

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SMW (C) No(s). 1/2015

IN RE: OUTRAGE AS PARENTS END LIFE AFTER CHILDS DENGUE

Date : 10-07-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTAMr. Colin Gonsalves, Sr. Adv. (AC) Mr.
Choudhary Ali Zia Kabir, Adv.

For Petitioner(s)

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
UOI & Delhi Ms. Pinky Anand, ASG
Moef Mr. A.K. Panda, Sr. Adv.
Mr. S. Wasim A. Qadri, Adv.
Ms. Saudamini Sharma, Adv.
Mr. B.V. Balram Das, Adv.
Mr. D.L. Chidanand, Adv.
Mr. R. Bala, Adv.
Ms. Aarti Sharma, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Raj Bahadur, Adv.
Mr. Ritesh Kumar, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Mr. Zaid Ali, Adv.
Ms. Aanya Shrotriya, Adv.

Mr. Chirag M. Shroff, AOR

CPCB Mr. Avijit Roy, AOR

For States of

Assam Mr. Shuvodeep Roy, Adv.
Mr. Sayooj Mohandas, Adv.
Mr. Ajay Tiwari, Adv.
Bihar Mr. Gopal Singh, AOR
Mr. Rituraj Biswas,
Adv.

Chhattisgarh	Mr. Atul Jha, Adv. Mr. Sandeep Jha, Adv. Mr. D.K. Sinha, Adv.
Goa	Ms. Mayuri Nayyar Chawla, Adv. Mr. S.S. Rebello, Adv. Mr. P.S. Sudheer, Adv. Ms. Shruti Jose, Adv.
Haryana	Mr. Anil Grover, AAG Ms. Noopur Singhal, Adv. Mr. Satish Kumar, Adv. Mr. Sanjay Kumar Visen, Adv.
H.P.	Mr. Vikas Mahajan, AAG Mr. Vinod Sharma, Adv.
J&K	Mr. M. Shoeb Alam, Adv.
Karnataka	Mr. V.N. Raghupathy, Adv. Mr. Parikshit P. Angadi, Adv.
Kerala	Mr. G. Prakash, Adv. Ms. Priyanka Prakash, Adv.
Manipur	Mr. Leishangthem Roshmani, Adv. Ms. Maibam Babina, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. Daniel Stone Lyngdoh, Adv. Mr. K.V. Kharlyngdoh, Adv.,
Nagaland	Mr. K.N. Balgopal, Sr. Adv. Ms. K. Enatoli Sema, Adv. Mr. Vitso, Adv.
Odisha	Mr. Som Raj Choudhury, Adv. Mr. Abhishek Kumar, Adv.
Punjab	Mr. Naginder Benipal, Adv. Mr. Nishant Anand, Adv. Mr. Prithviraj Singh, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Mr. Amit Kumar Singh, Adv. for M/s Arputham Aruna & Co.

Telangana	Mr. P. Venkat Reddy, Adv. Mr. Prashant Tyagi, Adv.
Uttar Pradesh	Ms. Aishwarya Bhati, AAG Mr. Adarsh Upadhyay, Adv. Mr. Garvesh Kabra, Adv.
W.B	Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Mr. Amit Verma, Adv.
A&N	Mr. Bhupesh Narula, Adv. Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, Adv.
Dadar Nagar	Ms. Prabhleen Kaur, Adv. Mr. Mayank Srivastava, Adv. Mr. Vaibhav Manu Srivastava, Adv.
Daman & Diu	Ms. Prabhleen Kaur, Adv. Mr. Mayank Srivastava, Adv. Mr. Vaibhav Manu Srivastava, Adv.
Puducherry	Mr. V.G. Pragasam, Adv. Mr. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

NCT of Delhi

There is a mountain loads of garbage in Delhi, particularly in Bhalswa, Okhla and Ghazipur.

We would like to know who is responsible for clearing the garbage - those answerable to the Lt. Governor or those answerable to the Chief Minister.

The affidavit in this regard should be filed by the concerned officer of both the functionaries by tomorrow.

For this purpose, list the matter on 12th July, 2018.

Other States

The Secretary, Urban Development Department of the States of Assam and Nagaland are present in the Court today. Their presence is dispensed with for future hearing, unless required.

The Solid Waste Management Rules, 2016 postulate preparation of a State Policy and solid waste management strategy for the State or the Union Territory in consultation with stakeholders. The Solid Waste Management Rules came into force on or about 08.04.2016. We are two years down the line but we are shocked to know that more than two-third of the States / UTs in the country have not yet complied with the basic requirement of the Solid Waste Management Rules, 2016.

Pursuant to orders passed by this Court from time to time, affidavits have been filed by the States of Haryana, Jharkhand, Odisha, Nagaland and Union Territories of Dadra and Nagar Haveli and Andaman and Nicobar Island.

Learned counsel appearing for the States of Sikkim, Assam, U.P., Manipur, Telangana and Daman and Diu say that their affidavits are ready and will be filed during the course of the day. We only hope that the affidavits contain all details of the State Policy and solid waste management strategy for the State or the Union Territory.

There is no compliance by the remaining States / UTs. Apart from non-compliance with the orders passed by this Court, we have been told by the learned ASG that the Ministry of Environment, Forests and Climate Change (MoEF), Government of India has issued several reminders to the States / UTs including as late as in April, 2018 requiring the States / UTs to comply with the provisions of the Solid Waste Management Rules as well as the directions given by this Court.

The tragedy is that more than two-third of the States / UTs in the country have neither bothered to comply with the orders passed by the Court nor bothered to comply with the directions given by the MoEF, Government of India.

This is not only a tragic state of affairs but a shocking state of affairs particularly, since solid waste management is a huge problem in this country.

Learned counsel for the following States / UTs are present:

States

Bihar

Chhattisgarh

Goa

Himachal Pradesh

Jammu and Kashmir

Karnataka

Kerala

Meghalaya

Punjab

West Bengal

Union Territories

Lakshadweep

Puducherry

Since these States / UTs have not complied with the orders passed by this Court and the directions issued by the Government of India, we impose costs of Rs.1,00,000/- (Rupees One lac only) on these States

/ UTs. The costs be deposited within a period of two weeks from today with the Supreme Court Legal Services Committee for utilization of juvenile justice issues.

The remaining defaulting States / UTs that are not present or not represented by lawyers are burdened with costs of Rs. 2,00,000/- (Rupees two lacs only). The costs be paid within a period of two weeks from today with the Supreme Court Legal Services Committee for utilization of juvenile justice issues.

One final opportunity is given to these States / UTs to comply with the laws governing India failing which we may have to call the Chief Secretary of the concerned States / UTs to inform us why the laws governing India are not applicable to these States / UTs.

The States / UTs will give a copy of the affidavits as well as the State Policy and solid waste management strategy to the learned ASG appearing on behalf of the MoEF and the learned *Amicus*.

List the matter on 7th August, 2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER