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### PLASTIC BAN ON 36 MAJOR RAILWAY STATIONS

28 February 2019

#### Background

On 22 January 2019, the National Green Tribunal, Principal Bench, New Delhi (NGT) in the case of *Saloni Singh & Anr v Union of India & Ors (OA No. 141 of 2014) inter alia*, directed the Railway Administration, Ministry of Railways, Government of India (Railway Administration) to develop 'eco-smart stations' which would serve as model stations to ensure effective compliance with the Plastic and Solid Waste Management Rules, 2016. In this regard, the NGT primarily directed the Railway Administration to ensure compliance with the 'ISO 14001' standard issued by the Bureau of Indian Standards for the selected 'eco-smart stations' by setting up an effective Environment Management System, within a period of three months.

The NGT placed reliance on the Performance Audit Report, 2011 of the Comptroller and Auditor General titled "Environment Management in Indian Railways" which outlined the unsatisfactory handling of waste generated on railway stations in India. The NGT also took cognisance of similar deficiencies noted in the 83<sup>rd</sup> report of the Public Accounts Committee and the study conducted by the Central Pollution Control Board on 14 major railway stations *inter alia* reporting that the railway stations have no satisfactory collection mechanism for segregation of plastic waste. In view thereof, the NGT observed that there was an urgent need for the Railway Administration to modulate the effective implementation of environmental laws by enforcing a monitoring mechanism with a specific provision for accountability. Accordingly, the NGT directed the Railway Administration to frame updated action plans, invite public opinion and finalise the action plans on or before 31 March 2019.

#### Key directions issued by the NGT

The NGT issued the following directions to the Railway Administration:

- To identify at least 36 railway stations, being 5% of the major railway stations across the country, and to develop them as model 'eco-smart stations' which would be subsequently replicated in phases across the other railway stations in the country.
- For the said 36 'eco-smart stations', Nodal Officers be appointed by the Railway Administration who will be responsible to ensure compliance of waste management laws.
- After identifying the 'eco-smart stations', the proposed action plans be framed by the Railway Administration on or before 30 November 2018 and notified on

the government website for public comments. The NGT further directed that the actions plans so formulated be finalised on or before 31 March 2019.

- The Railway Administration may co-ordinate with the concerned Urban Local Bodies for solid and plastic waste management and may also consider banning the use of plastic on railway stations.
- 'Polluter Pays' principle be invoked by every regulatory authority to ensure compliance of Plastic and Solid Waste Management Rules, 2016 and the notified authorities may recover the cost of restoration in accordance with the applicable law, for any damage to the environment, which may be caused by the identified polluters. The railway stations identified as 'eco-smart stations' may have their own websites to receive grievances and suggestions, particularly with regard to cleanliness and hygiene.

## Implementation

In view of the NGT order, the Railway Administration has identified 37 'eco-smart stations', including railway stations at New Delhi, Mumbai Central, Howrah, Chennai Central, Allahabad, Lucknow, Guwahati, Secunderabad, Visakhapatnam, Bhubaneswar, Pune, Mysuru and Jaipur. The Railway Administration has also formulated and filed the interim action plan with the NGT. The interim action plan proposed segregation of biodegradable and non-biodegradable waste at source, mechanised cleaning by contractors controlled through bio-metric attendance and separate rag picking and disposal contractors to be made available at all major stations in the next one to two years' time. The interim action plan additionally contemplates monitoring compliance through CCTV cameras. Further, to prevent the unauthorised use of plastic bottles and to improve cleanliness, plastic bottle crushing machines are proposed to be installed at all major stations in next one-year time.

## Comments

After the Airports Authority of India imposed a ban on the use of single use plastic items at its 16 airports across the country on 7 January 2019, such a step by the Indian Railways appears to be similar to that. Since the respective States wherein the identified 'eco-smart stations' are identified to be located have enacted some form of plastic ban and waste management rules, the enforcement of such a ban on plastic usage at railway stations further augments the similar steps taken by various State Governments. However, conflicts may arise when the level of ban imposed on railway stations by the Central Ministry differs from the ones in place at the State level and when different enforcement mechanism/agencies are authorised to implement the ban. Nevertheless, since the NGT order aims at a phased development of the 'eco-smart stations' throughout the country, the implementation thereof may ensure some uniformity.

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