

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

O.A.No. 287 Of 2024

T.V. RAJAN & ORS

...Applicants

-VS-

MINISTRY OF ENVIRONMENT
AND FOREST AND CLIMATE
CHANGE & Ors

...Respondents

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Dated at Chennai on this the 18th Day of June, 2025



Counsel for 2nd and 4th Respondents

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IN THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

O.A. 287/2024 (SZ)

T.V. Rajan &Anr.

.... Petitioner

Ministry of Environment, Forest
and Climate Change & Ors

V/s

.... Respondent(s)

**AFFIDAVIT ON BEHALF OF THE DEPARTMENT OF WATER RESOURCES, RIVER
DEVELOPMENT AND GANGA REJUVENATION, MINISTRY OF JAL SHAKTI
(RESPONDENT NO.2)**

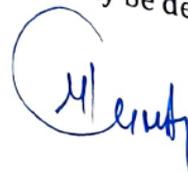
I, Yogesh Kumar, aged 54 years S/o Late Shri Dalpat Singh, working as Under Secretary in the National River Conservation Directorate, Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, do hereby solemnly affirm and state as follows: -

1. That I am duly authorized to swear this affidavit on behalf of the Respondent No.2 i.e. Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India. I am fully conversant with the facts and circumstances of the case based on the official records and my official capacity.
2. That I have perused and understood the contents of the said Original Application filed before the National Green Tribunal, (Southern Zone), Chennai.
3. That the Petitioner has approached the Hon'ble Tribunal for issuing directions to Respondent No. 2 and other respondents for the following reliefs: -
 - a. (iv) to direct the Respondent Nos. 2 and 3 to identify all drainages, numbering above 65, going into the river Periyar and its bed from the factories and hospitals, with the assistance of National Geophysical Research Institute, Hyderabad, within a time period fixed by the Tribunal;



- b. (v) to direct the Respondent Nos. 1, 2, and 3 to conduct a scientific study to estimate the quantum of damages caused to the river Periyar, the air, soil and sub-soil and ground-water due to the pollution caused by the factories and hospitals functioning in the Eloor-Edayar industrial belt and to submit a report to the Hon'ble Tribunal;
- c. (vi) to direct the Respondent Nos. 1 and 2 to undertake the ecological monitoring (e-monitoring) of the river system, similar to the Ganga River system under the Ganga Action Plan;
- d. (xix) to direct the Respondent Nos. 2 and 5 to conduct a survey on the river and its basin and to demarcate the river, its tributaries and thodu and to evict the all encroachments upon them as recommended in the Annexure 16 and as mandated in Annexure-17 of the petition.
4. That "Water" is a State subject and it is the primary responsibility of States/Union Territories (UTs) and Local Urban Bodies to ensure required treatment of sewage and industrial effluents to the prescribed norms before discharging into the rivers and other water bodies. For conservation of rivers Ministry of Jal Shakti has been supplementing efforts of the States/UTs by providing financial and technical assistance for abatement of pollution in identified stretches of the rivers in the country through Central Sector Scheme of "Namami Gange" for rivers in Ganga basin and Centrally Sponsored Scheme of "National River Conservation Plan" for other rivers.
5. That proposals for pollution abatement works in town along polluted river stretches are received from States/UT's from time to time for consideration under NRCP and sanctioned based on prioritization, conformity with guidelines, availability of plan funds, etc. As regards to operation and maintenance of the assets created under NRCP, it is the sole responsibility of the State Government/local urban bodies.
6. That issues raised in the petition are related to Industrial toxic effluents and illegal encroachment do not fall under the purview of Department of Water Resources, River Development and Ganga Rejuvenation.

7. That as per the provisions of Environment (Protection) Act, 1986 and Water (Prevention & Control of Pollution) Act 1974, industrial units and local bodies are required to install Effluent Treatment Plants (ETPs)/Common Effluent Treatment Plants (CETPs) and Sewage Treatment Plants (STPs) respectively and treat their effluents/sewage to comply with stipulated environmental standards before discharging into river and water bodies. Accordingly, Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB)/ Pollution Control Committees (PCCs) monitor industries with respect to effluent discharge standards and take punitive action for non-compliance under the provisions of these Acts.
8. That under the NRCP, in the State of Kerala, 03 pollution abatement projects (for river Pamba, Chitrapuzha and Periyar) at a total cost of Rs.115.76 crore have been sanctioned, so far, which includes the pollution abatement of Periyar River at Parendoor. This project aims to rejuvenate the River Periyar through restoration of natural streams/outfalls carrying sewerage/pollutants and construction of Sewerage Treatment Plant of 19 MLD (in phase 1) at a cost of Rs.49.79 crore.
9. That in order to broaden the scope of NRCP activities, the Wildlife Institute of India (WII) have been assigned the task to conduct a biodiversity study for six river – Mahanadi, Godavari, Narmada, Periyar, Cauvery, and Barak. This study is undergoing. In addition to this, Department of Water Resources has undertaken the study on Condition Assessment and Management Plan (CAMP) for six river basins namely Godavari, Narmada, Mahanadi, Cauvery, Krishna and Periyar. The project would enable preparation of action plan for holistic development of river basins including conservation and rejuvenation of rivers/tributaries, restoration of rivers ecosystem, improvement of ecological health and unpolluted and continuous flows therein. At present the study is underway. The study reports would be shared with the State Government for further necessary action.
10. That, this affidavit is being filed before this Hon'ble Tribunal on behalf of Respondent No.2 and Department of Water Resources, River Development and Ganga Rejuvenation shall abide by any order or directions passed by this Hon'ble Tribunal.
11. In view of the above submission, it is humbly prayed that the Hon'ble National Green Tribunal may kindly pass such order as may be deemed fit and proper in the facts and circumstances of this case.



VERIFICATION

Verified at New Delhi on this the 1st day of April, 2025 that the contents of the above affidavit are true and correct to my knowledge and as derived from the record maintained by NRCD, Ministry of Jal Shakti. No part of it is false, and nothing material has been concealed there from.



DEPONENT

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2ND RESPONDENT

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