

**THE GREATER CHENNAI CORPORATION REPORT IN THE JOINT COMMITTEE - THE JOINT COMMITTEE RECOMMENDATIONS IN THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A NO. 126 OF 2020 (SZ), SUOMOTU ON THE BASIS OF THE NEWS PAPER REPORT PUBLISHED IN DINAMALAR CHENNAI CITY SUPPLEMENT EDITION DATED, 17.07.2020 UNDER THE CAPTION "IF THE "JALLDIYANPET LAKE DESTROYED BY 'JALRA' POLITICIANS" - THE GREATER CHENNAI CORPORATION COMPLIANCE REPORT OF THE JOINT COMMITTEE RECOMMENDATIONS.**

**1. ORDERS OF THE HON'BLE TRIBUNAL**

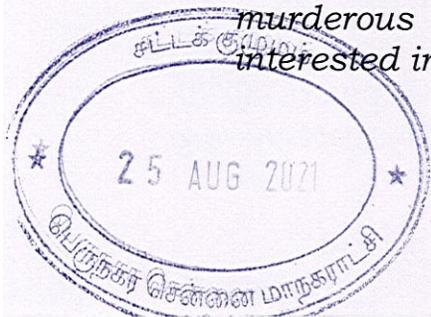
It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai in its order dated 27/07/2020 in the matter of O.A.No.126 of 2020 inter alia stated that:

*"2. It is alleged in the paper report that on account of unauthorised encroachments in the Jalladiyanpettai Lake, there is a danger of lake disappearing soon. Originally the lake was having an extent of 150 acres adjoining the Marshi land in South Chennai. It was acting as a prime water source for agriculture and drinking purpose in the area of Perumbakkam, Jalladiyanpettai and Pallikarani.*

*3. The bank of that lake is having a long length of 1.4 km and it is spread along the Tambaram-Velacherry road up to old Mamallapuram link road. It was slowly encroached by unauthorised encroachers. But in fact, it is being done with the active connivance and support of the local political party leaders. As a result of this, it has been reduced to 70 acres in the Government's record. Now it has been further reduced to 30 acres.*

*4. It is also seen from the report that a survey was conducted in the year 2010, and found that around 298 houses were constructed unauthorisedly as per the official records on the basis of the survey conducted. But as per the Water Protection Act 2007, no construction can be permitted in the lake or its catchment areas.*

*5. It is also alleged in the report that though encroachments were found, no action was taken by the Public Works Department to remove the encroachment. On account of severe water scarcity happened last year, due to the news item published in the same news paper under the caption 'Kalamiranguvom Namakku Naame', some non Governmental organisations and social group have created some sensitisation among the people to protect the water bodies and on account of the same some relief has been caused to rejuvenate certain water bodies around this area. But none had come to protect this water body due to fear of threat being caused by the encroachers with political support. Even, murderous threats were also issued against such persons who are interested in protecting the water body, the report continues..*



6. Now it has been attached to Greater Chennai Corporation, Chennai, who has the responsibility to protect the same. But none have taken any steps for this purpose. Unless, the encroachments are removed and steps are taken to desilt and protect the water body, then there is a possibility of extinguishment of the water body in future.

7. It is also mentioned in the report that waste as well as garbage is being dumped in the lake, apart from discharging the sewage without treatment there by making this water body into a dumping ground as well as the sewage pond. Though there was a scheme for protecting the water bodies which includes this water body as well, but, no steps were taken.

8. When the matter came up for hearing for admission today through Video Conference, Sri. Kamalesh Kannan represented respondents 1 to 4 and 6, Smt. P.T. Rama Devi through Sri. Raghul Adhitya represented 7th respondent and Sri. Kasirajan through M/s. Meena represented 5th respondent. Service is complete.

9. It is informed by the learned counsel appearing for the State authorities that this area comes under the jurisdiction of Kancheepuram District and not Chengalpattu District. So, instead of District Collector, Chengalpattu, District Collector, Kancheepuram is substituted as 6th respondent. Office is directed to carry out the necessary amendment in the cause title.

10. On going through the allegations in the report, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. Time and again it has been reiterated by the Hon'ble Apex Court, as well as various Hon'ble high Courts and also the National Green Tribunal, the responsibility of the State Government and its Departments including the local bodies to protect the water bodies, which plays a great role in protecting environment apart from maintaining the biological equilibrium not only act as rain water harvesting to collect rainwater but also act as a ground water recharge system to improve the groundwater level in that area. There is a duty cast on the Government and the State machineries the local bodies to protect the water bodies against the encroachment and pollution as a mandate of fundamental duty provided as directive principle Under Article 48 (A) of Constitution of India as providing clean water is treated as right to life as enshrined Under Article 21 of the Constitution of India. The regulating authorities are also expected to protect the water bodies against pollution.

11. In order to ascertain the present state of affairs, and genuineness of the allegations in the report and also steps taken by the authorities to remove the encroachments if any and restore the water body, we feel it appropriate to appoint a joint committee comprising of 1) the District Collector, Kancheepuram District, or a Senior Officer, not below the rank of Assistant Collector or Sub Divisional Magistrate of that area designated by the District Collector, 2) Superintending Engineer of Public Works Department and Water Resources Organisation, who is in charge of that area, 3) the Commissioner or a Senior Officer, deputed by the Commissioner, Greater Chennai Corporation who is in charge of maintenance of the lakes and 4) a Senior Officer deputed by the Chairman, Tamil Nadu State Pollution Control Board to inspect the area

in question and submit a factual as well as action taken report if there is any violation found.

12. The committee is directed to ascertain the total original extent of land as per the revenue records and the extent of encroachments and the steps taken to remove the encroachment and also ascertain if there is any dumping of garbage and discharge of untreated sewage into the water body and if so, trace out the person or persons responsible and suggest the course of action including imposition of environmental compensation against such person applying the principles of 'polluter pay', to prepare an action plan showing long term and short term measures with shorter time lines to protect the water body suggesting the persons responsible to carry out the same, ascertain as to whether there were any schemes launched by the Government or the District administration for protecting the water bodies and if so, what is its present stage of implementation, analysis of the water quality in the lake and if there is any contamination, trace out the sources and also suggest and recommend the ways and means to remedy the same.

13. The Public Works Department will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.

14. The Tamil Nadu State Pollution Control Board is also at liberty to conduct independent inspection to ascertain as to whether there were any violation in the implementation of Solid Waste management Rules, 2016 including dumping of waste and discharging untreated sewage in to the water bodies and also collect water samples so as to ascertain the present quality of the water and contamination if any and if there is contamination sources for contamination apart from assisting the committee in this regard."

### **REPORT OF THE GREATER CHENNAI CORPORATION IN THE JOINT COMMITTEE REPORT**

Jalladinapettai Lake is located at survey no.214 of in Jaladampet Village of Sholinganallur Taluk in Chennai District. coming under Greater Chennai Corporation, Zone-14, Unit - 43, Division-191 and it is having a water spread area to an extent of 27.78 Ha

#### **Garbage Generation and Disposal Details:**

<b>S. No</b>	<b>Div</b>	<b>Total Population</b>	<b>Total no of Households</b>	<b>No. of Garbage Bins</b>	<b>Approx wet waste Collected from households /day in Kg</b>	<b>Approx Plastic collected /day in Kg</b>
1	191	39600	9900	94	5000	350

The segregated wet waste is composted on a daily basis at the Micro Composting Centre (MCC) located at the Pudhu Nagar, Jalladianpettai, Compost Yard in div 191.

**Sewage Management Details:**

**The following Streets were adjacent to the lake**

<b>S. No</b>	<b>Name of Street</b>	<b>Total No of House holds</b>	<b>UGD Sewerage Connection given CMWSSB</b>	<b>Septic tank</b>
1	Pallavan Nagar , Nagathamman koil street	51	NIL	51
2	Pallavan Nagar , Nethaji street	31		31
3	Pallavan Nagar , 1st street	30		30
4	Pallavan Nagar , 2nd street	30		30
5	Pallavan Nagar , 3rd street	31		31
6	Pallavan Nagar , 4th street	33		33
7	Pallavan Nagar , 5th street	21		21
8	Pallavan Nagar , 6th street	36		36
9	Nesavalar Nagar Moopanaar street	62		62
10	Nesavalar Nagar Pachayappan koil street	75		75
11	Nesavalar Nagar Rajeevgandhi street	52		52
12	Nesavalar Nagar Abragam lingan street	11		11
13	Nesavalar Nagar Valmeegi street	5		5
14	Nesavalar Nagar Vaithyalingam street	16		16
15	Nesavalar Nagar Rajeevgandhi cross street	10		10
16	Nesavalar Nagar Kakkanji street	28		28
17	Nesavalar Nagar Indhragandhi street	31		31
18	Nesavalar Nagar MGR Cross street	16		16
19	Nesavalar Nagar Vivekanandar street	17		17
20	Nesavalar Nagar Kovalan street	20		20
21	Nesavalar Nagar Manimegalai street	17		17
22	Nesavalar Nagar Kambar street	15		15
23	Nesavalar Nagar Kannagi street	16		16
24	Nesavalar Nagar Logambal street	32		32
25	Nesavalar Nagar Ramadoss street	24		24
26	Nesavalar Nagar Kumarakurubarar street	17		17
27	Padmavathy nagar Main road	37		37
28	Padmavathy nagar Kaveri street	16		16

29	Padmavathy nagar Godhayari street	41		41
30	Padmavathy nagar Gandhi Street	14		14
31	Padmavathy nagar Rajeev Gandhi street	24		24
32	Padmavathy nagar Bhagath singh street	70		70
33	Padmavathy nagar Pallavan street	10		10
34	Padmavathy nagar Indhragandhi street	26		26
35	Padmavathy nagar Krishna street	14		14
36	Padmavathy nagar Bharathidasan street	8		8
37	Padmavathy nagar Rajeswari street	4		4
<b>TOTAL</b>		<b>836</b>	<b>172</b>	<b>654</b>

This lake is under the maintenance of Public Works Department

There is no Under Ground Sewerage system for the area in Div 191 of Jalladianpettai. The households were provided with individual septic tank arrangements.

#### **JOINT INSPECTION OF THE COMMITTEE**

The members of the Joint committee have carried out the inspection in the area in question on 02/11/2020.

#### **COMMITTEE RECOMMENDATIONS:**

**Based on the above observation, the joint committee submits the following recommendation before the Hon'ble National Green Tribunal (Southern Zone)**

01. Greater Chennai Corporation shall ensure that CMWSSB to provide and implement UGSS in the area in question, also take steps to intercept, transport, treat and dispose the sewage/sullage generated in the foreshore area of the Jalladiyanpet Lake within six months.
02. Greater Chennai Corporation shall arrange for the regular monitoring of the water body to avoid dumping of solid waste if any into the lake.
03. Greater Chennai Corporation shall levy fine on the violators dumping solid waste and CMWSSB shall take action against the disposing the sewage/sullage into the Jalladiyanpet Lake under Local body Acts.

04. Greater Chennai Corporation shall create awareness among the public with the help of Residential Welfare associations in the local body area for proper segregation of solid waste.
05. PWD and Greater Chennai Corporation with the help of Revenue Authorities shall make survey to identify encroachments in the Jalladianpettai Lake within six months and to take necessary steps to evict them.
06. PWD shall strengthen of the bunds and surplus water disposal by constructing proper drains in the said water body and create biodiversity parks/ tree-planting around the banks of the water body, so as to protect the lake against the future encroachment within six months by obtaining necessary funds from the Government

#### **REPORT OF THE GREATER CHENNAI CORPORATION – ZONE XIV:**

The Greater Chennai Corporation had taken action necessary action as follows:-

In exercise of the powers conferred under section 3,6 and 25 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986), the Central Government have made the Solid Waste Management Rules,2016 to regulate the management of solid waste. The Solid Waste Management Rules, 2016 shall apply to every municipal authority which shall, within their territorial area be responsible for the implementation of the provisions of these rules, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes. Further, it shall be the responsibility of the generator of wastes to co-operate with the municipal authority concerned to avoid littering and ensure delivery of segregated wastes in accordance with the collection and segregation system as notified under the Solid Waste Management Rules, 2016.

In exercise of the power conferred under section 349 of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) and under Rule 15 of the Solid Waste Management Rules, 2016 and in order to ensure effective solid waste management in the Corporation of Chennai, the Council hereby makes the Solid Waste Management Bye-Laws,2019.

This bye-law applies to the domestic, institutional, commercial and any other non-residential solid waste generators, situated in the Corporation area, and the public who throw the solid waste in to storm water drain, underground sewerage system, water bodies within the limits of Corporation of Chennai.

### **COMMITTEE RECOMMENDATIONS**

01. Greater Chennai Corporation shall ensure that CMWSSB to provide and implement UGSS in the area in question, also take steps to intercept, transport, treat and dispose the sewage/sullage generated in the foreshore area of the Jalladiyanpet Lake within six months.

### **REPLY**

### **THE CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE - SUPERINTENDING ENGINEER REPORT**

THE CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE ACT, 1978. (TAMIL NADU ACT 28 OF 1978).

As Amended upto 30th November 1998. The Chennai Metropolitan Water Supply and Sewerage (Second Amendment) Act, 1997.

For Statement of Objects and Reasons see Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th January 1978, page 196; For Act see Part IV - Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 14th June 1978 pages 269-341. Received the assent of the President on the 8th June 1978, first published in the Tamil Nadu Government Gazette Extra-ordinary on the 14th June 1978.

The detailed Project report for Providing Underground Sewerage Scheme to Jalladampettai (Division 191, area XIV) is under revision. The revision of DPR will be completed by the month of October 2021. After obtaining necessary funds, the work will be taken up.

02. Greater Chennai Corporation shall arrange for the regular monitoring of the water body to avoid dumping of solid waste if any into the lake.

REPLY

SOLID WASTE MANAGEMENT BYE-LAWS OF THE CORPORATION, FRAMED UNDER SECTION 349 OF THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919 (TAMIL ANDU ACT IV OF 1919) AND UNDER RULE 15 OF THE SOLID WASTE MANAGEMENT RULES, 2016.

**a. Definition:**

(50) "Public Place" includes any road, arch road, viaduct, lane, footway, alley or passage whether a thoroughfare or not over which the public have a right of passage, and such places to which the public has access such as parks, gardens, recreation grounds, playgrounds, beaches, water bodies, water courses, public plazas and promenades, government and municipal buildings, public hospitals, markets, slaughter houses, courts, etc.;

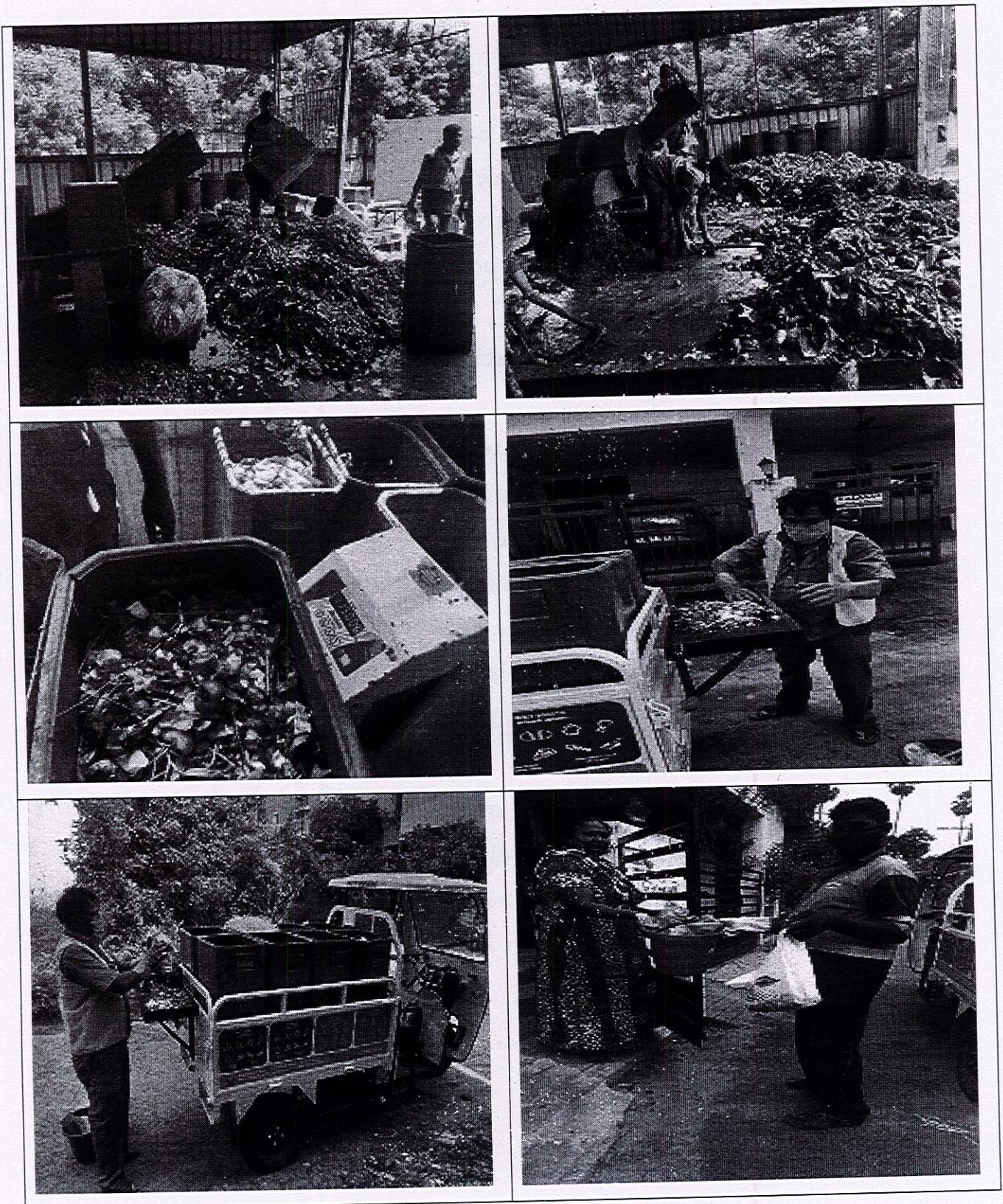
The Greater Chennai Corporation, Zone 14, Division 169, there are about 39,600 total populations. The Division consists of 9,900 number of Households. In this division, wet waste garbage compactor bins 47 Nos. & dry waste compactor bins of 47 Nos. have been placed in several locations. Garbage is being segregated & collected from every household and is being collected through 19 Nos. of Battery Operated Vehicles.

About **6300** kgs of wet waste collected is processed on a daily basis in Micro Composting Centre (MCC) located at the Pudhu Nagar, Jalladianpettai, Compost Yard in div 191.

Apart from wet waste; Dry waste fractions like garden garbage, chappals, e-waste, coconut shells, plastics, thermocol, cardboards, pet bottles etc are collected and stored in Resource recovery centre located in Division 191.

Plastics collected are bailed using bailing machine and bailed bundles of plastics and thermocol are sent to Dalmia Cement. Otherhand, garden garbage and coconut husk are being processed separately.

Since, all wastes are segregated and processed, there is no dumping of garbage around Jalladianpettai Lake and its surroundings. The Conservancy Inspector, Conservancy Supervisors and Assistant Executive Engineer (Conservancy) Solid Waste Management will be regular monitoring of the water body to avoid dumping of solid waste into the lake and vehicle marchouts; source segregation, sweeping activities on a daily basis throughout the entire Zone - XIV area regularly.



3. Greater Chennai Corporation shall levy fine on the violators dumping solid waste and CMWSSB shall take action against the disposing the sewage/sullage into the Jalladiyanpet Lake under Local body Acts.

## REPLY

SOLID WASTE MANAGEMENT BYE-LAWS OF THE CORPORATION, FRAMED UNDER SECTION 349 OF THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919 (TAMIL ANDU ACT IV OF 1919) AND UNDER RULE 15 OF THE SOLID WASTE MANAGEMENT RULES, 2016.

### **5.1 Levying Penalties**

The powers for levying penalties for non-compliance of Solid Waste Management (SWM) Rules, 2016 as mentioned in Schedule IV of this Bye law is vested with ward level Assistant Engineers and Conservancy Inspectors of Corporation of Chennai.

### **8.0 Penalties for contravention of these Bye-laws:**

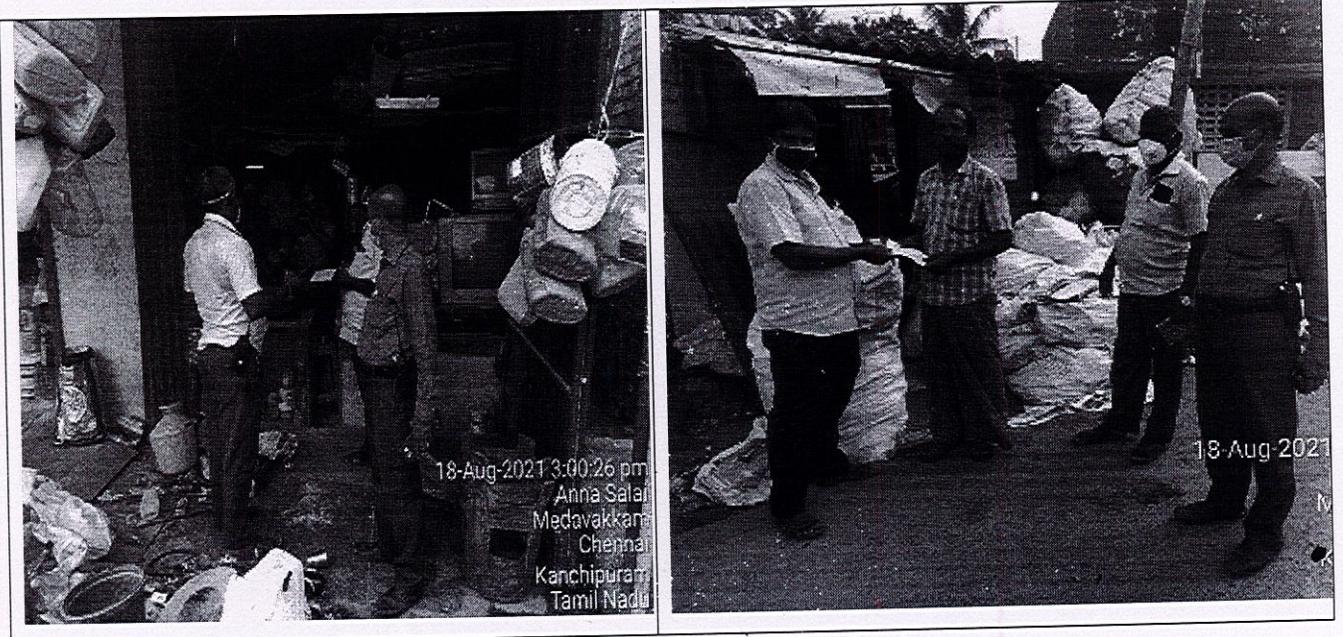
- (1) On and after the date of commencement of these Bye-laws, there will be a familiarization/warning period of 30 days, after which, any contravention of these Bye-laws shall be punishable with fines as per the Schedule of Fines (Schedule IV) for every instance of breach of these Bye-laws. In case the generator of waste is found contravening any of these Bye-laws next time, the fine amount will be doubled.
- (2) In case of a person or any polluter is not able to pay the fine as mentioned in Schedule, while contravening any of these Bye-laws he/she will be prosecuted under the provisions made in City Police Act and District Police Act / Indian Penal Code.

## Schedule IV

### Penalties

(see bye-law 5.01 and 8)

S.No	Sub section/Details of section rules	Penalty amount (Rs.)
1	Throwing garbage in public and private place/ littering from vehicles	500
2	Category under Non Segregation of waste	
	A. Individual House Holds	100
	B. Apartments / group house holds	1000
	C. Bulk waste generator	5000
3	Unauthorised dumping of Construction and Demolition waste in all public places	
	A. Up to 1 ton	2000
	B. 1 ton and above	5000
4	Horticulture, Wood waste not properly dumped at public place	200
5	Littering around bin / littering in sewer / canal / water bodies	500
6	Burning of solid waste	
	A. Private premises	2000
	B. Public places	5000
	C. Burning of solid waste generated from commercial places	2000
7	Fish, pet birds, meat waste (not from households) handing over without segregation	1000
8	Vendors / Hawkers/Shopkeepers without bin / Garbage basket	100
9	Vendors / Hawkers handing over without segregation	200
10	Unless a place not kept clean within 12 hrs after a public gathering/ public program events irrespective of number of persons	500





The Greater Chennai Corporation, Zone 14, Zonal Officer, Assistant Executive Engineer - SWM, Conservancy Supervisors and Conservancy Inspectors had collected the fine amount of Rs. 7,500/- as per the Bye-laws in Solid Waste Management (SWM) Rules, 2016 Schedule of Fines (Schedule IV) for Debris and Garden garbage & Source Segregation. The Fines amount has been deposited in the Treasury, Greater Chennai Corporation as follows:

<b>Bye Law 2019-Fine Collection</b>					
<b>S No</b>	<b>Zone</b>	<b>Date</b>	<b>Reason for Collecting Penalty</b>	<b>Chellan Number</b>	<b>Penalty Amount in Rs</b>
1	14	19.01.2021	Debris and Garden garbage	NP/2021-22/0009668	7,500

- Greater Chennai Corporation shall create awareness among the public with the help of Residential Welfare associations in the local body area for proper segregation of solid waste.

**REPLY**

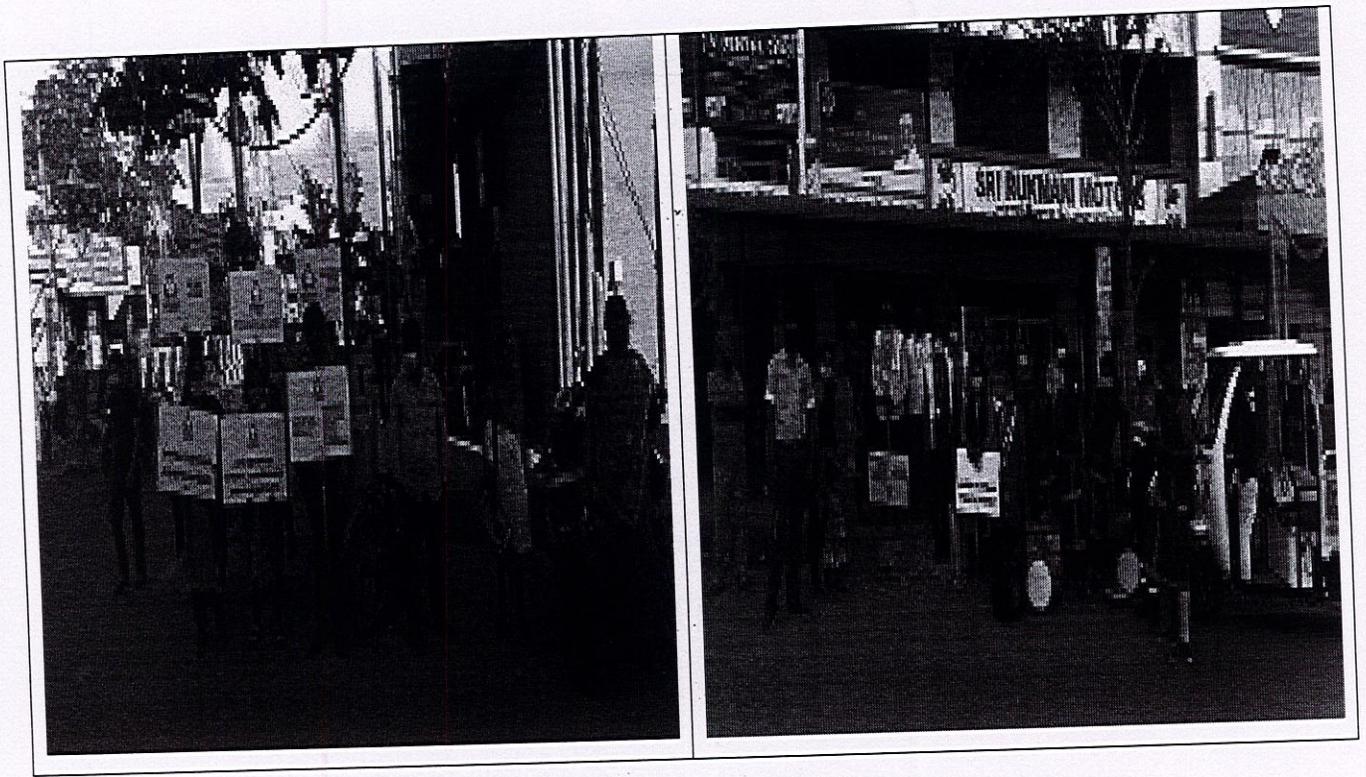
SOLID WASTE MANAGEMENT BYE-LAWS OF THE CORPORATION, FRAMED UNDER SECTION 349 OF THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919 (TAMIL ANDU ACT IV OF 1919) AND UNDER RULE 15 OF THE SOLID WASTE MANAGEMENT RULES, 2016.

## 5.0 Responsibilities of the Corporation of Chennai

(23) Create public awareness through information, education and communication campaign and educate the waste generators on the following; namely:-

- (i) not to litter;
- (ii) minimize generation of waste;
- (iii) reuse the waste to the extent possible;
- (iv) practice segregation of waste into bio-degradable, non-biodegradable (recyclable and combustible), sanitary waste and domestic hazardous wastes at source;
- (v) practice home composting, vermin-composting, bio-gas generation or community level composting;
- (vi) wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners or a suitable wrapping as prescribed by the local body and place the same in the bin meant for non-biodegradable waste;
- (vii) storage of segregated waste at source in different bins;
- (viii) handover segregated waste to waste pickers, waste collectors, recyclers or waste collection agencies; and
- (ix) pay monthly user fee or charges to local bodies or any other person authorized by the local body for sustainability of solid waste management.





The Greater Chennai Corporation, Source Segregated awareness programs have been conducted for various "Resident Welfare Association" in Zone XIV. Also awareness extended on daily basis through battery operated vehicle helpers using Radio Speakers while collecting segregated garbage from households. Private Urbaser Sumeet IEC (Information Education Communication) Executive conducted awareness through "Drama Play" in various locations in Greater Chennai Corporation, Zone -XIV.

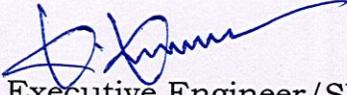
Apart from BOV-helpers, division conservancy inspectors also give source Segregation awareness to all those garbage non- Segregated houses.

5. PWD and Greater Chennai Corporation with the help of Revenue Authorities shall make survey to identify encroachments in the Jalladianpettai Lake within six months and to take necessary steps to evict them.

#### REPLY

The Greater Chennai Corporation a letter dated 18.08.2021 has been addressed to the Tahsildar, Sholinganallur Taluk requesting to furnish a report stating the land classification, extent of encroachment to the PWD Department and Greater Chennai Corporation. I further submit that the Jalladianpettai Lake is being maintained by the Public Works Department and they are the authority to remove the encroachment. The

Greater Chennai Corporation will provide the men and material for removing the encroachment. I further submit that the Tahsildar, Sholinganallur Taluk furnish a report after inspecting the site in question for taking further action.

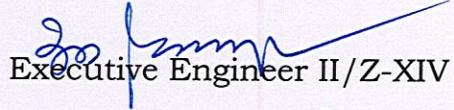


Asst. Executive Engineer/SWM

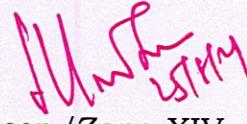
*Sk. Kithay  
AE/41*



Asst. Executive Engineer/Unit-43



Executive Engineer II/Z-XIV



Zonal Officer /Zone-XIV

*S.S.W  
25/8/2021*

Superintending Engineer (South)

