

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA NO. 199 OF 2014
WP(C) 888/1996 IN SC)

IN THE MATTER OF:

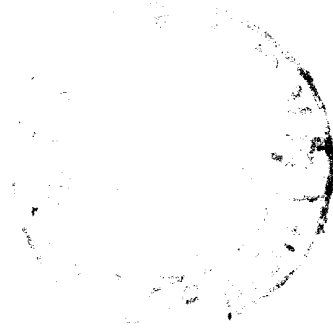
PETITIONER: ...Almitra H Patel

Versus

RESPONDENT: ...UOI &Ors.

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Sl.No.	Particulars	Pages
1.	Affidavit in compliance of order dated 12.01.2017 and 20.1.2017 on behalf of respondent no.7 (State of Madhya Pradesh)	



Place: New Delhi
Dated: 2.01.2017
the

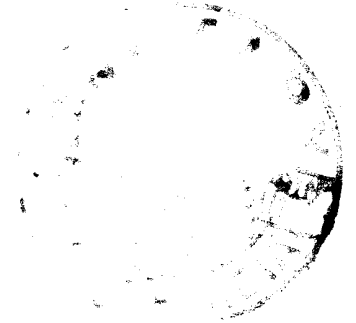
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**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
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OA NO. 199 OF 2014
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IN THE MATTER OF:

PETITIONER:

...Almitra H Patel

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RESPONDENT:

...UOI &Ors.

AFFIDAVIT IN COMPLIANCE OF ORDER
DATED 20.1.2017 AND 12.1.2017

I, Malay Shrivastava S/o Shri Prem Shankar Shrivastava, aged about 52 years, presently posted as Principle Secretary, Government of Madhya Pradesh, Department of Urban Development, Housing and Environment Department, Bhopal, Madhya Pradesh, do hereby solemnly affirm and declare as under:-

1. That, the deponent is filing the present affidavit in compliance of the orders dated 12.1.2017 and 20.1.2017 passed by this Hon'ble Tribunal, whereby this Hon'ble Tribunal has directed to file response on the following issues;

i) As to why the Tribunal should not pass directions requiring authorities to strictly adhere to doctrine of sustainable development in its true spirit.

ii) Why any development project, industrial, residential and commercial be directed not to commence its work until and unless development plan duly provide for collection, processing and disposal of municipal solid waste in accordance with law. It also provides for ensuring that the sewage and other effluents discharged from the complexes does not contain excess in pollution and to ensure that its effluent is not violative of the prescribed parameters.

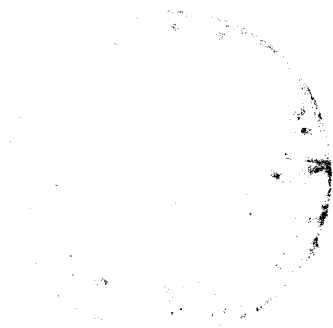
2. In response to issue No.1, it is submitted that the authorities in the State are already adhering to the doctrine of sustainable development. The Government of Madhya Pradesh is fully committed to take all measures which shall promote the sustainable development, be it infrastructural, environmental or social. However, the State Government shall abide by any further directions, if any, issued by this Hon'ble Tribunal in this regard.

3. In response to issue No.2, it is submitted that the Madhya Pradesh Government had already made provisions U/s 203, 204, 205 and 206 of Madhya Pradesh Municipal Act, 1961, making it mandatory to make provisions for

sewage and other effluent disposal plan before starting construction of any building or premises, which reads as under;

MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956

203. New building not to be erected without drains -- It shall not be lawful to erect or re-erect any building, or premises any part of which is within one hundred feet of a municipal drain or of some place set apart by the Commissioner for the discharge of drainage or to occupy any such building newly erected or re-erected unless and until --

- 
- a) a drain has been constructed which , in the opinion of the Commissioner, shall be sufficient for the effectual drainage of such building to such municipal drain or place; and
 - b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings, as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and effectually flushing the drain of the said building and every fixture connected therewith.

The Madhya Pradesh Municipalities Act, 1961

203. Powers to require sufficient drainage of houses.- If any building or land or both be at any time undrained or not drained to the satisfaction of the Council, the Council may, by a written notice, call upon the owner to construct or lay from such building or land or both a drain or pipe of such size and materials, at such levels, with such falls as it thinks necessary for the drainage of such building or land or both into-

- a) some drain or sewer, if there be a suitable drain or sewer within 50 feet of any part of such building or land; or
- b) a covered cesspool to be provided by such owner as approved by the Council.

204. Septic tanks and sanitary latrines.- Any owner or occupier of any, house or premises or any factory or business concern may, with the written permission of the Council, provide, in lieu of or in addition to water-carriage system, a septic tank or sanitary latrine for the disposal of the night-soil. The effluent from the septic tank or sanitary latrine for the disposal of the night soil. The effluent from the septic tank or sanitary latrine after proper treatment may be discharged into

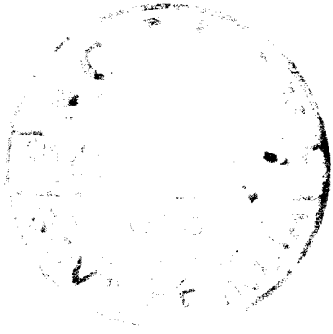
the main sewer or disposed of in such manner as may be approved by the Council.

205. New Building not to be erected without drains.-- (1) It shall not be lawful to erect any building or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

a) a drain be constructed of such size, materials and description, at such level, and with such fall, as shall appear to the Council to be necessary for the effectual drainage of such building;

b) there have been provided for any set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Council to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain, to be constructed as aforesaid, shall empty into a Municipal drain, or into some place set apart by the Council for the discharge of the drainage situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within



that distance, then such drain shall empty into such cesspool as the Council may direct.

206. Power of owner and occupiers of buildings or lands to drain into Municipal drains.- The owner or occupier of any building or land within the Municipality shall be entitled to cause his drains to empty into the sewers of the Council: Provided that he first obtain the written permission of the Council and that he complies with such conditions as the Council may prescribe as to the mode in which and the superintendence under which the communications are to be made between the drains not vested in the Council and drains which are so vested.

4. That, in accordance to the directions given by the Hon'ble Tribunal, the State Government has prepared a vision document for the infrastructure and overall development of the State. The Municipal Solid Waste Management is a priority subject and State has formed 26 clusters covering all 378 ULBs and work of implementation of Integrated Solid Waste Management on Regional Landfill Site concept. The Feasibility report / Draft DPR for these clusters are already prepared and government is in process of inviting bid for appointment of concessionaire for each of these clusters on PPP mode. Among these 125 ULBs/towns

are already covered under various cluster projects, and for remaining the process for appointment of concessionaire is expected to be completed by May-2017.

5. That, as far as maintaining the permitted level of pollution is concerned; this aspect is being taken care by Madhya Pradesh Pollution Control Board by implementing the provisions of the concerning Environmental Acts and Rules. The industries of water polluting nature are monitored to upgrade the existing effluent treatment plant, with a concept of recycle and reuse the treated effluent in order to maintain zero liquid discharge status. The rules and regulations of Water pollution control are being implemented to the extent that Industry is allowed to operate only after installation of pollution control system. Monitoring and inspections of effluent treatment plant are also carried out to ensure pollution control.

6. That, the State Government is also considering for making a provision for submission of plan of Solid Waste Management disposal by a developer before starting construction of work of an industrial, residential or commercial project. These provisions shall be added in the respective Acts /Rules within a period of six months.



VERIFICATION

DEPONENT

I, the above named deponent, do hereby verify that the content of para 1 to 5 of the affidavit are true to my personal knowledge and belief derived from the record.

Verified and signed on this day of January 2017 at
Bhopal (M.P.)

[Signature]
DEPONENT

IDENTIFIED BY ME
Name: *[Signature]*
Address: *[Signature]*
[Signature]

SWORN BEFORE ME
THE WITNESS NAMED

[Signature]

FOR JUDICIAL RECORDS
ANNA SAHAY
JULY 2017
BHOPAL (M.P.)