

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 CHILD'S DENGUE DEATH

Date : 27-03-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Colin Gonsalves, Sr. Adv. (AC)
Mr. Choudhary Ali Zia Kabir, Adv.

For Petitioner(s)

For Respondent(s) UOI & Delhi Moef	Mr. A.N.S. Nadkarni, ASG Ms. Pinky Anand, ASG Mr. A.K. Panda, Sr. Adv. Mr. Sachin Sharma, Adv. Ms. Sushma Verma, Adv. Mr. R.B. Yadav, Adv. Mrs. Anil Katiyar, Adv. Ms. Saudamini Sharma, Adv. Mr. D.L. Chidanand, Adv. Mr. Zaid Ali, Adv. Mr. Ritesh Kumar, Adv. Mr. B. Krishna Prasad, AOR Mr. B.V. Balram Das, AOR Mr. S. Wasim A. Qadri, Adv. Mr. Praveen Swarup, Adv. Mr. Hemant Arya, Adv. Ms. Nivedita Nair, Adv.
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For States of Assam	Ms. Diksha Rai, Adv. Ms. Kanika Saran, Adv.
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Bihar	Mr. Gopal Singh, AOR Mr. Rituraj Biswas, Adv.
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Chhattisgarh	Mr. Sandeep Jha, Adv.
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Ms. Fauzia Shakil, Adv.
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Mr. Mojahid Karim Khan, Adv.

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Mr. Adarsh Upadhyay, Adv.

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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

The office report is that subsequent to our order dated 07.03.2018, the Chief Secretary of every State / Union Territory has been informed about the pendency of these proceedings.

We are sorry to note that in respect of the above intimation given to the Chief Secretary, there is absolutely no appearance on behalf of the State Governments: Haryana, Jharkhand, Manipur and Meghalaya.

Learned counsel appearing on behalf of the States of Assam and Nagaland say that they have not received any instructions in this regard.

In so far as the State of Bihar is concerned, we have been informed by the learned counsel that the State Legal Advisory Board has already been constituted.

The learned ASG has drawn our attention to Rule 11 of the Solid Waste Management Rules, 2016 where it is mentioned that the Secretary, Urban Development Department in the State is responsible for preparing solid waste management strategy and also ensuring implementation of the provisions of the Rules by all local authorities.

Since there is no response nor any appearance on behalf of the States of Haryana, Jharkhand, Manipur and Meghalaya, we have no option but to issue a direction to the Secretary, Urban Development Department of these States to be present in Court on the next date of hearing i.e. 24th April, 2018 to inform us as to what steps have been taken for implementation of Solid Waste Management Rules, 2016.

List the matter for this purpose on 24th April, 2018

Our attention has also been drawn to Rule 15 which relates to the local authorities and Panchayats including preparation of Solid Waste Management Plan as per the State policy and strategy of Solid Waste Management and other provisions of the Solid Waste Management Rules, 2016.

It appears, after hearing learned counsel for the petitioner

as well as the learned ASG, that since most of the State Governments / UT Administrations have not framed any waste management plan, they should comply with Solid Waste Management Rules, 2016 framed by the Central Government until their policy and strategy is laid down.

We grant three months' time to the State Governments/ UT Administrations to prepare a policy in terms of Rules 11 and 15 of the Solid Waste Management Rules, 2016.

For the purpose of preparation of the State Policy and Solid Waste Management Strategy for the States / UT Administrations in terms of Rule 11 and Rule 15, list the matter for directions on 10th July, 2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER