

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

Original Application No. 100 of 2021

BETWEEN

Tribunal on its own motion Suo Motu based on the
News item published in The Hindu Newspaper,
Chennai Edition Dt.09.04.2021,

“Dumping of garbage Foiled near Anamalai, trucks seized” ...Applicant

AND

The Chief Secretary to Govt. of Tamil Nadu,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu – 600 009 and 14 Others

...Respondents

**ACTION TAKEN REPORT FILED ON BEHALF OF GOVERNMENT OF
KERALA IN O.A.No.100/2021 BY 6TH RESPONDENT**

M/s. E.K.KUMARESAN
Counsel for R6
Standing Counsel for State Government of Kerala
NGT(SZ) Chennai Bench

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It is respectfully submitted that this Hon'ble Tribunal in its order dated 29-07-2021 had directed the Government of Kerala to come with a proper action plan so as to resolve the issue of illegal transportation and dumping of wastes in the State of Tamil Nadu and neighboring states.

It is humbly submitted that in compliance with the direction of this Hon'ble Tribunal, the Government of Kerala has issued the guidelines vide GO(Rt) No.1673/2021/LSGD dated 06.09.2021. Local Self Governments or their support systems like CKCL, while engaging agencies/organizations for removal/transportation of waste from dump sites/MCF/RRFs to designated disposal or treatment facilities shall enter into specific agreement following these guidelines.

1. The waste material to be removed shall be classified into Recyclable and Non-Recyclable.
2. The recyclable waste shall be sold to the recycling agencies or their aggregators at a price not less than the rate notified by the Clean Kerala Company Limited.
3. The non-recyclable waste shall be removed through Clean Kerala Company Limited at the rate prescribed by the Government from time to time.
4. The Local Self Governments may engage authorized agencies/organizations for removal of non-recyclable waste (provided they possess valid consent to operate from the KSPCB and valid agreement/MoU with the disposal facility such as Engineered Sanitary Landfills or Furnace-based industries like cement kilns.

5. The Local Self Governments or Clean Kerala Company Limited shall follow due process for identification of agencies/ organizations for removal of non-recyclable waste.
6. The agencies/organizations selected for removal and transportation of non-recyclable waste shall declare the destination where the waste is proposed to be disposed of and the hiring agencies (LSGI/CKCL) shall verify and ensure whether the destination is suitable for safe disposal.
7. All the vehicles which are entrusted with the transportation of waste to disposal/ recycling facilities shall be registered with the hiring agency from where waste is being collected. Clean Kerala Company and Local Self Government Institutions shall keep a separate record of vehicles registered by them for this purpose.
8. The Local Self Governments and CKCL shall incorporate specific conditions in the tender notification/Empanelment notification and in the agreements with the transporting contractors to the effect that the transporting vehicle shall be fitted with GPS instrument and tracking systems arranged in the respective Offices.
9. An Officer of the LSGIs/ CKCL shall be designated for tracking the GPS while movement of waste and shall ensure that it reaches the right destination.
10. For transporting waste from source to location of treatment/disposal, a detailed manifest has to be maintained by the agencies engaged. After the transportation of the waste is complete, the copy the manifest duly signed by the receiver (treatment/disposal facility) shall be produced to the hiring agency within 7days.
11. The waste carried in the vehicle shall be properly covered while transportation.
12. The LSGIs/CKCL shall impose a fine and terminate the agreement with the transporting contractor and forfeit the amount payable to him in case of any violations.

Clean Kerala Company Limited (CKCL) or Private agencies are being engaged for the collection and movement of waste to recycling/disposal facilities from collection centres/dump sites as per instructions issued by the State Government. There had been no mechanism for registering the vehicles which were entrusted with carrying waste to be disposed at designated dump sites or treatment facilities.

The LSGIs and KCL have been given 45 days time to identify transporting contractors or enable the existing contractors to install GPS in the vehicles used for this File No.ENVT-B2/2712021-ENVT-Part(1)purpose.

Further the Police personnel deployed in the border Districts with Tamilnadu are entrusted with the responsibility to check and monitor the movement of the vehicles illegally transporting Solid and Bio Medical waste from Kerala to Tamilnadu and its unscientific dumping in Anamalai. AU District Police Chiefs who have inter-state borders in their jurisdiction were directed to bestow their personal attention into the issue and curb the transportation of all such vehicles illegally engaged in the movement of Municipal Solid Waste and Bio Medical Waste materials within and without the border States.

Police patrolling is directed to be enhanced especially during night hours. It helps to regulate and monitor the movement of intra and inter-state transportation of waste materials during odd hours.

The regular checking of vehicles helps to identify the unauthorised transportation of garbages & sewages to a great extent. The joint vehicle checking operations are also carried out by the Police with Forest, Revenue, and LSGD authorities. This has helped to a great extent to curtail the illegal transportation of unauthorised materials more effectively. Strict instructions are given to all the District Police Chiefs to enhance the patrolling, book the culprits and initiate legal action against the violators of law by registering Crime Cases under relevant sections of the Act in force.

Therefore, it is most humbly prayed that this Hon'ble Tribunal may be pleased to consider the action taken report on record and pass suitable order and thus render justice

Dated at Chennai on this the 29th day of September, 2021.



(E.K.Kumaresan)
Counsel for R6
Standing Counsel for
State Government of Kerala
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