authorised dismantlers/recyclers. Bulk Consumers should be directed for auctioning their e-waste only to Producers system of collection.**
- (xiv) For disposal of bare board dumped in the Loni Region after removal/recovery of useful and valuable material, we need to first assess the quantity of bare boards and to identify recyclers/processors who are willing to convert this bare board into some useful material. **The cost of collection, storage and processing may be thought off from Producers EPR budget if we consider the quantity of collected board as part of their collection target for which CPCB will have interaction meeting with Producers.**
- (xv) Under Rule 12 of the E-waste(M) Rules Department of Industry in State or any other government agency authorised in this regard by the State Government, are to ensure earmarking or allocation of industrial space or shed for e-waste dismantling

and recycling in the existing and upcoming industrial park, estate and industrial clusters.

- (xvi) *In view of the above, the authorised government agency may provide space within the existing and upcoming industrial park, estate and industrial clusters for carrying out dismantling operations.*
- (xvii) *In the above space, **shed and other hand held tools be made available for carrying out manual dismantling operation.** This space will be a common space where different groups can carry out dismantling of their equipment.*
- (xviii) *Once equipment dismantled, it should be given to different recycler for recovery operation through sale & purchase.*
- (xix) *Any gap in the price expected & paid to dismantlers may be met from Producers and he in turn can claim the quantity of waste for which he made payment as part of his collection target.”*

15to18.....xxx.....xxx.....xxx

19. *The report of the Oversight Committee dated 25.11.2020, in continuation of the earlier report, mentions further steps taken with following further recommendations:-*

“RECOMMENDATIONS

In view of the above, we recommend:

1. *All the producers must take EPR authorization as per E-waste (Management) Rules, 2016. After the enforcement of E-waste (Management) Rules, 2016, India has a very strict regime for e-waste collection and recycling through formal sector. Failure to obtain EPR authorization can result in penalty under EPA Rule 5(7), forfeiture of sale rights Rule 13(4) and ineligibility for imports Rule 16(6). In case of inadequate collection and channelization of e-waste generated from the end-of-life of their products, it indicates major gaps in our implementation/ enforcement system. UPPCB to identify the e-waste generating industrial units and check if they have EPR authorization. In case of default, penalty be imposed within the shortest possible time.*
2. *For environmentally sound management of e-waste, **State must ensure allocation of proper space to the existing and upcoming industrial units for e-waste dismantling and recycling, recognition and registration of workers involved in dismantling and recycling, undertake industrial skill development activities for the workers involved in dismantling and recycling, and undertake annual monitoring to ensure health and safety of workers involved in such activities.***

3. *Several countries have separate waste deposition centers for domestic E-waste which helps in easy segregation of E-waste. In India, the provision for waste deposition center for domestic E-waste is mentioned under Rule 15(i) of SWM Rules which should be implemented strictly. The Committee recommends that Urban Development Department/concerned authority to ensure e-waste removal from dump sites as well as its segregation in the State without further delay.*
4. *Illegal recycling and processing of e-waste is concentrated in few hotspots in the State such as Seelampur in New Delhi is a hub and Loni, Baghpat and Moradabad in UP are the hotspots. **We need to step up enforcement of e-waste management rules in these hotspots combining local enforcement with supervision from task force to obviate local vested interests.** Lots of illegal refurbishing/recycling activities are reported in Loni, Ghaziabad which has been notified as a regulated area under GDA. Chief Secretary, UP should be directed to ensure that GDA comes out with proper urban planning of Loni which would certainly ensure that no industrial activity takes place in regulated residential areas.*
5. *In pursuance of the order of Hon'ble NGT, **25000MT of black powder (Leachate Residue of E-waste) in Moradabad has been temporarily shifted from the banks of River Ramganga to a temporary dump. This dump needs to be shifted to a permanent TSDF that is likely to come up at Amroha. However, the construction work for TSDF is yet to start, hence, the Chief Secretary, UP may be directed to expedite the construction of TSDF at Amroha or otherwise ensure shifting at available TSDFs. At present, the nearest TSDF are at Kanpur or Unnao (which are at a greater distance). He should also fix responsibility for the delay.***
6. *In many countries, **Deposit Refund Schemes** have proved to be the most effective and sustainable way to ensure that no waste is leaked into the environment. In India, there is also a provision for implementation of Deposit Refund Scheme under Schedule-I of E-waste (Management) Rule, 2016 which ensures the collection and channelization of e-waste generated from the end of life of their products to authorized dismantlers or recyclers. It is suggested that such schemes are implemented strictly and effectively in the State.*
7. *An alternative way to improve the environment is the implementation of the tool **Life Cycle Assessment (LCA)** which can be used during the design phase of new electronic products to design environmental friendly products, minimize the amount of waste generated at their end of life, estimate the influence of material consumptions as well as evaluate the environmental and economic*

aspects. The Committee recommends that manufacturer or producers consider it while designing electronic products.

8. *The major drawback in e-waste management is in awareness generation. Most of the consumers are unaware about how to dispose their electronic products once their life is completed. In such case, we must focus on IEC efforts to spread awareness amongst the consumers. In fact, some steps like information on hazards of improper handling, disposal or recycling of e-waste, instructions for handling and disposal of the equipment after its use, and affixing a clear and indelible symbol on the product or product user manual to prevent e-waste from being dropped in garbage bins containing waste destined for disposal could also be considered. Campaigns such as launched by Tech-lifestyle accessory player Adcom India titled, "Hum E-waste Le Jayenge", to spread awareness about e-waste while making individuals more informed about the social implications of e-waste and the importance to efficiently manage e-waste in an organized manner.*
9. *State be directed to ensure the compliance of Rule 12 (1) of E-Waste Management Rules 2016 with regard to existing as well as the upcoming industrial parks."*

Further report of CPCB

20. *In O.A. No. 621/2018, report of CPCB dated 12.02.2020 is as follows:-*

"1.1 Compliance with regard to 'Dismantling and Recycling of e-waste as per the rules'

As per CPCB record there are three hundred twelve (312) numbers of dismantlers/recyclers in eighteen (18) states of the country. Out of eighteen (18) SPCB/PCC seventeen (17) have provided verification report on the dismantling and recycling facilities authorised in their state. One (01) state that is Uttar Pradesh has not provided any information so far in this regard.

Verification reports of two hundred and sixty-three (263) dismantling and recycling facilities are available and out of these two hundred and seven (207) facilities were found operational. twenty-seven (27) were found non-operational, sixteen (16) were found closed and status of operation of thirteen (13) facilities were not provided by SPCBs/PCCs.

Out of two hundred and sixty-three (263) dismantling and recycling facilities, ninety-nine (99) facilities were found complying, one hundred and six (106) facilities were found non-complying and the status of fifty-eight (58) facilities were not provided.

1.2 Compliance with regard to 'no illegal dismantling and recycling of e-waste'

Sixteen (16) SPCBs as per the list below have informed that they have initiated drive against illegal dismantling and recycling of e-waste. As per the report no such activity was reported in the state AP, Bihar, Chandigarh, Chhattisgarh, Haryana, H.P, Jammu & Kashmir, Karnataka, Maharashtra Meghalaya, Punjab, Puducherry and Telangana. Delhi PCC and SPCBs of Kerala and UP has reported actions against illegal dismantling and recycling of e-waste.

The details are given below:

S.No	SPCB/PCC	Action taken
1.	Delhi	DPCC has carried out checking of, dismantling and recycling of e-waste in Delhi, 09 teams were constituted with representation from Revenue, MCD, Delhi Police and DPCC. The said teams have identified 31 occupiers engaged in illegal e-waste storage/ handling in eastern & northern zones of Delhi
2.	Kerala	Kerala SPCB has initiated actions for checking informal trading dismantling and recycling of e-waste in its State. During the drive, Kerala SPCB disposed 199532.2 Kg of e-waste from informal sector to registered recyclers.
3.	UP	UP SPCB informed that regular drives are being conducted against illegal processing and dumping of e-waste. Action has been taken by UPPCB against illegal e-waste processing units. Eighty (80) such illegal melting furnace units were dismantled in Loni District of Ghaziabad in Nov, 2019 and FIR has been lodged against 16 persons. Further illegal E-Waste of 6.850 ton was seized and 05 illegal godown were sealed by district administration in district Moradabad. Environmental compensation of 60 Lakhs is imposed and closure orders have been issued against 04 illegal E-waste Processing Units.

Fifteen (15) SPCBs have not yet started drive against illegal dismantling and recycling of e-waste.”

21. Second report of CPCB filed on 17.10.2020 is as follows:-

“3.0 State wise Compliance Reports on E-Waste Management:

The issues covered in the matter of OA No. 621/2018, (Mahendra Pandey Vs. Union of India & Others) are also being dealt under OA No. 512/2018, (Shailesh Singh Vs. Govt. of U.P & Ors) regarding E-waste.

In the Hon’ble NGT orders dated 23.09.2019 in the matter of OA No. 621/2018, there were two issues related to E-Waste Managements:

(i) *Ensure that there is no illegal dismantling of e-waste*

(ii) *Any dismantling/recycling has to be in accordance with the Rules*

*Based on information furnished in the matter of OA No. 621/2018 and also in the matter of OA No. 512/2018, status has been reported for 33 SPCBs/PCCs namely; Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Dadra Nagar Haveli and Daman & Diu, Goa, Gujarat, Haryana, HP, J&K, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, UP, Uttarakhand & West Bengal have submitted their reports on compliance of NGT directions. Reports of 26 SPCBs/PPCs has been compiled and placed at **A2**.*

3.1 Observations

Based on Progress reports submitted in the matter and also reports submitted in the matter of OA No. 512/2018 (Shailesh Singh Vs. UoI & Ors) following are the observation:

- **Seventeen (17) SPCBs/PCCs namely; AP, Delhi, Goa, Gujarat, H.P, Haryana, J&K, Kerala, Karnataka, Meghalaya, Odisha, Puducherry, Tamil Nadu, Telangana, Tripura, U.P & West Bengal** have conducted drives during last six months for checking informal trading, dismantling & recycling of E-Waste in their respective States/UTs.
- **Six (6) SPCBs/PCCs namely; Delhi, J&K, Kerala, Meghalaya, Puducherry, & U.P** have identified informal E-Waste units and actions have been initiated against such informal units.
- **Out of 33 SPCBs/PCCs, eleven (11) SPCBs/PCCs namely, Arunachal Pradesh, Bihar, Chandigarh, Dadra Nagar Haveli and Daman & Diu, Kerala, Manipur, Mizoram, Nagaland, Puducherry, Sikkim & Tripura** have informed that there are no authorized dismantlers/ recyclers of E-waste in their State /UT.
- *Out of 22 SPCBs/PCCs having authorized dismantlers/ recyclers in their States/UTs, **thirteen (13) SPCBs/PCCs namely AP, Assam, Chattisgarh, Delhi, Goa, Gujarat, Haryana, HP, MP, Odisha, Telangana, Uttarakhand & West Bengal** have reported that all the operational dismantling/recycling units in their State/UT are complying as per CPCB guidelines and consent conditions, **One (01) SPCB namely Rajasthan** has reported that they inspected 04 units out of 30 units and the same were found complying and **six (06) SPCBs namely Jharkhand, Karnataka, Tamil Nadu, Punjab, Maharashtra & J&K** have reported non-complying dismantling/recycling units in their state. **Four (04) SPCBs namely J&K, Karnataka, Maharashtra& Punjab** have reported actions against non-complying units. However, in case of **Jharkhand & Tamil Nadu** no actions have been reported against noncomplying units.*

- Status of compliance is not provided in case of **Two (02) SPCBs/PCCs namely, Meghalaya & U.P.**
- **Two (02) PCCs** namely A&N Island, Lakshadweep have not submitted any report

3.2 Conclusion:

- **Drives** to check informal trading, Recycling & Dismantling of E-Waste has been initiated in **seventeen (17) States and UTs.**
- Seven SPCBs/PCCs have identified informal units/ activities of E- waste in their States/UTs and actions have been taken by all the SPCBs/PCC other than Meghalaya against such informal units.

Most of the Dismantling/Recycling units are found to be complying as per CPCB guidelines & Consent Conditions.”

22.....xxx.....xxx.....xxx

23. The above reports show the magnitude of problem. **There are huge gaps in compliance of rules which are being more held in breach than observance showing the authorities charged with the obligation of ensuring pollution free environment in poor light. There are clear governance deficits on the subject and higher authorities are not adequately concerned about the plight of the citizens on account of such serious violations to the detriment of health of the citizens. Environmental crimes are as serious, if not more, as cases of assaults but there is no adequate action. Coordinated approach is required but unless there is monitoring at higher levels and leadership is provided, leaving the matter to lower levels or issuing paper directions cannot result in improvement of the situation. Unfortunately, it appears that violation of environmental law is not the priority. Such neglect can prove very costly. For petty benefit of retrieving metals etc., poor labour class is engaged in burning electronic wires or other wastes to the detriment of their own health and also the health of others which is not being duly checked by creating awareness of taking stringent action or preparing other effective policies. Above all, constant vigilance is required. Liability of manufactures is not being enforced.**

24. CPCB has highlighted the status of enforcement of EPR regime, status of collection and channelization of e-waste, verification of facilities of dismantlers and recyclers, informal trading, dismantling and recycling, collection and disposal and monitoring of compliance. CPCB has finalized software and conducted exercise of reviewing status of compliance. It has also devised compensation regime.

The overall status provided by the CPCB is given below in a tabulated form:

	2017-18	2018-19	2019-20
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E-waste Generation (in tonnes)	708445	771215	1014961.2
No. of Producers with EPRA	1630		
No. of PROs	44		
No. of dismantlers	312		
Dismantling capacity	782080.62 t/a	-	-
E-waste dismantled in tonnes	69413.619	164663	-
Collection target	35422.25	154247.74	-
Collection	25325.28	78280.995	-

The statistics given above indicates that there is a gap between collection target and the collection and the installed dismantling capacity has to be adequate against the E-waste generation.

25. As already noted, the EWMR provide for specific responsibilities of the Manufactures, Producers, Collection centres, Dealers, Consumers, Dismantlers, Recyclers, Refurbisher and Departments of Industries and Labour in the States apart from the PCBs/PCCs and the CPCB. Finally, annual reports have to be compiled. The actions to be taken also cover Transportation, Accident reporting, Accountability of Manufacturers, Producer, Importer, Transporter, Refurbisher, Dismantler and Recycler for any damage to the environment or to the third parties. The same need to be enforced.

DIRECTIONS:

26. We direct that further steps be now taken for scientific enforcement of EWMR in the light of the reports of the CPCB and the Oversight Committee for the State of UP. The major areas to be focused are:

- enforcement of EWM Rules,*
- implementation of authorization regime,*
- implementation of EPR regime,*
- bridging the gap between collection target and collection,*
- enhancing the installed dismantled capacity to match the e-waste generation,*
- implementation of environmental compensation regime,*
- constant Vigilance and monitoring,*
- creation of awareness amongst masses and collectors/handlers/dismantlers/recyclers.*

27. CPCB needs to update the status periodically atleast once in six months and issue appropriate directions in the light of the reports received. The CPCB may inter-alia consider steps for compliance of Rule 16 requiring reduction in the use of Hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares.

28. It is further clear that large number of accidents take place in residential areas on account of unscientific handling of e-waste. This needs special attention for constant vigilance in such hot spots. This also requires review and updation of siting norms for e-waste by the CPCB which may be done within three months.

29. We also direct the acceptance of recommendations of the Oversight Committee for the State of UP. We record statement of learned counsel for the State PCB for TSDF at Amroha will be functional by 01.03.2021. The State PCB may ensure in setting up of TSDF and its operationalization CPCB guidelines are duly followed. The e-waste on the bank of River Ramganga may be duly shifted in an environmentally sound manner. Banks of river Ramganga should be cleaned and no deposition of e-waste/black powder observed.

30. DPCC may continue further efforts in coordination with the concerned Authorities including Delhi Police and East Delhi Municipal Corporation. It is not enough for the DPCC to be content by simply giving directions to other statutory authorities instead of coordinating with them to ensure compliance. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.

31. All the State PCBs/PCCs need to identify the hotspots by constant vigil and to coordinate with the District Administration at local levels to prevent damage to the environment and public health and meaningful enforcement of rule of law. The E-waste needs to be shifted to the nearest TSDFs for safe disposal. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.”

5. In view of above, substantial question of environment about compliance of E-Waste (Management) Rules, 2016 at Sarurpur Industrial Area, Faridabad, Haryana arises for consideration. As earlier noticed, the activity of unscientific handling and disposal of e-waste is hazardous activity having potential for serious damage to public health and environment, including causing of cancer, apart from other diseases.

Such waste contains toxic chemicals and non-biodegradable substances. Handlers are mostly illiterate and unskilled people for financial gain by high scale operators without concern for their safety. There is thus undoubted need for continuous vigilance in view of huge gaps in compliance of the Rules noticed earlier. The statutory Rules provide for specific responsibilities of manufacturers and handlers of such waste as well as remedial action by the statutory regulators but on account of lack in compliance, large number of accidents take place resulting in death and diseases. This aspect needs to be considered in the light of the facts on the ground in the present case.

6. Accordingly, we constitute a four-member joint Committee comprising Member Secretary, State PCB, CPCB, District Magistrate, Faridabad and Commissioner, Municipal Corporation. The Member Secretary, State PCB will be the nodal agency for coordination and compliance. The joint Committee may hold its meeting within one month and will be free to conduct proceedings online except for undertaking visit to the site. The Committee will be free to interact with the stakeholders and take assistance of any other Expert(s) on the subject. It may ascertain number of units in operation and their scale of operation in Sarurpur Industrial Area and its vicinity, infrastructure for waste management and specifying the reasons for inaction of SPCB against the violations, pollution and health hazards in the area and fixing the accountability. Based on verified facts, it may recommend remedial action for compliance of the statutory Rules on the subject at the ground level. Report may be furnished within three months 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 which may also be uploaded on the

website of State PCB for response of any stakeholder before this Tribunal, if required. List for further consideration on 27.05.2022.

A copy of this order be forwarded to Member Secretary, State PCB, CPCB, District Magistrate, Faridabad and Commissioner, Municipal Corporation by e-mail for compliance.

We also direct a copy of this order be forwarded all State PCBs/PCCs for ascertaining factual position in their respective jurisdictions and filing status reports on operation of e-waste recycling industries as well as other such polluting categories of industries operating in clusters causing environmental degradation and health hazards with the CPCB within one month based on which CPCB may hold an online interaction with all the State PCBs/PCCs and give a consolidated report to this Tribunal, before the next date. CPCB may particularly ascertain compliance status in Delhi and Uttar Pradesh in light of earlier orders.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Afroz Ahmad, EM

February 04, 2022
Original Application No. 08/2022
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