

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

Original Application No.27 of 2021 (SZ)

**ACTION TAKEN REPORT SUBMITTED BY THE 1ST RESPONDENT /
GOVERNMENT OF KERALA, ENVIRONMENT DEPARTMENT**

Index

Sl.No.	Particulars	Page No.
1	Action taken report submitted by the 1 st Respondent / Government Of Kerala, Environment Department	2-6
2	Annexure I - Minutes of the VC convened by the Chief Secretary on 10.08.2021 to review the compliance to the directions in the order of this Hon'ble Tribunal in order dated 22.06.2021	7-10
3	Annexure II - Projects for protection of water bodies	11-13
4	Annexure III - Proposed action plan of Integrated Urban Rejuvenation and Water Transport Project (JURWTS) of KMRL	14

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala
NGT(SZ) Chennai Bench

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IN THE MATTER OF:

Tribunal on its own motion SUO MOTU based on the News Item in The Hindu E-paper, Edition dated: 28.01.2021, "Faecal contamination high in Perandoor, Edappally canals".

...Appellant(s)

Versus

The Principal Secretary to Govt. of Kerala,
Environment Department,
Thiruvananthapuram and Ors.

...Respondent(s)

**ACTION TAKEN REPORT SUBMITTED BY THE 1ST RESPONDENT /
GOVERNMENT OF KERALA, ENVIRONMENT DEPARTMENT**

It is submitted that the above case has been Suo Motu registered by this Tribunal on the basis of the newspaper report published in the Hindu E-Paper Edition dated, 28.01.2021 under the caption "Faecal Contamination high in Perandoor, Edappally Canal".

2. It is humbly submitted that on 22.06.2021, this Hon'ble Tribunal had considered the report submitted by the Chief Environmental Engineer, Kerala State Pollution Control Board dated 22.05.2021. The Chief Secretary is also directed to look into the issue and prepare a detailed action plan as to how such things can be resolved throughout Kerala as it is not a problem relating to Kochi alone.

3. It is further submitted that the action taken report and action plan was submitted by the Secretary for Kochi Municipal Corporation dated Nil, e-filed on 29.07.2021 and was received by the Tribunal on 30.07.2021. It was commented by the Tribunal that the action plan is also of general nature and that is not going to meet the situation as effectively as expected. The 4th respondent/Kerala State Pollution Control Board has also filed an Updated Status Report dated 28.07.2021.

4. It is submitted that after considering the reports submitted by the Kochi Corporation and Kerala State Pollution Control Board, the State Departments were directed by this Hon'ble Tribunal to file a detailed report, after obtaining the action plan prepared by the Kochi Metro Railway Limited if they had undertaken the beautification scheme of Kochi city, which includes beautification of canal and lakes in the cities.

5. It is submitted that considering the directions of this Hon'ble Tribunal in its Order dated 30.07.2021, the Chief Secretary convened a meeting on 10.08.2021 to review the compliance of the directions given. The minutes of the meeting is attached as **Annexure-I**.

6. It is further submitted that it has been decided to bring the short term projects regarding the cleaning of canals under Ayyankali Employment Guarantee Scheme which allows 60% funding for wages and 40% funding for material cost. Material cost will be equally shared between Local Self Government Department and Water Resources Department and Local Self Government Instructions will meet the expenses from the Urban Agglomeration Fund.

7. It is submitted that since canals in Kochi are in the downstream end, directions were given to the Ernakulam District Collector, Secretary of Kochi Municipal Corporation, concerned LSGIs and Local Self Government Department for maintenance and upkeep of canals at the upstream end, outside the corporation limits of Kochi, to clean and restore the canals in their respective areas and to see that no illegal discharges are made to maintain and sustain the efforts taken within the corporation limits.

8. It is humbly submitted that as pointed out by this Hon'ble Tribunal, pollution caused to water bodies has to be resolved throughout Kerala as it is not a problem relating to Kochi alone. Hence all the Corporations, Municipalities and Panchayats were directed to take legal action under the provisions of Municipalities Act and Panchayats Act for prosecution and levying fines on individuals or institutions dumping waste into the water bodies. It was also directed to take proactive measures by the implementing agencies to clean all the rivers and canals across the State. Action Plan for identifying and sealing all illegal discharge outlets leading to water bodies, providing waste management facilities like soak pits, STP wherever necessary, identifying waste dumps close to water bodies (river & canals etc.) and getting it cleared are to be carried out as the first phase for which direction are being issued from the Local Self Government Department.

9. It is submitted that IURWTS (Integrated Urban Regeneration & Water Transport System) Project of Kochi Metro Rail Ltd., is envisioned to renew & rejuvenate the major canals in the city of Kochi. It's aim is to reclaim the river edge as a public asset, improve its spatial structure & restore the city's relationship with the Canals. Its primary objective is to create an efficient & durable infrastructure which could poster new activities in addition to supporting the current one. Projects for protection of water bodies are attached as **Annexure-II**.

10. It is submitted that the project has an estimated cost of Rs.1528.27 crores (including taxes and Land acquisition) and envisages the regeneration of the 6 major canals in Urban Kochi and develop it for inland navigation, tourism and recreational purpose.

The 6 canals envisaged to be developed in this project are:

1. Edapally canal – 11.23 KM
2. Chilavanoor canal – 11.15 Km
3. Theara – Perandoor canal : 9.88 Km
4. Thevara canal – 1.41 Km
5. Market canal – 0.66 Km
6. Konthuruthy canal – 0.67 Km

Total length – 35.00 Km

11. It is humbly submitted that 4 nos. STP of total capacity 31 MLD and sewer lines covering almost 40% of Kochi City is one of the Components of the IURWTS project. Discussions were conducted with Kerala Water Authority and KMRL for the establishment of 4 Nos. STP in Ernakulam.

12. It is further submitted that the implementing agency of IURWTS Project of Coastal Shipping and Inland Navigation Department is Kochi Rail Metro Ltd. Funding for the project is done by KIIFB under non-plan scheme and the total expenditure is 1528.27 Crores. The expected Project Commission date is 36 months from the date of completion of the Land Acquisition.

The action taken by the Kochi Corporation regarding the matter is as follows:

1. Sanitation survey of the Perandur canal

Sanitation survey of Perandur canal is in progress. The survey was started on 27.07.2021. So far about 111 outlets that drain waste water/sewage to the Perandur canal at various points are identified in the survey. High water level in the canal due to the rain and high tide is

affecting the progress in identifying the outlets. For Edapally canal about 13 outlets have been identified in 1 km stretch.

2. Closure of outlets

About 24 outlets were closed at various points and notices were issued for closure of the outlets and the activities are in progress.

3. Formation of surveillance squad

Vide No.MOHS5/025976/2021 dated 01.09.2021 proceedings 2 surveillance squads one for Ernakulam area and one for western side Kochi area have been formed and directions have been issued to Health Inspectors and Junior Health Inspectors for booking person/persons and to seize vehicles disposing solid and liquid waste in public areas with the help of police. Squads have started the patrolling and they are monitored by higher officials of Kochi Corporation who are in the rank of Revenue Officer, PA to Secretary and Accounts Officer. FIR shall be registered and shall be reported to the prosecution cell of Kochi Corporation the next day.

4. Formation of Prosecution cell

Vide No.MOH5/025077/2021 dated 01.09.2021 a prosecution cell has been formed to take stringent action against those who deposit/dispose solid or liquid waste in public areas and in water bodies. The prosecution shall take further action on cases/reports submitted by surveillance squad by filing the cases in magistrate court. The cell has started its activities.

5. Erection of warning boards at hotspots of waste disposal

73 waste dumping hotspots in the water bodies were reported by Irrigation Department, Government of Kerala. Wastes in such areas were cleared and surveillance squad has been deployed in those areas to prevent further dumping of wastes. Estimates prepared for Rs.8,25,000 for erecting 75 warning boards detailing the penalty and punishment and the work has been tendered.

A fine of Rs.5,44,930 has been imposed in the last 2 years for dumping waste in public area. No prosecution action has been initiated against the violators.

6. Implementation of Sewer Network and Sewage Treatment Plant

The proposed action plan of Integrated Urban Rejuvenation and Water Transport Project (IURWTS) of KMRL is attached as **Annexure-III**.

13. It is submitted that all earnest efforts are being taken by the Government to prevent the dumping of waste and faecal matter to the water in these matters. It is most humbly submitted that the government is now in the forefront of fighting against this social issue with the coordination of various departments, Local Self Government Department, Kerala Water Resources Department and District Administrations.

Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to record the said Action taken report submitted by the 1st Respondent/Government of Kerala, Environment Department and thus render justice.

Dated at Chennai on this the 12th day of October, 2021.



(E.K.Kumaresan)
Counsel for R1
Standing Counsel for
State Government of Kerala
NGT(SZ) Chennai Bench

5411479/2021/O/O JS(A) ENVT

Minutes of the VC convened by the Chief Secretary on 10.08.2021 to review the compliance to the directions in the Order dated 22.06.2021 in OA No. 27 of 2021 issued by the Hon'ble National Green Tribunal (SZ)

The meeting commenced at 2:00 pm with the Chief Secretary presiding. The meeting was attended by the Additional Chief Secretaries of Water Resources & Local Self Government Departments, Principal Secretary, Transport Department, District Collector, Ernakulam, Member Secretary, Kerala State Pollution Control Board, Director, Department of Urban Affairs, Secretary, Kochi Municipal Corporation, Managing Director, KWA and representatives from Kochi Metro Rail Ltd., AMRUT, Suchitwa Mission and other officers concerned.

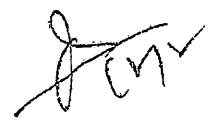
As per the directions of the Chief Secretary the Member Secretary, KSPCB gave a brief presentation illustrating the present status of Perandoor and Edappally canals in Ernakulam. It was conveyed that the fecal / coliform contamination was very high and that the water has become stagnant at many places due to deposit of silt and growth of water hyacinth.

The Chief Secretary enquired about the ownership of the canals. During the discussion it was brought to light that there were certain ambiguities regarding the ownership and responsibilities of various Departments as far as protection of different types of waterbodies is concerned, which need to be resolved.

ACS, WRD and LSGD conveyed the various project funding options which can be thought of for implementing short term projects cleaning of canals. Ayyankali Employment Guarantee Scheme was one such scheme.

The Chief Secretary suggested to prepare an action plan for desilting, bund construction and fencing of canals. All illegal discharges into the canals should be stopped. Secretary, Kochi Corporation informed that such activities have already been started with sanitation survey and identification of places for installation of STP.

District Collector Ernakulam pointed out that public protest is the main problem-faced during the implementation of projects. Chief Secretary suggested to



provide adequate security to help the implementing authorities from the hurdles created by illegal protestors impeding the implementation by public projects.

ACS LSGD pointed out that since canals in Kochi is in the downstream end, cleaning the upstream is also very important. Hence, Collector has been requested to give necessary instructions to all the officers concerned

As far as encroachment is concerned, ACS WRD pointed out the importance and expenses for rehabilitation of people in encroached areas on the banks of canals. ACS WRD also pointed out that the main reason that the canals in Ernakulam are being affected is because of the discharge from within the city and not because of silt deposit.

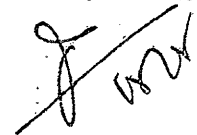
Provisions under Municipalities Act and Panchayats Act for prosecution and levying fines on individuals or institutions dumping waste into the water bodies were also discussed.

The following decisions were taken after the detailed discussions & deliberations:

1. Since there is ambiguity with regard to the ownership, maintenance and protection of waterbodies, the Chief Secretary directed that a circular be issued detailing the specific roles & responsibilities of various authorities in protection of water bodies so as to bring in accountability. This may be drafted by a team consisting of ACS, LSGD, Principal Secretary, Revenue Dept and Law Secretary under the chairmanship of ACS, WRD, interpreting the relevant Acts/ Rules that are being implemented through the Line Departments dealing with water bodies and its protection.

Listing & notification of water bodies in the State, as applicable under the Acts/ Rules, shall also be done.

Action: LSGD, WRD, Law Department, Revenue Dept



5411479/2021/O/O JS(A) ENVT

2. Short term projects regarding the cleaning of canals may be brought under Ayyankali Employment Guarantee Scheme which allows 60% funding for wages and 40% funding for material cost. As material costs may need additional amount, that may be equally shared between LSGI and WRD. LSGI may meet the expenses from the Urban Agglomeration Fund. Utilisation of Dept Plan funds may be thought of in case of WRD.

Action: LSGD, WRD, LSGI

3. Instructions shall be given to all the officers of the Departments concerned, responsible for maintaining and upkeep of canals at the upstream end, outside the corporation limits of Kochi, to clean and restore the canals in their respective areas and to see that no illegal discharges are made in order to maintain and sustain the efforts taken within the corporation limits.

Action: District Collector, Kochi Municipal Corporation, LSGIs, LSGD

4. The Chief Secretary directed Municipal Corporation Secretary to submit a report on the action taken / prosecution initiated / fine collected against violations in the last two years as per the provisions under the Municipalities Act and to include that in the affidavit / report to be filed before the NGT. The Chief Secretary also directed all the Corporations, Municipalities and Panchayats to take legal action for violations.

Action: Kochi Municipal Corporation, All LSGIs, LSGD

5. Proactive measures shall be taken by all the implementing agents to clean all the rivers and canals across the State. Action plan for identifying and sealing all illegal discharge outlets leading to waterbodies, providing waste management facilities like soak pits, STP wherever necessary, identifying waste dumps close to water bodies (rivers & canals etc.) and getting it cleared are to be carried out as the first phase for which directions are issued / being issued from LSGD.

Action: LSGD, LSGIs, WRD, Evt Dept., Industries Dept, KSPCB

J. M. V.

5411479/2021/O/O JS(A) ENVT

6. An Affidavit / report shall be filed before the Tribunal on behalf of the Chief Secretary which shall also include the report of action submitted by Kochi Municipal Secretary.

Action: Environment Department

7. In case of unnecessary public litigations and protests against govt projects which are vital for environmental upkeep necessary action shall be taken to clear the hurdles and if needed adequate security may be sought. City Commissioners may be informed to do the needful. Public support will be there for environment related projects as the people of the State are well informed of the need to protect environment.

Action: District Collectors, Home Department, Env. Dept, LSGD, Revenue dept.

The meeting came to an end by 3.10 pm.



Chief Secretary

Projects for protection of water bodies

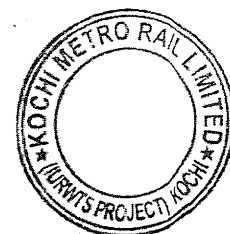
Sl. No.	Department concerned	Name of the River/Water body being benefited with district(s)	Activities /Works taken up as part of project	Implementing Authority	Name of the Project and whether ongoing or proposed	Total Expenditure in Crores	Funding agency / mechanism	Specify Plan or Non-Plan	Project initiation date	Project commission date (expected)	Present Status	Remarks
1	CSIND	1) Edappally canal (11.23 Km) 2) Thevara-Perandoor canal (9.88 Km) 3) Chilavannoor canal (11.15 Km) 4) Thevara canal (1.41 km) 5) Market canal (0.66 km) 6) Konthuruthy canal (0.67 km)	1) Land Acquisition (41 Ha.) 2) Canal widening 3) Dredging and Desilting 4) Shore protection works 5) Canal oriented development works 6) STP works 7) Reconstruction of bridges and cross structures 8) Construction of Lock gates	KMRL	Integrated Urban Regeneration & Water Transport System Project (IURWTS) Kochi.	1528.27 Crores	KIIFB	Non-Plan Scheme	12.02.2021 (Revised AS vide G.O. (Ms) No. 01/2021/CSIND dated 12.02.2021)	36 months from the date of completion of the Land Acquisition	1) DPR submitted to KIIFB on 08/06/2020 2) All surveys and concept designs completed 3) EIA approvals ongoing, 4) Land Acquisition works in progress.	

5430464/2021/ENVT (A)

Annexure_I

STP DESCRIPTION					
LOCATION	CAPACITY (MLD)	CATCHMENT AREA (Sq.km)	No. OF HOUSE HOLDS (*)	COST OF STP (Rs in Crores) (*)	COST OF SEWER LINE (Rs in Crores) (*)
ELAMKULAM	10	11.08	19,777	28.08	166.78
PERANDOOR	4	4.06	9,232	11.23	57.52

Note: (*) DPR is under preparation / updation for KIIFB approval



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ofKerala, Environment
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**Action taken report submitted by
the 1st Respondent / Government
Of Kerala, Environment
Department**

M/s. E.K.KUMARESAN

Standing counsel for Kerala(SZ)

Counsel for R1 to R3,R6