

**IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION No. 13 of 2021**

IN THE MATTER OF:-

SUO MOTOU RIVER IN KURNOOL POLLUTED APPELLANT

-VS-

UNION OF INDIA

....RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF THE
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE, RESPONDENT NOs.1**

**GOKUL KRISHNAN
Counsel FOR MoEF&CC**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE
AT CHENNAI**

ORIGINAL APPLICATION NO. 13 OF 2021

IN THE MATTER OF:

Suo Motou River in Kurnool Polluted

.....Applicant

-Vs-

Union of India

..... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE MINISTRY OF
ENVIRONMENT, FORESTS & CLIMATE CHANGE (RESPONDENT NO.1**

I, Dr.C.Palpandi, S/o P.Chendurpandi, aged about 38 years working as Scientist 'C' in the Regional Office of the Ministry of Environment, Forest & Climate Change (MoEF&CC) at Chennai, the deponent herein do hereby solemnly affirm and state on oath as under:-

1. That I, in the capacity of in the Ministry of Environment, Forest and Climate Change, am fully conversant with facts of the case and competent to swear this affidavit on behalf of the answering Respondent No. 1.
2. That the main mandate of MoEF&CC is policy formulation for abatement, control and prevention of pollution, prescribing environmental standards which are implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).
3. It is submitted that Environment (Protection) Act, 1986 empowers the State Pollution Control Boards to take all such measures as it deems necessary or expedient for the purpose of protection and improving the quality of environment and prevention, controlling and abating environmental pollution.

C. Palpandi
Dr. C. Palpandi
Scientist 'C'
Government of India
MOEF&CC, Regional Office (SEZ),
No. 34, 1st and 2nd floor, H&PC Building,
Cathedral Garden Road, Nungambakkam,
Chennai-600 034.

4. That the Ministry has enacted Water (Prevention and Control of Pollution) Act, 1974, which specifically deals with issues related to control and abatement of pollution in water bodies including drains. The implementation of the provisions of these Act are with the Central Pollution Control Board (CPCB) and concerned State Pollution Control Boards (SPCBs).
5. That water is a State subject and the major sources of pollution including sewage pollution and dumping of solid waste fall under the civic, health and sanitation responsibilities of the State Government and/or municipalities/ local bodies. The respective States/municipalities/local bodies, therefore, are having the primary responsibility in tackling these sources of pollution out of their budget and internal revenue generation. They are also responsible for setting-up proper facilities for collection and treatment of sewage being generated in various towns to ensure that untreated sewage does not pollute the water bodies and surroundings.
6. That the Ministry had notified the Solid Waste Management (SWM) Rules, 2016 in supersession to the Municipal Solid Waste (Management and Handling) Rules, 2000 vide GSR no. 1357 (E) on dated 8th April, 2016. As per the Rule 16 of SWM Rules, 2016, the State Pollution Control Board or Pollution Control Committee are responsible for the effective enforcement of these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-Charge of State Urban Development Department. Moreover, the State Pollution Control Board is responsible to monitor environmental standards and adherence to conditions as specified under the Schedule (I) and Schedule II for waste processing and disposal sites.

C. Palpandi

Dr. C. Palpandi
Scientist 'C'
Government of India

MOEF&CC, Regional Office (SEZ),
No. 34, 1st and 2nd floor, NEPC Building,
Cathedral Garden Road, Nungambakkam,
Chennai - 600 034.

VERIFICATION:

Verified at Chennai on this the 11th day of February 2021 that the contents of this reply affidavit based on official record(s) maintained and information available in the office are correct to my knowledge and belief. No part of it is false and nothing has been concealed there from.

C. Palpandi
Dr. C. Palpandi
Scientist 'C'

Government of India
MOEF&CC, Regional Office (SEZ),
No. 34, 1st and 2nd floor, NEPC Building,
Cathedral Garden Road, Nungambakkam,
Chennai - 600 034.

**IN THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION No. 13 of 2021**

**COUNTER AFFIDAVIT ON BEHALF OF THE
MINISTRY OF ENVIRONMENT,
FORESTS AND CLIMATE CHANGE,
RESPONDENT NOs.1**

**GOKUL KRISHNAN
Counsel FOR MoEF&CC**