

National Green Tribunal Southern Zone vs The Chief Secretary To Govt. Of ... on 24 December, 2021

Bench: K. Ramakrishnan, Satyagopal Korlapati

Item No. 07:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 100 of 2021 (SZ)
(With Hybrid Option)

IN THE MATTER OF:

Tribunal on its own motion Suo Motu based on the
News item published in The Hindu Newspaper,
Chennai Edition Dt.09.04.2021, "Dumping of garbage
Foiled near Anamalai, trucks seized".

...Applicant(s)

Versus

The Chief Secretary to Govt. of Tamil Nadu, and others.

...Respondent(s)

Date of hearing: 24.12.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):	Suo Motu
For Respondent(s):	Dr. D. Shanmuganathan for R1, R3, R5, R7, R9, R13 & R15 Mr. E.K. Kumaresan for R2, R4, R6, R8, R10 & R14 Mr. S. Sai Sathya Jith for R11 Mrs. V. K. Rema Smrithi for R12 Mrs. D. Kamachi for R17 & R18

ORDER

1. As per order dated 01.11.2021, this Tribunal after considering various report submitted by stakeholders who are expected to implement the waste management rules, passed the following order:

16.It is time and again our dissatisfaction was expressed regarding the manner in which the reports have been filed on behalf of the Government. Whenever this Tribunal is directing the Secretary level officials to file the report, it must be filed by

the concerned Secretary under their signature and not to be transcribed by the Advocate appearing for the State Department. When this was pointed out, the learned counsel appearing for State of Kerala submitted that in future they will follow the same.

17.It is seen from the report submitted by the Tamil Nadu Pollution Control Board (TNPCB) that apart from such incidents happened in the Coimbatore District, the same thing is being repeated in Tenkasi District as well which was published in the news paper on 25.08.2021.

18.The Chief Secretary, State of Kerala is directed to look into the issue as dumping of waste including the Bio-Medical Waste without disposing the same in a scientific manner as provided under the respective Waste Management Rules, including the Bio-Medical Waste Management Rules, 2016 the neighbouring State, without discharging their responsibility for providing necessary facility within their State, cannot be encouraged. This is a matter to be seriously gone into by the Chief Secretary and necessary steps will have to be taken against the local bodies, who are responsible for the same instead of merely issuing a Circular for carrying out the guidelines.

So, we direct the Chief Secretary, State of Kerala to file a detailed report regarding these aspects mentioned above and the effective steps were taken by them against the erring Municipal Corporation and the local bodies for violating the Waste Management Rules, instead of taking steps to dispose of the same within their jurisdiction illegally transporting the same to the neighbouring districts in Tamil Nadu and the disposing the same in an unscientific manner projecting health hazards to the people in that locality. The Kerala State Pollution Control Board (KAPCB) is also directed to enquire about the matter and to file a detailed report in this regard.

19.The counsel appearing for the Turissur /Palakkad Municipal Corporation/respondents 17 and 18 are directed to file the detailed report regarding the steps taken from their side to prevent such activities in future.

20.the Tamil Nadu Pollution Control Board, Kerala State Pollution Control Board (KASPCB) as well as the Chief Secretary, State of Kerala are directed to file their respective reports to this Tribunal on or before 08.12.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.

21.The Registry is directed to communicate this order to the official respondents including the Chief Secretary, State of Kerala, Principal Secretary of Environment, Additional Chief Secretary for Home, Revenue Department and Municipal Administration of State of Kerala, Tamil Nadu Pollution Control Board and the Commissioner, Thrissur and Palakkad Municipal Corporation, Chairman, Kerala State Pollution Control Board (KASPCB) for their information and also for compliance of the direction for filing the report as directed.

2. The case was originally posted to 08.12.2021 for consideration of further action taken reports. On 08.12.2021, it was adjourned to today by notification.

3. We have received action taken report submitted by Local Self Government, namely, 10th respondent dated 07.12.2021, e-filed on 23.12.2021 which reads as follows:

4. Kerala Pollution Control Board has filed a report dated 06.12.2021, e-

filed on 07.12.2021 which reads as follows:

REPORT FILED BY THE ENVIRONMENTAL ENGINEER, REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE KERALA STATE POLLUTION CONTROL BOARD

1) I, Mini Mary Sam, aged 54 years, W/o Ranjan Jacob, Environmental Engineer do hereby submit that I am authorised to represent the Kerala State Pollution Control Board, and that I am conversant with the facts of the above case and I may state as follows.

2) The Hon'ble NGT vide order dated 01/11/2021 directed as follows:- "The Chief Secretary, State of Kerala is directed to look into the issues as dumping of waste including the Bio- Medical Waste without disposing the same in the scientific manner as provided under the respective Waste Management Rules, including the Bio-Medical Waste Management Rules, 2016 the neighbouring State, without discharging their responsibility for providing necessary facility within their State, cannot be encouraged. This is a matter to be seriously gone into by the Chief Secretary and necessary steps will have to be taken against the local bodies, who are responsible for the same instead of merely issuing a Circular for carrying out the guidelines. So, we direct the Chief Secretary, State of Kerala to file a detailed report regarding these aspects mentioned above and the effective steps were taken by them against the erring Municipal Corporation and the local bodies for violating the Waste Management Rules, instead of taking steps to dispose of the same within their jurisdiction illegally transporting the same to the neighbouring districts in Tamil Nadu and the disposing the same in an unscientific manner projecting health hazards to the people in that locality. The Kerala State Pollution Control Board (KAPCB) is also directed to enquire about the matter and to file a detailed report in this regard".

3) The Thrissur Office of the Board earnestly enquired about the matter, contacted the District Collector and Thrissur Corporation. It is learned that Thrissur Corporation had entered into a contract with one Mr. Raghunath to segregate and process both biodegradable and non-biodegradable waste dumped in different parts of the city, but the contractor collected the waste, transported it and dumped it on a land near Annamalai, Tamil Nadu.

4) The agreement between the contractor Mr. Raghunath and Thrissur Corporation which was executed on 14.09.2020 was that the contractor would transport, segregate, and process the partially burnt and unsegregated waste generated in the Corporation. As per the agreement, the processing and recycling facility had to be set up on the land owned/taken on lease by the Contractor. He had also submitted an affidavit stating that suitable facilities for processing the waste

depending on its type will be provided. According to the report submitted by the Secretary to the District Collector, 1225840 kg of waste has already been removed by the contractor during the period 03/2020 to 11/2020. From the records it is learned that the Contractor had submitted an application for Consent in the District Office of the Board at Palakkad, for establishing a solid waste treatment and disposal facility. The application was returned for want of some clarifications and Consent has not been issued yet. 6) The Environmental Engineer of District office, Thrissur issued a letter dated 10.06.2021 to the Secretary of Thrissur Corporation to offer explanation for the following violations i. The Corporation authorities failed to verify whether the waste was being handled as per the provisions of the Solid Waste Management, Rules, 2016 and whether the Contractor has established any processing facility as he stated in the affidavit. ii. The Corporation authorities violated the rules 15 (r) and 15 (zh) of the Solid Waste Management Rules, 2016, by not being responsible for the transport of their waste to the processing facility and for ensuring adequate processing of the waste.

7) In the reply to the letter, the Thrissur Corporation claimed that as per the agreement, concessionaire Sri. Reghunath had been approved as the operator of the facility/service provider. The conditions entered and agreed between concessionaire clearly specify and mandate the conditions on which the entire agreement lies. According to them, the legal exclusionary clause clearly states that the concessionaire shall show utmost caution and due diligence while handling transporting and processing the solid waste as per the agreement and hence the Corporation cannot be legally held responsible for the breach of contract done by the concessionaire. They also claimed that, the name of Thrissur Municipal Corporation is mentioned nowhere in the FIR. It is also reported that they have cancelled the agreement with Sri. Reghunath and took adequate legal steps to address the issue in an effective manner.

8) It is submitted that the explanation offered by the Secretary of Thrissur Corporation was not satisfactory. Further action will be taken based on the reply submitted.

9) It is further submitted that the status of the management of the solid waste and biomedical waste generated in Thrissur district and the border district Palakkad are as follows:

THRISSUR DISTRICT There are seven municipalities and a municipal corporation in Thrissur District. A. Status of Solid Waste Management

1. Guruvayoor Municipality The population of the municipality is 70012 (as per 2011 census). Total quantity of waste generated is 24.5 TPD of which 13.47 TPD is biodegradable waste and 11.03 TPD is non biodegradable waste. Quantity of other wastes is 0.5 TPD. Wet waste is treated by windrow composting process and dry leaves from street sweeping is disposed of through Thumbourmuzhi aerobic system.

2370 households are being provided with decentralized system such as pipe compost, biogas plants, biocomposters, biobin etc for treating their wet waste. The remaining households are having sufficient land for the disposal of wet waste. Sanitary waste are not at present collected by municipality, however they are planning for an incinerator for its disposal.

40 Haritha Karma Sena members are collecting non biodegradable waste generating in the municipality. Provided MCF (ITPD) and RRF (ITPD) for storing the non biodegradable waste collected. The collected dry waste is handed over to Clean Kerala Company. 40% door to door collection of waste is achieved by the municipality. The municipality has submitted application for authorization under SWM Rules, 2016, along with an affidavit stating the action plan and time bound proposal for additional facility and the same is under processing.

2. Chalakkudy Municipality The total population of the municipality is 49525. The total municipal solid waste generated is reported as 19.8TPD. The quantity of biodegradable waste is 10.1TPD and that of non biodegradable waste is 9.7TPD. The capacity of centralized facility provided by the municipality for treating bio degradable waste from shops, vegetable market etc is 3.95TPD and decentralized facility is used for treating 6.15TPD. Leachate from the centralized system is treated through septic tank soak pit facility. For storage of non biodegradable waste, MCF is provided . A team of 38 members of Haritha Karma Sena collects around 9.71TPD of segregated dry waste and is being handed over to Clean Kerala Company. Door to Door collection arrangement is provided for almost 80% of dry waste. Data regarding decentralized facility is being uploaded in Enviclean app. For disposing of sanitary waste, they have a proposal to install an incinerator and is included in 2021-2022 projects. As per the action plan submitted, 4 MCF units have been proposed to be setup in the municipality. For biomining of legacy waste, tendering process is in progress.

Authorisation under SWM Rules, 2016 has been issued for one year with validity up to 27/07/2022 and the validity will be further extended for another four years after implementing the additional facilities proposed in the action plan submitted by the municipality .

3. Thrissur Municipal Corporation The population of the city is 317546 (as per 2011 census). Total quantity of waste generated in the corporation is 127 TPD. The quantity of wet waste generated is 97.79 TPD, non biodegradable waste is 26.67 TPD and the quantity of other wastes is 2.54 TPD. The corporation has provided 3 waste collection centers, installed biogas plants at 6 locations, Thumbourmuzhi projects at different points etc for the collection and disposal of biodegradable waste. Total quantity of biodegradable waste processed using centralized system is 19.65 TPD. Using decentralized facilities, 71.39 TPD of biodegradable waste is being processed. For this purpose biogas plants, biobins, pipe composting system etc at household and institutional levels are being used. 6.75 TPD is disposed of through pig farms. Non bio degradable waste collected and disposed of per day is about 22.17 tons. A team of 143 Haritha Karma Sena members is collecting the waste. The non biodegradable waste including domestic hazardous waste collected is handed over to Clean Kerala Company. Door to door collection of non biodegradable waste has achieved 62% for households and 77 % for institutions. The gap in the collection and treatment of non bio degradable waste is due to the unwillingness of some households to hand over the waste to corporation. This is being addressed through various awareness programs. Regarding disposal of legacy waste, the work has been awarded to an agency for biomining. The corporation has submitted the application for authorization under SWM Rules, 2016 and is under processing. An affidavit with action plan and time bound proposal for additional facilities, to reduce the gap has also been submitted.

4.KodungalloorMunicipality The population of the municipality is 71440. The total quantity of waste generated per day is 22 tons. The quantity of bio degradable waste is 13 TPD and that of non biodegradable waste is 9 TPD. One windrow composting plant of 4TPD capacity is in operation and has provided a Thumboormuzhi model at 40 locations for processing the biodegradable waste. 1 RRF of 2 TPD capacity and 44 temporary MCFs are provided for the collection and storage of non biodegradable waste. A team of 73 Haritha Karma Sena members is collecting the waste. The non biodegradable waste including domestic hazardous waste e-waste etc collected is handed over to Clean Kerala Company. An affidavit with time bound proposal for additional facilities to reduce the gap has also been submitted along with application for authorisation.

5.Chavakkad Municipality The population of the municipality is 39093. The total quantity of waste generated is approximately 0.8 TPD- 1 TPD and the dry waste is approximately 0.3 TPD and wet waste approximately 0.5 TPD. 56% households and 50% commercial institutions are brought under door to door collection system. They have installed windrow composting facility with 2 TPD capacity and vermi composting facility of 3TPD for treating wet waste under centralized system of waste management. In the case of dry waste disposal, one MCF cum RRF is provided for waste management and the segregated waste is disposed of through approved agency and Clean Kerala Company.

6.IrinjalakudaMunicipality The population of the municipality is 64497. Total quantity of waste generated is 22.5 TPD of which 12.5 TPD is biodegradable waste and 10 TPD is non biodegradable waste. Quantity of other wastes is 1 TPD. Centralised facilities provided for bio degradable waste of total 6.6 TPD capacity are windrow compost plant of 4 TPD, 2 units of biomethanation and 17 numbers of Thumboormuzhi model aerobic compost units. Decentralised facilities provided to households include Ring compost facility- 1993 numbers, Kitchen bin - 906 numbers and Biogas plant - 700 numbers. There is about 5.5 TPD of biodegradable waste from households which are left untreated. The municipality has submitted an action plan in which there is a proposal to supply decenarlisred facilities to households and is included in the 21-22 plan. In the case of non biodegradable waste almost 4 t are not collected by the municipality. The action plan to cover these houses is submitted by the Municipality and they are also proposing an additional MCF of 2000 sqft and mini MCFs in each ward.

In the case of door to door collection of non biodegradable waste, Municipality has achieved 65 % compliance. In the case of biodegradable waste, 56% of the waste generated are collected and treated. The biodegradable waste collected and treated in the centarlized facility is from the market and commercial institutions. The street sweepings are disposed of through the 'Thumboormuzhi model' aerobic bins. The Municipality has submitted an action plan to reduce the gap with time bound proposal for the management of biodegradable, non biodegradable , C&D and sanitary waste.

7. Kunnankulam Municipality The population of the municipality is 54071. The total quantity of waste generated is 15.197 TPD. Dry waste segregated is 3.197 TPD. There are 37 wards in the Municipality. The door to door collection achieved is 54.7% for households and 31.8% for commercial and other establishment. The municipality has installed windrow composting facility of 9 TPD for treating wet waste. They have also provided 1 MCF and 1 RRF for managing the dry solid

waste collected. The segregated dry waste is disposed of through approved agency and Clean Kerala Company.

8. Wadakkancherry Municipality The total population of the municipality is 61341. The total quantity of waste generated is 22.68 TPD of which dry waste is 3.39 TPD, wet waste 17.91 TPD and other waste 0.85 TPD. Door to door collection achieved by the municipality is 70%. A biogas plant of 2 TPD capacity has been installed for treating the biodegradable waste collected from markets, bulk generators etc. 1 MCF and 1 RRF are provided for managing the dry waste collected and is disposed of through approved agency and Clean Kerala Company. Action has been initiated for biomining of legacy waste and a committee has been constituted for evaluation of tenders.

B. Status of Biomedical Waste Management Six hospitals in the district have captive facility for the treatment and disposal of biomedical waste and the waste from all other hospitals are managed by IMAGE (IMA Goes Eco-friendly) initiative of IMA Kerala State Branch, in the Common Biomedical Waste Treatment and Disposal Facility (CBMWTF) established at Kanjikode, Palakkad. The biomedical waste segregated at source is collected, transported, and scientifically treated by IMAGE as per the Rules and Regulations stipulated in the Biomedical Waste Management Rules 2016 (Amended in 2018). The segregation of BMW in these institutions is carried out as per the colour code prescribed in the rules. It is verified that every nursing station of the wards and other major waste generation areas such as casualty, operation theaters, laboratory etc., have dedicated colour coded containers for the segregation and an enclosed final collection point where it can be kept securely.

Whenever defects were noticed, actions were taken immediately to rectify the same. Serious violations have not come to the notice of the Board. In addition to this, regular in-house training by the CBWTDF is given for this. So there are no chances of mixing of bio-medical waste with general solid wastes in these health care facilities. All the segregated bags taken by the CBWTDF are provided with the QR code which is used for tracing while in transit by both the occupiers and authorities of CBWTDF. In addition to this the vehicles of CBWTDF are provided with GPS. In the case of hospitals having captive facilities the biomedical wastes are disposed of via incinerators conforming to the standards specified in the rules. Needles after autoclaving are disposed of in concrete pits and non biodegradable wastes are autoclaved, shredded and sent to recyclers. It is also verified that these hospitals have system for the management and disposal of general solid waste. PALAKKAD DISTRICT Palakkad district have total number of seven Municipalities A. Status of Solid Waste Management

1. Palakkad Municipality The population of the municipality is 131019 (as per 2011 census). The estimated quantity of waste generation is 39.13 TPD. Door to door collection is 59%. One centralized windrow composting facility which can process 2-5 Tons per day of waste is provided in the municipality. The municipality has supplied pipe composting and other source level units for processing wet waste. There are 7 Thumbboormuzhi units of 1 T capacity each in 7 divisions of the municipality Also decentralized facility is utilized for treating wet waste in the municipality. At present there is no gap in the treatment and disposal of wet waste. The municipality has already provided 7 MCFs for the management of dry waste. 52 nos of mini MCFs are under consideration for

reducing the gap. Leachate from the composting yard is treated using septic tank soak pit facility. About 1.5 TPD plastic waste is processed daily and handed over to Clean Kerala Company. An incinerator with 30ft chimney is used for incinerating sanitary napkins.

2. Ottapalam Municipality The population of the municipality is 53755 (as per 2011 census). The estimated quantity of waste generation is 16.13 TPD. The door to door collection achieved is 72%. They have proposed one windrow composting facility of 1 TPD capacity to clear the gap in the treatment and disposal of wet waste. The municipality is having 2 MCF's and 1 RRF for the management of dry waste. Provided 2100 composting units to households for the treatment of biodegradable waste. There are 43 Haritha Karma Sena members in the municipality at present. For biomining of the legacy waste at Panamanna plant an amount of Rs. 70 lakhs has been included in the annual plan 2021-2022. A KIIFB project of Rs.11.40 crores has been approved for setting up a Sewage Treatment Plant.

3. Shornur Municipality The population of the municipality is 43528(as per 2011 census). The estimated quantity of waste is 13.05 TPD. Door to door collection is 87.05%. The municipality has supplied biobins for composting the wet waste to the households and there is no gap in treating the wet waste. The municipality has provided 1 MCF and 1 RRF for the handling of dry waste. The Haritha Karma Sena members collect and segregate the waste generated in the municipality. Wet waste is managed by 22 numbers of Bio-bins (5 TPD) installed in the premises of MCF/RRF facility. 80% of wet waste is managed at source by composting at households. Waste pickers and recyclers are linked. Dry waste collected by the municipality is handed over to Clean Kerala Company. Processed plastic waste is used for road construction.

4. Pattambi Municipality The population of the municipality is 28632 (as per 2011 census). The estimated quantity of waste generation is 8.58 TPD. Door to door collection is 50% of the total waste generated. One number windrow composting facility has been provided for treating the wet waste and there is no gap in the treatment and disposal of wet waste. 1 to 1.5 TPD of wet waste is being collected and processed in this plant per day. Leachate from the composting plant is disposed of through septic tank soak pit facility. Above 1 TPD dry waste is processed and stored in the MCF and being transferred to Clean Kerala Company.

5. Mannarkad Municipality The population of the municipality is 34839 (as per 2011 census) and total waste generation is 10.45 TPD. Door to door collection is 67.5% of the total waste generated. They have installed 1 MCF for the management of collected dry waste. 46 composting units and 26 biogas plants are being issued to households under decentralized system for the proper disposal of biodegradable waste. The municipality is having 23 nos of Haritha Karma Sena members.

5. Cherpulassery Municipality The population of the municipality is 45730 (as per 2011 census). The estimated quantity of waste generation is 15.2 TPD. Door to door collection achieved is 77 %. Provided 1 MCF of 1500 sqft area for the management of material recovery and disposal of dry waste. The municipality is having a team of HarithakarmaSena with 23 members for door to door collection of waste. The segregated dry waste is disposed of by external agencies. ThumboorMozhi system of composting is practiced for the treatment of dry biodegradable waste. Source level

disposal also is carried out for biodegradable waste.

7. Chitoor Thathamangalam Municipality The population of the municipality is 33825 (as per 2011 census). The quantity of waste generation as estimated is 10.15TPD. The door to door collection of waste achieved is 90%. Installed one windrow composting facility of 1.2 TPD capacity for segregation and disposal of wet waste. Provided 3 MCF for storage of dry waste. They have supplied 1200 bucket compost units, 295 ring compost units and 43 biogas plants. 2 nos. community level Thumboormuzhi systems are functioning for the treatment of biodegradable waste.

B. Status of Biomedical Waste Management There are 838 healthcare facilities (HCFs) in Palakkad district. All have valid Authorisation of the Board including 19 AYUSH HCFs. All the other 819 HCFs are treating the BMW generated as per Rules 3 units are having captive BMW treatment and disposal facility. All the remaining 816 are affiliated to IMAGE, the common biomedical waste treatment and disposal facility CBWTDF. It is ensured by periodic inspections in bedded HCFs that the BMW is segregated at source as per the Rules. It is ensured through the annual reports submitted by the HCFs as well as the annual report filed by the IMAGE that all the BMW generated has been transferred to the CBWTDF. As and when any complaint is received from the CBWTDF of failure of HCFs to transfer their waste to them, strict directions are given and compliance to the conditions of Authorisation is ensured. Whenever defects were noticed, actions were taken immediately to rectify the same. Serious violations have not come to the notice of the Board. In addition to this, regular in-house training by the CBWTDF is given for this. So there are no chances of mixing of bio-medical waste with general solid waste in health care facilities. All the segregated bags taken by the CBWTDF are provided with the QRcode which is used for the tracing while in transit by both the occupiers and authorities of CBWTDF. In addition to this the vehicles of CBWTDF are provided with GPS. In the case of hospitals having captive facilities the biomedical waste are disposed of via incinerators conforming to the standards specified in the rules. Needles after autoclaving are disposed in concrete pits and non biodegradable wastes are autoclaved, shredded and sent to recyclers. It is also verified that these hospitals have system for the management and disposal of general solid waste. All that is stated above are true to the best of my knowledge information and belief. Dated this 6th day of December 2021 Environmental Engineer

6. Learned Counsel appearing for the State of Tamil Nadu submitted that 9 th respondent is an unnecessary party as incident occurred in village Panchayat area. It is an inter-State issue and waste is also coming from urban areas of Kerala. If that be the case, whenever policy decision are to be taken the higher level officials of all Local Self Government have to be in the party array to involve in the discussions to evolve a policy to avoid such things recurring in future and also mechanism to regulate these things and take appropriate action in coordination with the regulators of the neighbouring Districts or States. So, we don't think it is necessary to delete the 9th respondent as requested for by the standing Counsel for State of Tamil Nadu.

7. The Palakkad Municipality has filed an action taken report dated nil, e-
filed on 29.11.2021 which reads as follows:

8. 17th respondent has filed counter statement.

9. Learned Counsel appearing for Tamil Nadu Pollution Control Board wanted some time to submit a detailed report regarding the subsequent incident that occurred in Thenkasi and also further action taken report in respect of action taken in the subject matter which is under consideration for which he wants some time.

10. Learned Counsel appearing for Palakkad Municipality and Thrissur Municipal Corporation submitted that she had given some suggestions to Local Bodies inter alia that team of Health Officer will have to be deployed for the purpose of ascertaining the total quantity of bio-medical waste generated in each hospital and how this is being disposed of. These are all matters to be considered by the respective Municipal Authorities as to how things will have to be regulated and monitored in an effective manner. On getting further report from Tamil Nadu Pollution Control Board regarding the Thenkasi incident as well, we think that all these things can be cumulatively considered by this Tribunal and a comprehensive directions can be given as to how such things will have to be evaluated by the respective State Governments to prevent such mischief being repeated in future.

11. In the meantime, the Kerala Pollution Control Board and Tamil Nadu Pollution Control Board are directed to consider the question as to whether any continuous online monitoring system can be developed to monitor the total input of raw materials procured, produced and how it is being used and disposed of. If this system is evolved, any mischief committed by the Health care units can be detected and if it is linked online to the Tamil Nadu Pollution Control Board, then they can find out whether there is any gap between the actual generation and disposal by the Health care units. The practicability and feasibility of this will have to be examined by the regulators, namely the respective State Pollution Control Boards and Central Pollution Control Board and if it is feasible and practical, then necessary directions will have to be issued to develop this system in order to protect environment against misuse of the provisions by the violators.

12. They are directed to submit the respective reports to this Tribunal on or before 28.01.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.

13. Registry is directed to communicate this order to the Chief Secretary of both the States, namely, Kerala and Tamil Nadu, Principal Secretary for Environment of both State, Chairman, Pollution Control Board of Kerala and Tamil Nadu and Central Pollution Control Board, New Delhi and Regional Office Chennai and Bangalore for their information and come with suggestions and recommendations on the basis of the recommendations made above.

14. For consideration of further action taken report, post on 28.01.2022.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

.....E.M. (Dr. Satyagopal Korlapati) O.A. No. 100/2021(SZ)& 24th December, 2021.
(AM)