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**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI**

**O.A.No.396 of 2013**

**With**

**O.A.No.242 of 2016**

**IN THE MATTER OF:**

Shibu Manual

Secretary, Green Action Force

... Appliant(s)

-versus-

The Government of India & Ofrs.

... Respondent(s)

With

K. Muhammed Iqbal

... Appliant(s)

-versus-

Kerala State Pollution Control Board .

...

Respondent(s)

**MEMORANDUM FILED ON BEHALF OF ADDL. CHIEF SECRETARY TO THE GOVT.**

**OF KERALA**

It is respectfully submitted that in pursuance to the order of the Hon'ble National Green Tribunal (SZ) on 26.11.2021, the Additional Chief Secretary to Government has submitted his Action Taken Report and the same is enclosed herewith.

1. It has been stated in the said report that after detailed discussions and deliberations with all the stakeholder departments, following decisions were taken:

**(a) Common Effluent Treatment Plant (CETP) at Edayar:**

The Industrial Units should form a special purpose vehicle or a consortium to set up CETPs and to ensure its operation and maintenance and the respective industries shall provide funds for setting up such facilities . The Industries Department has been directed to seriously look into this aspect and take up detailed and effective discussions with the industrial units. The Kerala State Pollution Control Board also directed to extend necessary help in this regard.

**(b) Action Plan for Periyar River:**

The Local Self Government is regularly reviewing and monitoring these issues and entrusted Performance Audit Supervisors to conduct field level visits. The Superintending Engineer, LSGD to conduct immediate meeting with local bodies and obtain actions plans for practical solutions. The Superintending Engineer, Irrigation Department informed that Action Plan is being worked out with the support of the District Collector in coordination with the LSGD/LSGIs. It was also reiterated that action in all the areas can be taken up simultaneously for the entire Action Plan so that the pollution in the water bodies are controlled.

**(c) Septage & Solid Waste Treatment Plants: - Financial Requisites:**

The Additional Chief Secretary informed the local bodies that the funds required for STPs from the 2021-22 Plan Fund and funds for Solid Waste Management can be availed from the World Bank (IBRD) funds and all assistance in setting up the STPs would be provided by Kerala Water Authority.

3. It is submitted that it was informed by the Chief Secretary that the Action Plan shall be modified with definite timeline and funds thereof and a report on the same will be submitted to the Department of Environment and KSPCB within one month without fail.
4. In these circumstances, it is therefore prayed that Hon'ble Tribunal may grant **three months time** to submit the Action Plan and thus render justice.

Dated at Chennai on this 27<sup>th</sup> day of May, 2022.

  
STANDING COUNSEL FOR RESPONDENTS 2 & 3

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**GOVERNMENT OF KERALA**

Environment (A) Department

No.A3/108/2020-ENVT

11-05-2022, Thiruvananthapuram

From

Additional Chief Secretary to Government

To

The Advocate General,  
High Court of Kerala, Ernakulam

Sir,

Sub: Environment Department - Original Application No.396 of 2013 (SZ) & I.A. No.95 of 2021 (SZ) With Original Application No. 242 of 2016 (SZ) - Action taken reporting of - Reg.

Ref: 1. Order dated 26.11.2021 of the Hon'ble NGT  
2. Your letter No.SN2 OA 396/2013 dated 16.12.2021

I am to invite your attention to the reference cited and to inform you that in compliance to the Order 1st cited, the Chief Secretary convened a meeting on 08.02.2022 with the stakeholder Departments.

Following decisions were taken after detailed discussions and deliberations with all stakeholder Departments:

**1. Common Effluent Treatment Plant (CETP) at Edayar:**

It was decided in the meeting that the industrial units in the industrial clusters should form a special purpose vehicle or a consortium to set up CETPs & to ensure its operation & maintenance. The industries shall provide fund for setting up such facilities. Further, the Operation & Maintenance of such plants shall be funded by the Special Purpose Vehicle/consortium. Directions has been given to Industries Department to seriously look into this aspect and take up detailed, effective discussions with the industrial units in this regard. Kerala State Pollution Control Board was also directed to extend necessary help to the Department in this venture. If Government contribution is

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feasible it may be considered by the Finance Department. Necessary logistics in this regard may be worked out at the earliest.

## **2. Action Plan for Periyar River:**

Local Self Government Department is regularly reviewing and monitoring the issues related with solid wastes and also entrusted Performance Audit Supervisors to conduct field level visits in their respective local bodies and to report to higher authorities. Chief Secretary directed the Superintending Engineer, LSGD to conduct immediate meeting with local bodies concerned and to obtain the action plans from them giving 10 to 14 clear days and to go for decentralised and practical solutions.

Superintending Engineer, Irrigation department informed that the Action Plan envisioned by them with the active support & coordination from the District Collector embodies simple and fruitful alternative ideologies which are to be worked out in close coordination with both Irrigation and LSGD/ LSGIs. These include utilisation of MGNREGs / AUEGS schemes for desilting, cleaning and strengthening embankments of canals/ drains and tributaries of Periyar. Chief Secretary encouraged such decentralized projects with mass participation which can yield better results in short periods and at the same time provide jobs. Chief Secretary also reiterated that action in all the areas, as far as possible, can be taken simultaneously without waiting for the entire action plan to unfold in its entirety, so that pollution of the water bodies are best controlled. Also clarified that the land availability issues cited by the local bodies cannot be entertained as land for waste management is fundamental for any project and hence LSGIs were advised to identify viable solutions as waste management is among their prime responsibilities.

## **3. Septage and Solid waste treatment plants- Financial requisites:**

Additional Chief Secretary, Finance Department informed that local bodies which require funds for Septage Treatment Plants can avail it from 2021-2022 plan fund and also the funds for Solid Waste Management Plants can be availed from World Bank (IBRD) fund. Additional Chief Secretary, Water Resources Department clarified that Kerala Water Authority will be able to help in setting up Septage Treatment Plants for local bodies, if, land is made available by LSGIs.

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Solid Waste Management projects may be taken up through the agencies like Suchitwa Mission under the LSGD.

**4. Submission of Action Plan:**

The action plans of the various Departments shall be modified including the feasible projects with definite timelines and identified funds, and shall be submitted to the Environment Department and KSPCB within one month without fail. This additional time for filing of modified Action Plan may be sought from the Hon'ble Tribunal by the Environment Department.

It may be noted that though followups were done with the stakeholder departments to produce their action plans, few departments requested for three more months time to complete the Action Plan.

Hence, I am to request you instruct Standing Counsel to move for an **extension of 3 more months** for the submission of Action Plan.

Yours Faithfully,  
SHARMILA C  
ADDITIONAL SECRETARY  
For Additional Chief Secretary to Government.

Approved for Issue,  
Signed by C.r Preetha  
Date: 11-05-2022 17:06:43  
Section Officer.

gm



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