

Submitted on:

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

**O.A. No. 85 of 2023**

**Raveendra Babu**

**: Petitioner**

**Vs**

**Union of India  
& 21 others**

**: Respondents**

**REPLY AFFIDAVIT**

Filed by Respondent No.7 in the above Original Application

**Saji Mathew (K/203/98)**

**&**

**Deepu Anil (K/294/19)**

**M/s. S.G.CHANCERY CHAMBERS**

Advocates, 66/1149,

Kalabhavan Road,

Cochin – 682 018

Mobile: 94471 84924

Email : saji@sgchancery.net

**Counsel for Respondent No.7**

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

O.A. No. 85 of 2023

Raveendra Babu

: Applicant

Vs

Union of India & 21 others

: Respondents

REPLY AFFIDAVIT

Filed by Respondent No.7 in the above Original Application .

I, Babu Suresh A.V, aged 55, S/o. Velayudhan A.K , residing at Elookunnel House, Rajakad , Rajakad P.O, Idukki District , Kerala ,PIN-685566 do hereby solemnly affirm and state as follows:-

1. I am the Secretary of Rajakumary Grama Panchayat in Idukki District, Kerala and the Respondent No.7 in the Original Application. I am conversant with the facts of the case and am competent to swear the facts stated herein .
2. At the outset , it is submitted that all the facts , averments, allegations etc. made in the Original Application are denied except those that are specifically admitted hereunder.
3. It is submitted that the Original Application is not maintainable before this Hon`ble Tribunal as the Applicant failed to disclose a sustainable cause of action as contemplated under the provisions of the National Green



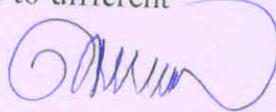
  
SECRETARY  
RAJAKUMARY  
GRAMA PANCHAYAT

Tribunal Act 2010. The Original Application is not maintainable either in law or on facts and is liable to be dismissed.

4. It is submitted that the Respondents 12 to 22 do not run any cardamom drying unit within the limits of the Rajakumary Grama Panchayat.
5. It is submitted that Tea and cardamom are cultivated on a large scale in Idukki District. Other important crops cultivated are Pepper, Nutmeg, clove, Ginger, Turmeric, Cocoa, Coffee and Rubber. While tea plantations are mainly owned by corporate entities such as Tata Group and Harison Malayalam Ltd, etc Cardamom is cultivated mainly by small, medium and marginal farmers. The main attraction of the tourists are the vast stretches of the picturesque and mist clad tea plantations. Compared to tea plantations the cardamom and other plantations attract only few tourists.
6. With reference to the averments in paragraph No,4 of the O.A , it is submitted that Cardamom and tea are cultivated in places with higher altitude where the climate is cool or moderate. Cultivation and processing of cardamom is the main livelihood of the majority of farmers in Rajakumary Grama Panchayath.
7. With reference to the averments in paragraph No,5 of the O.A, it is submitted that most of the agricultural produces except tea are harvested seasonally. Tea leaves are mostly harvested round the year. The harvesting and drying of cardamom usually begins in July and ends by November. So it is submitted that majority of the dryers function, at the most, for five months. Most of these dryers are run by the farmers for own use. Power failures are quite frequent in many of the areas due to different

SECRETARY  
RAJAKUMARY  
GRAMA PANCHAYAT



  
SECRETARY  
RAJAKUMARY  
GRAMA PANCHAYAT

reason . So, if the farmers are forced to replace the present dryer with electric dryer, they will have to install diesel generators too for the uninterrupted functioning of the dryer. Diesel generators are very costly and will cause even more pollution. So, it is humbly submitted that electric dryers are not feasible for the small and marginal farmers.

8. With reference to the averments in paragraph No.6 of the O.A, it is learnt that in India about 75 % of total power generation is achieved through thermal power plants by burning raw coal. Since there is shortage of power in Kerala power generated from thermal power plants is purchased in huge quantities. So installing electric dryers alone will not reduce pollution. It is also submitted that the pollution caused by the cardamom dryers using wood as fuel is comparatively insignificant.

9. With reference to the averments in paragraph No.7 of the O.A, it is submitted that the contention that the drying process of cardamom in Idukki has been causing several hazardous health problems to the people residing in Idukki is not supported by any scientific evidence or facts. No proven case of any health hazard from any wood burning cardamom dryer has yet been reported. There is no scientific evidence to prove that the smoke emitting from the 250 or more cardamom drying units ( the number is suggested by the applicant in para 10) is causing any health hazard to the residents of Idukki. The cardamom dryers which usually function only during the harvesting season cause very little pollution. Plastic briquettes are not used for burning as alleged, but only fire wood is used.

10. With reference to the averments in paragraph No.8 of the O.A, it is submitted that the contention that about 800 Kg. of wood is required to



SECRETARY,  
RAJAKUMARY  
GRAMA PANCHAYAT

get 200 Kg of cured cardamom is an exaggerated statement. 300 kg to 400 kg of wood is enough for curing about 1000 kg of raw cardamom. Only trees planted by the farmers are cut down for using as fire wood. Other trees are under the strict surveillance of the Forest Department officials and are well preserved under the Kerala Preservation of Trees Act . Since cardamom plants grow under the shades of trees the farmers in fact plant more trees to protect the cardamom plants. The statement that the cardamom dryers cause deforestation, soil erosion, land slide and all types of health problems is far from the truth and hence denied. The applicant states that Annexure A3 is an article on the adverse effects of wood smoke and its impact on health published by United States Environmental Protection agency. On page No. 45 of the O.A, in the said Annexure, it is stated that during winter time residential wood smoke emission is very high. To overcome the bitter cold in winter large quantities of wood is burned in furnaces in almost every house and this might have caused large scale pollution in the U.S.A. Compared to that the pollution caused by the few cardamom dryers is very insignificant. This makes the situation in Idukki District entirely different. So, it is submitted that Annexure A3 does not prove any of the accusations raised against the cardamom dryers. It is also learnt that many of the commercial dryer houses in Idukki District are now using electricity enabled dryers with Biomass Gasifier Technology.

11. With reference to the averments in paragraph No.9 of the O.A, it is submitted that the contention that plastic briquettes are used for burning is incorrect. Since plastic briquettes are prohibited, they are not in use within Rajakumary Panchayat and other areas.



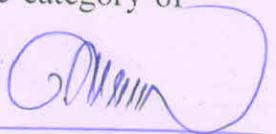
SECRETARY  
RAJAKUMARY  
GRAMA PANCHAYAT

12. With reference to the averments in paragraph No.10 to 28 of the O.A, it is submitted that the majority of the cardamom drying units are owned and operated by the cardamom farmers for curing their own cardamom. Only a few dryers are run on commercial basis. All dryers usually function during the harvesting season beginning from July and lasting until November. Since the pollution caused by the cardamom dryer is very negligible, Rajakumary Grama Panchayath has not taken any punitive action which will jeopardize the livelihood of the farmers. The several tea factories which function throughout the year are also using huge quantities of fire wood as fuel. But the Applicant is least concerned about the wood smoke emission from the tea factories. The applicant is more worried about the small wood burning cardamom dryers only. The applicant seems to be very eager to promote the sale of electric dryers at any cost. The way the applicant turns a blind eye to the wood smoke emissions from the tea factories also casts doubt on his real intentions.

13. With reference to the averments in paragraph No.29 of the O.A, it is submitted that the present method employed for drying cardamom is by using fire wood as fuel. Plastic briquettes are not used. Majority of the dryers are situated at places keeping safe distance from residential areas. This condition is ensured while issuing license to them. If there is any dryer in a residential area causing any inconvenience to the residents, action can be initiated for the shifting of the same. It is submitted that the fire wood cardamom dryer which function only during the harvesting season do not pose any threat to the people or the environment.

14. With reference to the averments in paragraph No.30 of the O.A, it is submitted that the Cardamom dryer does not come under the category of



  
SECRETARY,  
RAJAKUMARY  
GRAMA PANCHAYAT

hazardous industry. It is submitted that the cardamom dryers which function only for 5 months in a year do not cause any environmental issue.

15. With reference to the averments in paragraph No.31 of the O.A, it is submitted that the contention of the Applicant that the cardamom drying units are situated in the midst of densely populated residential area is false and baseless. The vast majority of the people of Rajakumary Grama Panchayat are cardamom farmers. Since the dryers do not cause any harm to them, no issue was raised in this regard. If there is a complaint against a particular dryer, the issue can be taken up and can be dealt with in accordance with law.

16. With reference to the averments in paragraph No.32 of the O.A, it is submitted that this respondent is not aware of the statements therein.

17. With reference to the averments in paragraph No.7 of the O.A, it is submitted that the remedy sought by the Applicant will leave the poor farmers at the mercy of the raw cardamom merchants. If the present method of drying is prohibited, the farmers will have to resort to distress selling of raw cardamom. The cardamom merchants dealing in raw cardamom will exploit the situation and the farmers will be forced to sell their harvested raw cardamom at throw away prices. Hence it is submitted that the request of the applicant to close down the drying units, may kindly be rejected.

18. With reference to the averments in ground A of the O.A, it is submitted that the small , medium and marginal farmers are the backbone of the economy. The small cardamom units owned and operated by them do not



  
SECRETARY,  
RAJAKUMARY  
GRAMA PANCHAYAT

cause any harm to the environment. So Rajakumary Grama Panchayat did not take any action against the farmers jeopardizing their livelihood.

19. With reference to the averments in Ground B of the O.A, it is submitted that the Licenses were issued only after making proper enquiry. It is submitted that under Section 233(B) (b) of the Kerala Panchayat raj Act 1994 , Electrical and non-electrical installations installed for agricultural purposes are exempted from obtaining permissions from the Village panchayat .According to the Kerala Panchayath Raj (issue of license to factories, traders, entrepreneurship activities and other services) Rules 1996, license is not compulsory for processing or storage for domestic purposes.

20. With reference to the averments in ground C of the O.A, it is submitted that the present method of cardamom drying is not harmful to the environment or residents. The Panchayat did not want to support any move that is detrimental to the interests of the poor farmers.

21. With reference to the averments in paragraph titled limitation in the O.A, the allegation that the Applicant being a resident of Idukki is suffering from pollution problem is not correct. The allegation that there has been large scale destruction of ecology by burning and cutting down of trees and burning of plastic briquets is not correct as far as the Rajakumary Grama Panchayat area is concerned and such allegations are denied . The statement that the Application is filed within period of limitation is to be proved by the Applicant himself.

22. It is submitted that the respondent No.4, Kerala Pollution Control Board also filed a report dated 14.08.2023 , as directed by this Hon'ble



  
SECRETARY  
RAJAKUMARY  
GRAMA PANCHAYAT

Tribunal and it categorically concluded that switching over to electrical energy will not have any positive effect on the environment point of view . The report also says that no serious environmental issues were not noticed during the inspection.

23. With reference to the averments in paragraph titled interim relief in the the O.A, it is submitted that the allegation that respondents are neglecting the health hazards caused by Cardamom drying activities in Idukki District of Kerala State and that the activities are causing destruction to the ecology , is not correct as far as the area of Respondent No.7 is concerned . There is no balance of convenience as alleged in favour of the Applicant and no such interim order can be granted as an interim measure .

24. With reference to the main Relief No.1 sought in the O.A, it is submitted that the closing down of all firewood burning cardamom dryers will adversely affect the livelihood of thousands of farmers. There is no illegality in conducting drying houses. Since these dryers do not cause any harm, they may be allowed to continue their operation.

25. With reference to the main Relief No.2 sought in the O.A, it is submitted that there is no objection in collecting information by competent agencies regarding the pollution caused by all drying units including the tea factories, which function throughout the year, The study may also include subjects such as the source of electricity utilized and whether the switch over to electric dryers will bring down the pollution levels.

26. With reference to the main Relief No.3 sought in the O.A, it is submitted that this respondent usually takes action in accordance with law



  
SECRETARY  
RAJAKUMARY  
GRAMA PANCHAYAT

in every genuine complaint received including matters related to atmospheric pollution.

It is submitted that in view of the facts stated above and the Report of the Respondent No.4 , the Original Application is devoid of merits and is liable to be dismissed by this Hon`ble Tribunal .

All facts stated above are true and correct to the best of my knowledge, information, and belief.

Dated this the 25<sup>th</sup> day of September, 2023



  
SECRETARY,  
RAJAKUMARY  
GRAMA PANCHAYAT

**Deponent**

Solemnly affirmed and signed before me by the Deponent who is personally known to me on this the 25<sup>th</sup> day of September 2023 at my office at Ernakulam .

  
**Saji Mathew**  
Advocate