

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI**

**O.A.No.168 OF 2020 (SZ)**

**With**

**O.A.No.25 OF 2021 (SZ)**

**With**

**O.A.No.140 OF 2021 (SZ)**

**O.A.No.168 of 2020 (SZ)**

**IN THE MATTER OF**

Tribunal on its own motion-SUO MOTU

Based on the News item in Indian Express Newspaper,  
Chennai Edition Dated: 25.08.2020, "Sewage discharge  
into Open SWDs irks Porur residents."

....Applicant(s)

**Versus**

1. The Principal Secretary to Government,  
Public Works Department,  
Govt. Secretariat, Fort St. George,  
Chennai, Tamil Nadu
2. The Secretary to Govt. of Tamil Nadu,  
Department of Environment,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu - 600009
3. The Principal Secretary to Govt. of Tamil Nadu,  
Health and Family Welfare Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu - 600009
4. Additional Chief Secretary to Govt. of Tamil Nadu,  
Municipal Administration and Water Supply  
Department, Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu - 600009
5. The Chairman, Tamil Nadu Pollution Control Board,  
No.76, Anna Salai, Guindy,  
Chennai, Tamil Nadu - 600032
6. The District Collector,  
Chennai District, District Collectorate Office,  
No.62, Rajaji Salai, 4th Floor, Chennai- 600 001.
7. Greater Chennai Corporation,  
Rep. by its Commissioner,  
Ripon Building, Chennai - 600 003.

.... Respondent(s)

Page No. 1

No. of Corrections: Nil

  
**Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009.**

  
**Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009**

**O.A.No.25 OF 2021 (SZ)**

**IN THE MATTER OF**

Tribunal on its own motion-SUO MOTU Based on the News item in Times of India, Chennai Edition, Dated 19.01.2021, "Private tankers in Chennai brazenly dump Sewage into storm water drains in broad daylight."

.....Applicant(s)

**Versus**

1. The Principal Secretary to Govt. of Tamil Nadu,  
Health and Family Welfare Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu 600- 009.
2. The Secretary to Govt. of Tamil Nadu,  
Department of Environment & Forests,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu 600- 009.
3. Additional Secretary to Govt. of Tamil Nadu,  
Municipal Administration and Water Supply Department  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu 600- 009.
4. The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 76, Anna Salai, Guindy,  
Chennai, Tamil Nadu 600- 032.
5. Chennai Metropolitan Water Supply & Sewerage Board,  
Rep. by its Managing Director,  
No. 1, Pumping Station Road,  
Chintadripet, Chennai - 600 031.
6. The District Collector,  
Tiruvallur District,  
First Floor, Collectorate,  
Tiruvallur - 602 001.
7. Greater Chennai Corporation,  
Rep. by its Commissioner,  
Ripon Building, Chennai 600 003.

.....Respondent(s)

Page No. 2

No. of Corrections: Nil



**Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009,**



**Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009**

**O.A.No.140 OF 2021 (SZ)**

**IN THE MATTER OF**

Tribunal on its own motion-SUO MOTU Based on the News Item in The Times of India Newspaper, Chennai Edition Dated: 31st May 2021, "Sewage being dumped Into Buckingham Canal illegally."

.....Applicant(s)

**Versus**

1. The Principal Secretary to Government,  
Public Works Department,  
Government Secretariat, Fort, St. George,  
Chennai – 600 009.
2. The Principal Secretary to Government of Tamil Nadu  
Health and Family Welfare Department,  
Government Secretariat, Fort, St. George,  
Chennai – 600 009.
3. The Secretary to Government of Tamil Nadu,  
Department of Environment, Climate Change & Forests,  
Government Secretariat, Fort St. George,  
Chennai – 600 009.
4. Additional Chief Secretary to Govt. of Tamil Nadu,  
Municipal Administration and Water Supply Department,  
Govt. Secretariat, Fort St. George,  
Chennai, Tamil Nadu – 600 009.
5. Engineer in Chief (Water Resources Organisation)  
And Chief Engineer (General),  
Public Works Department, Chepauk, Chennai – 600 005.
6. The Member Secretary,  
Chennai Rivers Restoration Trust,  
6/103, Dr. D.G.S. Dinakaran Salai,  
Raja Annamalaipuram, Chennai – 600 028.
7. Chennai Metropolitan Water Supply &  
Sewerage Board, Rep. by its Managing Director,  
No.1, Pumping Station Road, Chintadripet,  
Chennai – 600 031.
8. Greater Chennai Corporation,  
Rep. by its Commissioner,  
Ripon Building, Chennai – 600 003.
9. The Chairman,  
Tamil Nadu Pollution Control Board ,  
No. 76, Anna Salai, Chennai – 600 032.  
(Impleaded as additional 9th respondent  
As per order dated 06.07.2021)

.....Respondent(s)

Page No. 3

No. of Corrections: Nil



**Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009,**



**Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009**

**A COMMON STATUS REPORT FILED ON BEHALF OF**  
**THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,**  
**MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT**  
**[THE 4<sup>TH</sup> RESPONDENT IN O.A. No.168 OF 2020 (SZ)**  
**THE 3<sup>RD</sup> RESPONDENT IN O.A. No.25 OF 2021 (SZ)**  
**THE 4<sup>TH</sup> RESPONDENT IN O.A. No.140 OF 2021 (SZ)**

I, S. Meenakshi, W/o R.V.Kumar, Hindu, aged about 53 years, residing at No.7, F.1, Guru Sowbhagya Apartments, 3<sup>rd</sup> Main Road, Nanganallur, Chennai - 600 061 do hereby solemnly affirm and sincerely state as follows:-

2. I am the Deputy Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Fort St. George, Chennai-600 009 and as such I am well acquainted with the facts of the case from the records. On behalf of the Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, I have been authorized to file this status report. I am filing this status report on behalf of the fourth respondent in O.A.No.168 of 2020 (SZ), third respondent in O.A.No.25 of 2021 (SZ) and fourth respondent in O.A.No.140 of 2021 (SZ). I have read the applications in support of the said Suo-Motu cases of the Tribunal.

3. It is respectfully submitted that the National Green Tribunal (Southern Zone) had taken up a Suo Moto case [NGT (SZ) O.A.No.48/2020] based on newspaper report regarding illegal discharge by sewer lorries and the Hon'ble Tribunal has disposed of the case on 18.02.2021 with the recommendations of the Joint Committee constituted by National Green Tribunal which inter-alia provides as follows:-

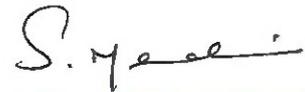
"The Chennai Metropolitan Water Supply and Sewerage Board shall regulate the sewage tanker lorries operating in their jurisdiction by properly registering them and streamlining the sewage tanker lorries in co-ordination with the Greater Chennai Corporation, the Public Works Department and the Tamil Nadu Pollution Control Board."

Page No. 4

No. of Corrections: Nil



Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009.



Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009

4. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone) in order dated.18.02.2021 in O.A.No.48/2020, has issued the following direction:-

- “(iii) The concerned authorities mentioned in the report are directed to strictly implement the recommendations made by the committee in this regard.
- (v) The Greater Chennai Corporation as well as Chennai Metropolitan Water Supply and Sewerage Board are directed to maintain a register of vehicles which are entrusted with the collection of garbage and sewage with GPS installed in those vehicles so as to track their movement to find out whether the garbage/sewage entrusted to them are reaching the proper disposal facility centre.”.

5. It is respectfully further submitted that the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board in his proposal on the implementation of the orders of the Hon'ble National Green Tribunal (Southern Zone) had opined that the issue of regulation of sewer lorries engaged in septage management could not be unilaterally addressed by the Chennai Metropolitan Water Supply and Sewerage Board, since monitoring and controlling involves many agencies and has therefore requested the Government to issue comprehensive regulation with necessary operative guidelines regarding removal of septage from unsewered areas, regulation of sewer tanker lorries operating in the local bodies and prevention of illegal discharge of sewerage, thereby protecting water bodies.

6. It is respectfully submitted that, the Government constituted a Committee with Director of Municipal Administration, Commissioner of Town Panchayats, Joint Secretary to Government, Municipal Administration and Water Supply Department, Deputy Commissioner (Works) of Greater Chennai Corporation as its members and Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, as its convenor to finalize the draft guidelines/regulations for septage management. The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, as Convenor of the Committee submitted the draft guidelines for septage management as recommended by the committee to Government.

Page No. 5

No. of Corrections: Nil

  
**Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009.**

  
**Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009**

7. It is also respectfully submitted that, in the meantime, the Tamil Nadu Municipal Laws and the Chennai Metropolitan Water Supply and Sewerage (Amendment) Act, 2022 (Tamil Nadu Act 34 of 2022) has been enacted to amend the laws relating to Municipal Corporations and Municipalities, as well as the Chennai Metropolitan Water Supply and Sewerage Act, 1978, so as to regulate the collection, transportation and disposal of faecal sludge/septage and matters connected therewith. The Government have brought the said Tamil Nadu Act 34 of 2022 into force on 01.01.2023. Further, the Government have framed the Tamil Nadu Urban Local Bodies and Chennai Metropolitan Area Septage Management (Regulation) Rules, 2022 which have been notified to take effect from 01.01.2023.

8. It is respectfully submitted that the salient features of the said Tamil Nadu Act 34 of 2022 and the Rules made thereunder are as follows:-

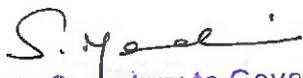
**ACT:**

- The Act mandates that any person, who intends to collect, transport or dispose faecal sludge or septage, in the jurisdiction of Urban Local Body shall obtain licence from the concerned Urban Local Body or in the Chennai Metropolitan Area or from the Chennai Metropolitan Water Supply and Sewerage Board.
- A licence fee of two thousand rupees has been prescribed.
- The validity of the licence is for a period of two years.
- Every building owner shall ensure construction of the septic tank or such on-site sanitation system conforming the requirements of the National Building Code, 2016 and conduct desludging as per the said Code.
- Duties of the licencees have been specified.
- Every licencee shall maintain a log book in the prescribed format for recording of each trip undertaken for collection, transportation and disposal of faecal sludge and septage and submit it to the licencing authority before the 10<sup>th</sup> day of every quarter in a year.
- Every licencee shall ensure that the specified vehicle is equipped with a Global Positioning System as may be prescribed and also ensure that the Global Positioning System instrument is functional and transmitting the data without any interruption.

Page No. 6

No. of Corrections: Nil

  
Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009,

  
Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009

- The Act mandates that the licencing authority shall notify in the District Gazette and upload in the website or portal,-
  - (a) the places for decanting the faecal sludge or septage;
  - (b) the list of licencees and update them periodically; and
  - (c) a mechanism for filing complaints or reporting violations against the licencees.
- The Act provides for imposition of penalties on persons contravening the provisions.
- The first offence shall be punishable with fine which may extend to Twenty five thousand rupees (Rs.25,000/-) and the second or any subsequent offence shall attract a fine which may extend to Fifty thousand rupees (Rs.50,000/-)
- The Act provides that where an offence under this Chapter is believed to have been or is being committed, any officer in Revenue department, not lower in rank than that of a Tahsildar, in the case of Town Panchayats and the Commissioner in the case of Municipalities, Assistant Commissioner in the case of Municipal Corporations and Executive Engineer in the case of Chennai Metropolitan Water Supply and Sewerage Board, may seize any vehicle or other articles including motor, pump, tube, tool or equipment used for the commission of such offence and shall without unreasonable delay, produce the same before the officer, authorised in this behalf by the Government.
- The Act empowers the authorised officer to order confiscation of the vehicle of the articles so seized.

#### **RULES:**

The Rules specifies the various documents to be submitted for obtaining a licence.

- The licencee found dumping faecal sludge and septage at any location or site other than at the disposal facilities in the Chennai Metropolitan Water Supply and Sewerage Board or the Urban Local Body, as the case may be, shall be deemed to be in violation of the terms and conditions of the said licence.
- The licencee shall maintain a logbook record of each trip undertaken for collection, transportation and disposal and submit the same to the Chennai Metropolitan Water Supply and Sewerage Board or to the Urban Local Body concerned, as the case may be, before the 10<sup>th</sup> day of every quarter in a year.
- The licencee shall equip the specified vehicle used for transportation of faecal sludge and septage with a Global Positioning System (GPS) instrument or vehicle tracking system approved by the Chennai Metropolitan Water Supply and Sewerage Board / Urban Local Body, as the case may be. The licencee shall permit access of the GPS instrument to Chennai Metropolitan Water

Page No. 7

No. of Corrections: Nil

  
**Under Secretary to Government  
 Municipal Administration and  
 Water Supply Department,  
 Secretariat, Chennai - 600 009.**

  
**Deputy Secretary to Government  
 Municipal Administration and  
 Water Supply Department,  
 Secretariat, Chennai-600 009**

Supply and Sewerage Board / Urban Local Body, as the case may be. The licensee shall ensure that the GPS instrument is functional and transmitting data without any interruption. Interruption in data received will be considered as a violation of the terms and conditions of licence.

- The licensee shall ensure that all drivers and workers employed follow Standard Operating Procedures for maintenance of sewer and septic tanks, mechanized cleaning as per the circulars and guidelines notified from time to time. The licensee shall also ensure that the drivers and workers employed are provided with appropriate safety equipments/safety gears and they are put to use during collection, transportation and disposal of faecal sludge and septage.
- The licensee shall insure each driver and worker employed for a sum of Rs.10 Lakh (Rupees ten lakh only) towards personal accidental insurance every year and submit the policy document to Chennai Metropolitan Water Supply and Sewerage Board/ Urban Local Body, as the case may be, at the time of grant and renewal of licence.
- Decantation fee: The concerned Urban Local Body or the Board, as the case may be, shall collect decantation fee of Rs.200/- per trip from the licensee for specified vehicles with a capacity of not more than 6000 litres and Rs.300/- per trip for specified vehicles with a capacity of more than 6000 litres.
- Power to seize specified vehicles: Where an offence under the Act, rules, bye-laws or any other regulations is believed to have been or is being committed, the Area Engineer of the Board in case of Chennai Metropolitan Area, the Assistant Commissioner in case of Municipal Corporation, Commissioner in case of Municipality and Tahsildar in case of Town Panchayats may seize the vehicle or other article including motor, pump, tube, tool or equipment used for the commission of such offence and shall produce the same within 24 hours before the concerned territorial Superintending Engineer of the Board in case of Chennai Metropolitan Area, the Commissioner in case of Municipal Corporation, Regional Director of Municipal Administration in case of Municipality, the Assistant Director of Town Panchayats in case of Town Panchayats, as the case may be, within whose jurisdiction the vehicle or other article including motor, pump, tube, tool or equipment used for the commission of such offence is seized.

9. It is further respectfully submitted that, the Government, on examining the draft guidelines recommended by the Committee and taking into account of the above statutory provisions, have issued Septage Management Regulations and Operative Guidelines regarding removal of septage from unsewered areas, regulation of sewer tanker lorries operating in the local bodies, prevention of illegal discharge of

Page No. 8

No. of Corrections: Nil



Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009,



Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009

sewerage, thereby protecting the water bodies, vide G.O.(Ms)No.1, Municipal Administration and Water Supply Department, dated 02.01.2023, in supersession of the earlier guidelines.

**10.** In the circumstances stated above, it is prayed that, this Hon'ble Tribunal may be pleased to accept this status report and drop all further action in pursuance of the above applications and thus render justice.

Solemnly affirmed at Chennai this  
the day 24<sup>th</sup> of January 2023 and signed  
her name in my presence

  
**BEFORE ME**  
Deputy Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai-600 009

  
**Under Secretary to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Chennai - 600 009.**