



Minutes of the meeting chaired by Chief Secretary on 12/04/2023 to discuss the compliance to the orders of Hon'ble National Green Tribunal in OA Nos. 178/2023 (PZ) and 147/2022 (PZ) related to recent fire outbreak in Brahmapuram dump yard and pollution issues of Ashtamudi & Vembanad wetlands

The meeting commenced at 02:30 PM with the Chief Secretary in chair. The following officials were present: Additional Chief Secretaries of Environment and Local Self Government Departments, Principal Director, LSGD, Directors of Panchayaths, Tourism, Land Revenue Commissioner, Managing Director, Kerala Water Authority, District Collectors of Ernakulam Kollam & Kottayam, CEO, Kerala Maritime Board, ADMs, DDPs, Member Secretary, KSPCB and the Secretaries of local bodies concerned.

2. At the outset Chief Secretary invited attention to the salient directions under para 26 & 27 of the order dated 17.03.2023 of the Hon'ble National Green Tribunal (PZ) in O.A No. 178/2023 related to the fire outbreak on 02.03.2023 in Brahmapuram dump yard. The Tribunal awarded environmental compensation under section 15 of the NGT Act against Kochi Municipal Corporation to the tune of Rs. 100 crores which may be deposited with the Chief Secretary, Kerala within one month for necessary remediation measures, including dealing with the public health issues of the victims. The Tribunal also directed the Chief Secretary to fix accountability of concerned officers for such gross failures and initiate action under criminal law as well as by way of departmental proceedings, following due process and to place the same in public domain within two months. For this, Chief Secretary conveyed that there should be an inquiry into the details. ACS, LSGD informed that the mandate can be given to the Enquiry Committee already constituted vide GO No. 841/2023/LSGD dated 9/4/2023.

3. The Secretary, Kochi Corporation informed that they have filed a writ petition before the Hon'ble High Court against the order imposing EC by the National Green Tribunal (PZ) and informed that they were given 8 weeks time. The District Collector, Ernakulam informed that the empowered committee has been periodically monitoring the Brahmapuram activities and that the Corporation is taking measures to address the issues.

4. The orders issued in wetland case was "For gross failure of the State in overseeing remedial measures by its Departments/Authorities, we require the State to pay compensation of Rs.10 Crores on Polluter Pays principle to be

deposited in ring-fenced account to be operated under the Authority of Chief Secretary, Kerala. Such deposit may be made within one month. The above amount of Rs.10 Crores be utilized for conservation/restoration measures by preparing an action plan to be preferably executed within six months. It will be open to the Chief Secretary to collect the amount from erring officers/departments/ industries/individuals in accordance with law by an appropriate mechanism and hold erring officers appropriately accountable departmentally or by way of prosecution and also to proceed against other entities, railways, local bodies and industries.”

5. While considering the order on EC levied on the State Government in OA No. 147 of 2022, Chief Secretary directed LSGD to apportion the EC amount among the non complying LSGIs responsible for the state of affairs and also from other violators. It was also conveyed that the EC contributions can come from non-complying industries / individuals etc. identified as polluters. PD, LSGD conveyed that the list of LSGIs are being compiled based on their performance and that EC can be imposed on them. Chief Secretary directed that an account shall be started in the treasury for ring fencing the EC. The fines collected from units (contributing to wetland pollution) which are being fined since the orders have come may also be remitted to this account.

Following decisions were taken after detailed discussions and deliberations:

(1). Preparation of a scheme to address the waste management issues at Brahmapuram dump yard:

Chief Secretary directed the Empowered Committee headed by the District Collector, Ernakulam to formulate a scheme / specific action plan to address the waste management issues and also the remediation measures needed. This may be implemented utilizing the EC amount from Corporation.

(Action: Empowered Committee, DC EKM, LSGD, Kochi Corporation).

(2). Fixing of accountability for the gross failures and initiating action under criminal law as well as by way of departmental proceedings following due process:

For enabling this there has to be a proper enquiry on how such failures have occurred. Chief Secretary observed that collection of unsegregated wastes and transportation of the same into the Brahmapuram dump yard is one of the big lapses, directed the Principal Director, LSGD and Secretary, Kochi Corporation to look into the matter. LSGD has to fix responsibility and to take necessary action against erring officers. Further directed LSGD to find the persons responsible for the gross failures and to initiate prosecution action against them. LSGD shall give additional instructions to the Enquiry Committee that has

already been constituted vide GO No. 841/2023/LSGD dated 9/4/2023. Specific terms of reference including, to fix accountability of concerned officers for such gross failure, shall also be made part of the mandate of the enquiry committee. Based on the report of the Committee further action may be taken.

(Action: LSGD, Enquiry Committee)

(3). Environmental Compensation imposed by the National Green Tribunal in OA No. 147/2022 (PZ) related to pollution issues of wetlands:

Principal Director, LSGD conveyed that the local bodies on the banks of Ashtamudi & Vembanad wetlands responsible for pollution are being identified. The list of poor performing LSGIs and the proportion of EC contribution against each LSGI liable to contribute will be forwarded to the KSPCB for levying EC. The Chief Secretary also directed to collect fines from individuals, houseboats, industries etc., who are contributing to the pollution. ACS, LSGD informed that the local bodies concerned will be evaluated based on the performance in the waste management sector; good performing LSGIs will be granted incentives and there will be cut in grants to the poor performing LSGIs. And also informed that local bodies have already started imposing fines on offenders. The Chief Secretary directed the LSGD to open a separate new treasury account for ring fencing the EC. The fines collected from units (contributing to wetland pollution) since the present orders have come may also be remitted to this account. ACS, Environment opined to look into the possibilities of starting massive campaigns in the LSGIs for taking up maintenance of septic tanks. New FSTPs shall be established in the LSGIs for which this fund may be utilized. The Chief Secretary directed Principal Director LSGD to start a massive septic tank cleaning drive in the LSGIs wherever FSTPs are operational. And also directed to take action to start more FSTPs in LSGIs wherever land has been identified. The LSGD shall take up the matter urgently with KWA and LSGIs concerned.

(Action: LSGD, KWA, LSGIs) .

Meeting come to a close by 03:15 PM

DR V P JOY
CHIEF SECRETARY
O/O CHIEF SECRETARY