
(2013) 11 P&H CK 0243
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 3611 of 2009 (O and M)

Karamjit Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 27-11-2013

Acts Referred:

Citation : (2013) 11 P&H CK 0243

Hon'ble Judges : Hemant Gupta, J; Fateh Deep Singh, J

Bench : Division Bench

Advocate : Mohinderjit Singh Sethi, Mr. Jasdeep Singh Gill in C.W.P. No. 3611 of 2009 O and M, T.S. Gujral and S.S. Dhaliwal, in C.W.P. No. 24367 of 2011 O and M, for the Appellant; Sukhdip Singh Brar, Additional Advocate General, Punjab for Respondent No. 1, Mr. Harsh Aggarwal, Advocate for Respondent No. 2 in C.W.P. No. 3611 of 2009 (O and M), Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab for Respondent Nos. 1, 2, 4 and 6, Mr. Harsh Aggarwal, Advocate for Respondent No. 3, Mr. Balwinder Singh, Advocate for Respondent No. 7 and Mr. S.S. Sandhu, Advocate for Respondent No. 8 and for Ministry of Civil Aviation in C.W.P. No. 24367 of 2011 (O and M), for the Respondent

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—This order shall dispose of aforementioned two writ petitions i.e. CWP No. 3611 of 2009 filed by the residents of different residential colonies situated at Hambran Road, in Village Jainpur, Tehsil & District Ludhiana (hereinafter referred to as "Jainpur site") claiming direction to remove/transfer the garbage dump near the vicinity of residential colonies; to direct the respondents to stop throwing of the garbage as well as biomedical wastes generated by the two medical colleges and for direction to throw the garbage at a place away from the populated area as well as CWP No. 24367 of 2011 filed by the residents of colonies situated near the garbage dumping ground situated at Village Jamalpur on Tajpur Road, Tehsil & District Ludhiana (hereinafter referred to as "Jamalpur site") to direct the respondents to clear 30" wide adjoining the dumping site proposed to be used for Solid Waste Management Plant. Since the

issues in both the writ petitions are common in respect of dumping of Municipal Solid Waste and installation of Municipal Solid Waste Management Plant at Jamalpur and/or Jainpur site, therefore, the same are taken up together.

Facts and pleadings of CWP No. 3611 of 2009

2. Jainpur site, as per the petitioners in themselves, is being used for dumping garbage since the year 1985 though the throwing of garbage was stopped in the year 2005 on the intervention of the then Municipal Commissioner. It is pleaded that colonies and schools have come up to cater the basic need of education for children near the dumping site and, therefore, it should be shifted from that place.

3. In the reply filed on behalf of respondent No. 1, it is pointed out that bio-medical waste of Dayanand Medical College and Christian Medical Colleges is being disposed of in terms of a contract entered between the said Colleges with M/s. Amritsar Envirocare System Pvt. Ltd. and Symbramky Environment Management Pvt. Ltd. respectively, through Punjab Pollution Control Board.

4. In the written statement filed on behalf of respondent No. 2 Municipal Corporation, Ludhiana, it is inter alia stated that Ludhiana city generates approximately 850 tons of Municipal Solid Waste daily and that the Corporation has engaged 3100 Safai Sewaks, who are working under the control of 282 Mohalla Sanitation Supervisors apart from 1600 regular Safai Sewaks. The solid waste is transported to two dumping sites i.e. at Jamalpur and Jainpur with the fleet of 72 vehicles. It is pointed out that both the dumping sites are more than 30 years old. It is not disputed that almost 67 acres of land is being used for dumping of garbage and that sewerage treatment plant has been set up in part of such land. The Municipal Solid Waste Management Plant is proposed to set up in approximately 50 Acres of such land.

5. In another affidavit filed by the Municipal Commissioner on 06.09.2012, it was pointed out that the Expert Appraisal Committee has recommended environment clearance for landfill of Jainpur and Jamalpur sites subject to certain conditions in its 112th meeting held on 10/11.05.2011 and that the Environment Impact Assessment clearance of the landfill site at Jainpur is at advanced stage of consideration with Ministry of Environment and Forests, Government of India. It is also pointed out that the Corporation has signed a long term concession Agreement dated 30.11.2011 with M/s. A2Z Waste Management Pvt. Ltd. for scientific management of the collection, transportation, processing and disposal of Municipal Solid Waste generated from the residential and other areas with a view to meet environmental regulation for improvement in public health and hygiene. The concessionaire is responsible for the development and construction of processing facility and sanitary landfill facility at Jamalpur and Jainpur sites after obtaining approvals and clearances from various authorities.

6. On the other hand, respondent No. 3 - Punjab Pollution Control Board in its reply referred to the direction issued u/s 5 of the Environment (Protection) Act,

1986 to the effect that it shall not dispose of any municipal solid waste at village Jainpur and it shall submit a time bound action plan for the disposal of municipal solid waste already dumped at the site though it has admitted that for the disposal of Medical Colleges, separate agreements stand executed.

7. During the course of arguments, Mr. Harsh Aggarwal, learned counsel representing Municipal Corporation has brought to our notice communication dated 17.09.2013 for and on behalf of the Punjab Pollution Control Board that the clearance has been granted for the use of site for dumping only in respect of Jainpur site, but it needs permission for setting up of processing plant and disposal. The said communication is taken on record and marked as Annexure R-3/9.

Facts and pleadings of CWP No. 24367 of 2011

8. The petitioners have referred to Master Plan, Ludhiana - 2021. Such plan includes site earmarked for sewerage treatment plant and water treatment plant i.e. the site at Village Jamalpur, the site in question. In a short affidavit dated 12/13.03.2012 filed on behalf of the Municipal Corporation, the reference was made to a contract in favour of M/s. A2Z Company and that the Municipal Corporation has given possession of 51.5 acres of land to the concessionaire after the execution of agreement dated 30.11.2011. The said concessionaire has started the project work at site as per lay out plan. It is also pointed that the present collection of garbage is 320 to 350 metric ton per day, whereas the processing capacity of the plant is up to 1200 metric ton per day. The processing of fresh garbage to manure/fertilizer as well as refused derived fuel is contemplated. It is pointed out that the Concessionaire has spent Rs. 15 crores (approx.) on the project for installation of trommels for segregation of garbage, electronic weigh bridge, construction of meter rooms/staff cabin and purchase of machinery/vehicles etc.

9. In another status report dated 23.04.2012, it is averred that sole purpose of installation of Municipal Solid Waste Treatment Plant is to scientifically manage the municipal solid waste and gainfully utilize it, to produce compost, segregate recyclable waste for reuse after recycling, to produce refuse derived fuel for power and to dispose of the residual matter in a benign manner as provided in the Municipal Solid Waste (Management & Handling) Rules, 2000. It is pointed out that the Corporation has fixed the handling and transportation charges for garbage from various collection sites to the Jamalpur dumping site. The estimated project cost is Rs. 104 crores for 25 years out of which Rs. 50 crores is to be spent on commissioning of plant and landfill site and that such plant is for installation of the "MSW cluster project" on Public Private Partnership (PPP) basis for cluster of Ludhiana city and 12 other nearby Municipal towns. It is also pointed out that the Concessionaire is required to do spray of herbal sanitizer daily on regular basis at Jamalpur dump site and at all the other dumping sites of other Municipal towns of the cluster to prevent any environmental hazard and to retard the foul smell; fogging of melathene is also be done every week at

Jamalpur dumping site and at all the dumping sites of other Municipal towns of Ludhiana cluster to kill the insects and flies; the Concessionaire will not burn the garbage or allow anyone to burn the garbage at Jamalpur site or other dumping sites of cluster; to avoid stray animals, the boundary wall of the Jamalpur dump site will be constructed and completed in next 10 weeks and will do proper fencing within next 4 weeks at all the dumping sites of Municipal towns of the cluster, and; a green belt within the width of 5 meters along the entire boundary of Jamalpur Plant will be ensured by growing of dense tree and shrubs for fresh air for the purpose of greenery and healthy environment.

10. Mr. Aggarwal has also produced a communication dated 24.01.2013, taken on record as Annexure R-3/10, from the Survey of India pointing out that the distance of nearest Airport to the location i.e. Jamalpur Dump site, is 10 kms. He also stated that the Municipal Solid Waste Management Plant shall be made functional within one year, whereas the process of seeking clearance to set up Municipal Solid Waste Management Plant at Jainpur shall be initiated again and the plant will be set up once the plant at Jamalpur becomes functional.

11. In the reply filed on behalf of the Punjab Pollution Control Board, it has been inter alia stated that the Corporation was requested number of times to submit a detailed action plan for setting up of Municipal Solid Waste Facility and that the ground water is contaminated and is not fit for drinking purposes. Reference is made to the direction issued by the Punjab Pollution Control Board on 10.07.2009, as mentioned earlier.

12. During the pendency of the present writ petitions, many developments had taken place. The Ministry of Environment and Forests, Government of India has granted clearance to set up an Integrated Municipal Solid Waste Management Facility at Jamalpur, Ludhiana vide communication dated 31.01.2013, a copy of which has been placed on record as Annexure P-28. On 02.09.2013, when the writ petitions came up for hearing, the Ministry of Civil Aviation was directed to finalize the grant of No Objection Certificate for setting up of Municipal Solid Waste Management Plant at Jamalpur dumping site. However, on 07.10.2013, Mr. S.S. Sandhu, learned counsel representing Government of India, produced communication dated 06.11.2013, taken on record and marked as Annexure R-8/1, to the effect that as per present facts, the Airport Authority of India in consultation with Directorate General of Civil Aviation (DGCA) is not in a position to grant No Objection Certificate. However, if any fresh fact emerges, the same will be examined by DGCA/AAI. Mr. Sandhu referred to noting of the office of the Executive Director of Airport Authority of India, on the basis of documents enclosed, to the effect that development of Waste Management Plant falls within a radius of 10 kms from Ludhiana Aerodrome Reference Point (ARP) and that under Rule 91 of the Aircraft Rules, 1937, the Director General of Civil Aviation is the competent authority to issue No Objection Certificate. As per communication dated 30.10.2013 two types of clearances i.e. (i) height clearance, which is required to be dealt with by Airport Authority of India, & (ii) for issuance of No

Objection Certificate i.e. exemption under Rule 91 of the Aircraft Rules, 1937, are required. It is pointed out that the comments of Airport Director are not clear and do not reflect the effectiveness of the mitigation measures to control the bird menace near the plant and that Standard Operating Procedure (SOP) for controlling the bird menace is not proper and that Airport Director of the nearest Aerodrome should carry out the inspection to satisfy himself on the adequacy and effectiveness of the measures and arrangements mentioned in the SOP for prevention of attraction of birds and other species.

13. In the light of the above factual background, Mr. Sethi, learned Senior Counsel appearing on behalf of the petitioners in CWP No. 3611 of 2009, argued that Jainpur site is close to residential localities and cannot be used for landfill for the reason that it is in use for the last more than 25 years. Relying upon Clause 7 of Schedule III of the Municipal Solid Waste (Management & Handling) Rules, 2000 (for short the Rules), contemplating specifications for landfill sites, he argued that the Municipal Corporation should be restrained from using the said dumping site forthwith as the contemplated time has already lapsed. Mr. Sethi also relied upon a judgment of Hon'ble Supreme Court reported as *Almitra H. Patel & another Vs. Union of India & others* AIR 2000 SC 1256 to contend that the solid waste is required to be managed.

14. On the other hand, Mr. Gujral, learned counsel for the petitioners in CWP No. 24367 of 2011, has pointed out that dispute regarding vesting of land with the Municipal Corporation is pending before the Hon'ble Supreme Court; therefore, such site should not be used for setting up of a Solid Waste Management Plant. It is vehemently argued that environmental clearance is based upon report of the Expert Appraisal Committee, which is without granting wide publicity and adequate opportunity of hearing to the affected persons. Therefore, such permission is illegal and arbitrary. Learned Counsel relies upon an order passed in CWP No. 7036 of 2005 titled "*Nirbhai Singh Vs. State of Punjab*" on 14.11.2011.

15. Learned counsel for the petitioners referred to a judgment rendered in CWP No. 17390 of 2002 "*Ropar District Cooperative Milk Producers Union Ltd. Milk Plant, SAS Nagar (Mohali) Vs. State of Punjab & others*" decided on 01.02.2002, wherein the dumping ground located near the Milk Plant, Mohali was ordered to be shifted. It is, thus, argued that if in similar circumstances, the dumping site near the Milk Plant can be ordered to be shifted; the dumping site situated right in the middle of residential colonies should be directed to be shifted. Learned counsel for the petitioners has also relied upon a judgment delivered by a Division Bench of Delhi High Court in Writ Petition (Civil) No. 9340 of 2009 titled "*Utkarsh Mandal Vs. Union of India*" decided on 26.11.2009 to contend that conditional environmental clearance is not contemplated in law and, therefore, such clearance has to be treated as non-est.

16. We do not find any merit in the arguments raised. In CWP No. 4816 of 1996 titled "*Gram Panchayat of Village Kum-Kalan Vs. The State of Punjab & others*"

the issue examined was as to vesting of shamlat land with the Gram Panchayat, Jamalpur. The writ was dismissed on 07.04.2010 by the Division Bench. No further appeal is stated to be pending against the said judgment before the Supreme Court. Relying upon the said judgment, LPA No. 174 of 2011 titled "Guru Teg Bahadur Sahib Charitable Hospital Society, Guru Teg Bahadur Road, Shastri Nagar, Ludhiana Vs. State of Punjab & others" stands dismissed on 12.03.2012. The vesting of land with Municipal Corporation cannot be permitted to be disputed by the Petitioners in the present writ petition, which raises issue of environment and not of title.

17. In Ropar District Cooperative Milk Producers Union Ltd. Milk Plant case (supra), the prayer was to shift the garbage dumped along with the boundary wall of the milk plant run by the petitioner. The Court observed that the public which uses the milk manufactured in the plant of the petitioner is likely to suffer irreparable harm, if the garbage dump is not shifted from the site. The writ petition was disposed of with a direction to the respondents to take a final decision regarding alternative site where the Municipal Council, Mohali can dump the garbage etc. The directions in the said case cannot be applied in the present case. The dumping sites in question are in use for the last more than 25 years before the jurisdiction of this Court was invoked. Stage is now for setting up of a Solid Waste Management Plant. The setting up of the plant at this stage is a dire necessity to neutralize the affect of dumped garbage and to process the garbage, which is generated henceforth. We do not find that the reference of the petitioner on the said judgment is of any help.

18. A perusal of the writ petition relating to Jamalpur site, shows that the dumping site is in use since long, as it is alleged the garbage has reached 32 feet height from the boundary walls of adjoining sewerage plant and that the Airport is about 10 kms from the site in question. From the facts on record, it transpires that both the dumping sites i.e. Jainpur and Jamalpur are being used by the Municipal Corporation for dumping of garbage for the last 25 years, as is the stand of the Corporation in the reply.

19. The Ministry of Environment and Forests has granted environmental clearance on 31.01.2013 subject to the following conditions:

3. As the proposal is Category "B", the SEIAA, Punjab considered in its meeting held on 8th April, 2011 and granted ToR including conduct of Public Hearing. Public Hearing was conducted on 20.09.2011 at the project site. Since the Ludhiana is a critically polluted area, the project is treated as Category "A" as per General conditions of EIA Notification, 2006.

4. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of environmental clearance for the project. Accordingly, the Ministry hereby accords necessary Environmental Clearance for the above project as per the provisions of

Environment Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

5. SPECIFIC CONDITIONS:

- (i) Consent for Establishment shall be obtained from State Pollution Control Board under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.
- (ii) The proposed plan should be realigned in such a way that the waste tipping area and processing area and other project components which produces maximum air and noise pollution is farthest from the habitation.
- (iii) The existing waste lying on the site shall be excavated and should be accumulated to designated place within the site and this accumulated waste shall be compacted and closed scientifically after reaching the design height.
- (iv) State of the art measures should be adopted for odor control from the plant.
- (v) 30 meters wide green belt should be provided all along the boundary of the site.
- (vi) The proponent shall ensure that the project fulfils all the provisions of Solid Wastes (Management and Handling) Rules, 2000 including collection and transportation design etc.
- (vii) The gas generated from the landfill facility shall be collected and disposed as per rules.
- (viii) The proponent shall obtain necessary clearance from the Ground Water Authority for the use of ground Water.
- (ix) The proponent shall obtain necessary NOC from the Airport Authority of India before commencement of the work.
- (x) The depth of the landfill site shall be decided based on the ground water table at the site.
- (xi) An On Site Emergency Management Plan shall be prepared and implemented.
- (xii) periodical ground water/soil monitoring to check the contamination in and around the site shall be carried out.
- (xiii) Any other condition, as stipulated in the court order, should be adhered.
- (xiv) The leachate from the facility shall be collected any treated to meet the prescribed standards before disposal.

20. The Competent Authority has considered the proposal and decided to grant clearance. We do not have any expertise to say that such clearance is unwarranted. The argument that the environmental clearance is based upon report of the Expert Appraisal Committee, without granting wide publicity and

adequate opportunity of hearing to the affected persons, is again not tenable. Firstly, the petitioners have an effective alternative remedy against the clearance granted in terms of Section 16 of the National Green Tribunal Act, 2010. Since the petitioners have not availed such remedy, it is not open to them to challenge the same on the ground that opportunity of hearing was not granted to them. Secondly, the record shows that initially a public meeting was held on 20.09.2011 for granting environmental clearance, but thereafter the Expert Appraisal Committee has granted hearing to the affected persons on 18/19.10.2012. It was only, thereafter, after considering the objections filed and the report submitted, conditional environmental clearance has been granted on 31.01.2013.

21. We do not find that the reliance of the petitioners on the judgment in Utkarsh Mandal's case (supra) or the argument that there cannot be any conditional clearance have any merit. The clearance in issue in Utkarsh Mandal's case (supra) was to operate mine, whereas the present is a condition for installation of Solid Waste Management Plant. The special conditions are mostly post operational of the plant; therefore, such conditions cannot be termed as conditional clearance, which can be disputed. Still further, if the conditions are not complied with, the clearance can be withdrawn, leading to stoppage of Plant. Therefore, it is not that once clearance is granted, the Central Government or the other competent authorities under the Act will not have jurisdiction over the operation of the Solid Waste Management Plant.

22. It is submitted that an additional tract of land for the extension of the Airport has been acquired. Such acquisition of land reduces the distance from the Airport to the dumping site to 6.5 kms. Thus, the decision of the Airport Authority not to grant NOC can be faulted with. Learned counsel for the petitioners argued that the dumping of municipal solid waste will create bird menace, therefore, the Plant cannot be permitted to be set up at Jamalpur site relying upon Rule 91 of the Aircraft Rules, 1937. Rule 91 of the Aircraft Rules, 1937 reads as under:

91. Prohibition of slaughtering and flaying of animals, depositing of rubbish and other polluted or obnoxious matter in the vicinity of aerodrome - No person shall slaughter or flay any animal or deposit or drop any rubbish, filth, garbage or any other polluted or obnoxious matter including such material from hotels, meat shops, fish shops and bone processing mills which attracts or is likely to attract vultures or other birds and animals within a radius of ten kilometers from the aerodrome reference point.

23. We do not find any merit in such argument as well. Jamalpur dumping site is in use for the last 25 years or so. The garbage is being dumped since then. Now the Municipal Corporation wishes to use part of the said land for management of garbage. Such plant will clean the garbage site and not clutter it. Such plant is to provide hygienic living conditions to the residents of the nearby localities but also to the resident of the entire municipal corporation. It is expected to diminish garbage heaps and reduce the cluttering of garbage haphazardly. If the Airport

Authority has not raised any objection for the last 25 years, it is not understandable that how such an objection is being raised at this stage.

24. During the course of arguments, it was pointed out by Mr. Sandhu that there are three commercial flights a week to and fro Ludhiana Airport and the maximum passengers load is 150 a week, though it is pointed out that there are certain charter flights, which operate daily. The fact is that the population of Ludhiana Municipal Corporation is more than 16 lakhs and that of Ludhiana District is more than 35 Lakhs as per Census-2011. Even if, the flights are not operated from Ludhiana on account of perceived bird menace, it would not harm the interest of general public. It is the decision of the experts to operate commercial or charter flights in view of endanger to the safety of the passengers, but the larger public good of the entire population of Ludhiana is free from garbage. Larger public interest will outweigh the interest of miniscule number of persons, who may be using Airport facilities. We also find that the distance between Aerodrome Reference Point and that of Jamalpur dumping site is 10 kms, as disclosed by the petitioners in their respective writ petition themselves and also supported by the report of Survey of India. Therefore, denial of No Objection Certificate for setting up Municipal Solid Waste Management Plant is result of typical bureaucratic approach without examining the facts and to scuttle the larger public good. Therefore, it is for the Airport authorities to take a decision to operate or not to operate commercial/charter flights from the Airport, but the larger public interest warrants that there cannot be any further delay in setting up of Municipal Solid Waste Management Plant at the site in question, in respect of which the Corporation has been granted clearance.

25. The issue; whether the conditions to obtain clearances under the Municipal Solid Waste (Management & Handling) Rules, 2000 are mandatory to an existing dumping site has been examined by this Court in CWP No. 2032 of 2006 titled "Pollution Control Committee, Amritsar Vs. Municipal Corporation, Amritsar & others" decided on 23.07.2013, wherein this Court has said that such Rules are not applicable to the existing dumping sites. The Court observed as under:

17. The sole reliance of the petitioner on the question whether the Municipal Corporation and/or the Contractor requires authorization in terms of Rule 4(2) of the Rules for its land fill facility at Bhagtanwala is based upon an order dated 17.3.2009 passed in CWP No. 8504 of 2003 by the Division Bench of this Court (of which one of us Hemant Gupta J.), was a member. The marked distinction between the two cases is that the acquisition of the land for dumping the Municipal waste in the aforesaid case was completed in the year 1975 and at that time the site was outside the Municipal limits of Rohtak. The site came to be within the Municipal limits only in the year 1990. The writ petitioner had purchased 25 acres of land at a short distance from the dumping site nearly after 20 years of the use of the dumping site. It was a case of purchaser of land seeking shifting of dumping site. Thus Clause 5 of Schedule-III was interpreted to mean that the landfill sites existing as on the date of framing of the Rules,

have only to be improved in accordance with the specifications given in the Schedules and that there is no prohibition for use of an existing landfill site by the Municipal Authorities.

26. In CWP No. 7036 of 2005 titled "Nirbhai Singh Vs. State of Punjab" decided on 14.11.2011, a Division Bench of this Court was dealing with the problem of pollution in Ludhiana and Budha Nallah, which ultimately merges in the river Sutlej. This Court noticed the problem of pollution by the dyeing industries and disposed of the writ petition with the following directions:

To give effect to what has been stated above, we dispose of these five writ petitions by directing that the High Power Committee already constituted under the Chairmanship of Chief Secretary concerning Budha Nallah shall continue to meet periodically and shall also monitor actively, protection and preservation of Budha Nallah, its environment and ecology and that of Ludhiana city. To ensure probity and transparency in the affairs of the Committee, we direct it to publish the action taken report quarterly so that in case any citizen or a well meaning group is aggrieved he can again approach this Court for redressal of the grievance. We do hope and expect that in the light of what has been noticed in this judgment and the observations made, the above said Committee duly constituted under the chairmanship of Chief Secretary shall perform its part and achieve desired results.

Such directions in no case, prohibits the installation of Solid Waste Management Plant. The installation of such plant is imperative and in fact may be first step to make Ludhiana a better place to live in. Such plant is to manage garbage, which as on day is lying unattended. The plant is solution and not the problem. Thus, we do not find any merit in the present writ petitions. The same are dismissed, but with following directions in the light of Status Report dated 23.04.2012:

(1) The concessionaire, who has been given 51 acres of land for setting up of Municipal Solid Waste Management Plant in pursuance of agreement dated 30.11.2011 shall complete the process of installation and operation of such Plant expeditiously preferably within one year from today;

(2) The Respondents shall obtain all clearances and/or no objections etc. where ever required except that it shall not be necessary to obtain no objection from Airport Authority/DGCA;

(3) The Municipal Corporation, Ludhiana or the concessionaire shall make arrangements for erection of the boundary wall, if already not done so, to protect the garbage from spilling on road or the adjoining properties and to restrict the entry of unauthorized persons in the garbage area;

(4) The concessionaire will do spray of herbal sanitizer daily on regular basis at the Jamalpur dump site to prevent any environmental hazard and to retard the foul smell;

(5) Fogging of melathene will also be done every week of Jamalpur dump site to

kill the insects and flies;

(6) The concessionaire will not burn the garbage or allow anyone to burn the garbage at Jamalpur dump site;

(7) A green belt along the entire boundary of the Jamalpur plant/dump site, will be ensured by growing of dense tree and shrubs for fresh air for the purpose of greenery and healthy environment at that area;

(8) The fully covered vehicles shall be used for shifting of waste to avoid foul smell and preventing from scattering the same as well as keep it environment friendly;