

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 529/2018
(Earlier O.A. No. 397/2013 (SZ))**

IN THE MATTER OF:

**Suo Motu Proceedings initiated against the Unscientific of accumulated
Waste leading to environmental pollution and health problem
Vs.
State of Kerala & Ors.**

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Applicant:
**Respondents: M/s. E.K. Kumaresan, Advs. for R1 to R3, R8, R11 and R13
Mr. B. Ragnath, Adv. For R-2 and Mr. Sareveno Kumar, Executive Engineer
Mr. V.K. Rema Smrithi, Adv. for R9 and R10
Mr. Aboobacker. M.K., Adv. for R5 and R21
Mr. Bijo Maithew Joy, Manu Krishnan G., Advs. For R-22**

Date and Remarks	Orders of the Tribunal
Through Video Conferencing Item No. 02 October 03, 2018 dv	<p>1. By order dated 29.08.2018, we had directed tangible actions to be taken in respect of disposal of wastes by the State Government, Municipal Corporations, Municipalities, Gram Panchayat as they had failed to deal with the matter effectively with the desired pace. The details of the facts and circumstances of the case and the events that had transpired during the course of the proceedings have been set out succinctly in that order.</p> <p>2. We had expressed our extreme dismay at the lax manner in which the concerned authorities had been proceeding in such an important matter where immense public interest is involved. To reiterate the sensitive nature of the case, it may be recalled that the State of Kerala and the Municipal Bodies had not acted with due diligence in dealing with the serious question of disposal</p>

**Through
Video
Conferencing**

Item No. 02

**October 03,
2018
dv**

of wastes, be it solid waste or other conglomeration of wastes which cumulatively cause serious threat to the environment that undeniably would prove to be deleterious to the environment and the health of the people.

3. The State respondents were thus directed to prepare an action plan in consultation with all local bodies comprehensive enough to deal with entire State with special focus on the major waste generating areas. The action plan was directed to be prepared taking into consideration the Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016, Bio-Medical Rules, 2016 and Schedule-I to IV to the Environment (Protection) Rules, 1986 with emphasis on diversion of all domestic and industrial liquid wastes to common STPs or CETPs as the case may be. It was also to include all the steps taken thus far co-related with the action plan with specific timelines on each of the aspects. The action plan for the first month was required to be filed be followed by further orders.

4. Today, the learned Counsel appearing for the State of Kerala submits that an action plan has been filed and prays that the same be taken on record. Similarly, learned Counsel for respondent no. 22, Perumbavoor Municipality prays for leave to file an affidavit on behalf of the said Municipality. Let those be taken on record.

5. This matter, as already noted, has been pending since the year 2013 but we find that the progress made in dealing with the issues is grossly inadequate and the pace of work excruciatingly slow. The entire question relating

	<p>Through Video Conferencing</p> <p>Item No. 02</p> <p>October 03, 2018 dv</p>	<p>to implementation of the Solid Waste Management Rules, 2016 and other cognate rules referred to earlier have been dealt with in detail by a larger Bench of the NGT in <i>Original Application No. 606/2018</i> in the matter of <i>Compliance of Municipal Solid Waste Management Rules, 2016</i> wherein Committees have been constituted for different zones for its implementation. The Monitoring Committee for the Southern Zone is headed by Hon'ble Dr. Justice P. Jyothimani, Former Judge, Madras High Court, Former Judicial Member, NGT, Southern Bench, Chennai who is also familiar with the present proceedings.</p> <p>6. In view of this and in the interest of expeditious implementation of the action plan and the rules, we deem it appropriate that this matter be referred to the Committee for onward monitoring. The Committee shall be at liberty to take into consideration the action plan submitted by the State of Kerala and the specific directions contained in the various orders, more particularly the order dated 29.08.2018.</p> <p>7. Let the entire records of this case be forwarded to the Committee for its convenience. The Committee may file its report as directed in the order dated 20.08.2018 in <i>Original Application No. 606/2018</i> in the matter of <i>Compliance of Municipal Solid Waste Management Rules, 2016</i>.</p> <p>8. A copy of this order and order dated 20.08.2018 in <i>Original Application No. 606/2018</i> in the matter of <i>Compliance of Municipal Solid Waste Management Rules, 2016</i> be also forwarded to the Committee.</p>
--	--	---

	<p>Through Video Conferencing</p> <p>Item No. 02</p> <p>October 03, 2018 dv</p>	<p>9. With the above observations and directions, the application stands disposed of. No order as to cost.</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">03.10.2018</p>
--	--	---

