

**BEFORE THE HON'BLE NATIONAL
GREENTRIBUNAL PRINCIPAL BENCH
IN
ORIGINAL APPLICATION NO. 404/2021**

Applicant : Koshy Samuel

Vs

Respondents : State of Kerala & Others

VOLUME 1

Index

Sl. No.	Description		Pages
	<u>Particulars</u>	<u>Details</u>	
1.	Report	Report filed by the Joint Committee constituted by the Hon'ble NGT on 24.01.2022	1-8

Dated this the 27th day of April 2022

JogyScaria Advocate
ADDITIONAL STANDING COUNSEL

Report of the 6 Member “Joint Committee” constituted as per the Hon’ble NGT order dated 24.01.2022 in the matter of O.A. No.404/2021 on Konothupuzha River Rejuvenation

The Hon’ble NGT while considering the OA 404 of 2021 related to rejuvenation of “Konothupuzha” passed orders on 24.01.2022 stating that *“We direct the CPCB, State PCB, Regional Office (MoEF &CC) Bengaluru, Superintendent Engineer, Irrigation Department, Tripunithura, Municipal Commissioner, Tripunithura and District Magistrate Tripunithura to ascertain the factual position. The State PCB will be the nodal agency for coordination and compliance. The joint Committee may meet within one month and look into the grievance. Factual and action taken report may be furnished within three months.”*

In compliance with the order, joint committee constituted with following members.

1. Sri. Vivek.K, SEE/Sc D, Central Pollution Control Board
2. Dr. Murali Krishna Chimata, Scientist: ‘E’, MoEF
3. The Deputy Collector, Land Reforms, Collectorate, Ernakulam
4. The Superintending Engineer, Minor Irrigation, Ernakulam
5. The Secretary, Thrippunithura Municipality
6. Smt. Sreelakshmy P.B, Environmental Engineer, KSPCB, District Office-1, Ernakulam

The first meeting of the Committee was held on 28.02.2022 through Video Conferencing. The meeting was convened by the nodal officer, Environmental Engineer, KSPCB, District Office-1, Ernakulam. All the committee members were present in the meeting. Smt. Sreelakshmy P. B, Nodal Officer and Environmental Engineer, KSPCB welcomed all the members and gave a detailed power point presentation on the action taken by the State Government in the rejuvenation of ‘Konothupuzha’ River. The details of presentation are as follows.

The River “Konothupuzha” runs in North- South direction passing through the areas comprising of Udayamperoor, Amballoor, Mulamthuruthy, Chottanikkara Grama Panchayath and Tripunithura Municipality in Ernakulam District. The total length of this river is 17 Km

starting from vettuvelikkadavu at Irumpanam and ending at Puthenkavu in Udayamperoor. North end starts from Chambakkara canal and in South it discharges into the Vembanadu back water through Poothotta Kayal. The river water is mainly used for irrigation, fishing, navigation etc. The river is facing pollution problems due to disposal of untreated sewage, septage, stagnation etc. The major sources of pollution in the River can be attributed to the discharge of domestic sewage from apartments/houses/hotels etc. There are no major effluent generating industries located at the banks of river. Small units such as service stations, car washing units, workshops etc are located near the river banks.

KSPCB is periodically conducting monitoring of the River water quality. The analysis report of the water samples shows that the river is contaminated with organic pollutants (BOD) and coliforms. The analysis reports shows river is polluted with high organic loading. The Hon'ble NGT while disposing the case in OA 673/2018 dated 22.02.2021 (case related to rejuvenation of polluted stretches) had directed the states that;

“The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up”

Although, the River is not covered in the NGT matter, OA 673/2018, KSPCB had approached the river restoration work of “Konothupuzha River” as done in the rejuvenation of polluted River stretches in OA 673/2018. The ““Restoration of Polluted River Stretches-Concept and Plan” framed by CPCB for rejuvenating polluted stretches in OA 673/2018 is followed for the rejuvenation of “Konothupuzha River”. The action needs to be taken for Preventing discharge of sewage and effluents, dumping of waste, maintaining flood plain zones and e-flow, restoring water quality to bathing standards

The organic loading rate in the River water in terms of Biological Oxygen Demand (BOD) is in the range of 1.3 mg/l to 7.01 mg/l, Dissolved Oxygen (DO) levels are reported in the range of 0.7 mg/l to 6.5 mg/l. The higher levels of BOD and Coliforms reported in the river primarily indicate contamination due to sewage mixing. The major problems noted in river are discharge of sewage into the river and restriction of flow due to thick growth of weeds and hayacinth

causing “Eutrophication” in river. The prevention of disposal of solid wastes, discharge of untreated sewage and ensuring minimum environment flow in the river will improve the water quality. As per laid down standards, river water is considered to be fit for bathing when it has BOD < 3.0 mg/L, Dissolved Oxygen (“DO”) > 5.0 mg/L and Faecal Coliform bacteria (“FC”) < 500 MPN/100 ml

Sl No	Description	Detected range (max)	Standards to be achieved Bathing standards
1	BOD (mg/lit)	1.03- 7.0	<3.0
3	DO (mg/lit)	0.7- 6.5	> 5.0
4	Coliforms	3000- 31000	<500 MPN/100ml

The Environmental Engineer explained that the matter of rejuvenation of Konothupuzha is already taken up by the Hon’ble NGT, Southern Bench under OA 237/2017 filed by Manakunnam Padasekhara Samithy. The Hon’ble NGT intervened in the pollution problems of the Konothupuzha River and directed the State Government to take actions to rejuvenate the Konothupuzha River. The copy of Original Application No 237/2017 filed by Manakunnam Padasekhara samithy is enclosed as **Annexure 1** and The Hon’ble Tribunal in OA 237/2017 dated 24.01.2020 had passed following order

“There is an imminent necessity to rejuvenate Konothupuzha and make it pollution free with free flow of water and a joint effort will have to be taken by all stakeholders which the local bodies alone cannot undertake and the State Machineries will have to be involved for proper preparation of action plan and effective coordination of various departments, whose expertise is required for generating common fund and expertise to effectively execute the same. So, under these circumstances, we feel it appropriate to appoint a joint committee comprising of (1) District Collector, Ernakulam (2) State Pollution Control Board (3) Public Works Department (Irrigation, Bridge and Roads) (4) Secretary, District Panchayath, Ernakulam (5) Commissioners of the respective Municipalities and Executive Officers of the respective Grama Panchayat, Secretary of the Municipalities and Grama Panchayats through which the river passes and is

being polluted to look into the matter and come with a proper action plan with specific time line to abate the pollution in the Konothupuzha river”

As per the direction of the Hon’ble NGT, the state Govt of Kerala in its order under G.O.(Rt) No.817/2020/LSGD dated 03.05.2020 had constituted a Joint committee with District Collector as the Chairman and the District level Officers of the departments and the Secretaries of the Municipalities and Grama Panchayats through which the river passes as the members. The committee had convened several meetings and detailed action plan is framed for the rejuvenation of river.

During the meeting, the Environmental Engineer gave a detailed explanation about the actions initiated by the State Government under the direction of Hon’ble NGT in OA 237/2017. Actions initiated by the state government are listed below:

Sl No	Name of Dept	Responsibility Assigned	Status
1	Irrigation Dept	To carry out cleaning works for the restoration of flow and to remove temporary mud bund built to prevent salt water intrusion before the outset of monsoon	1. Construction of Permanent regulator commenced at Puthenkavu. 2. Irrigation dept had submitted detailed DPR of Rs 26 Cr for the river Rejuvenation to the State Govt. and the project got approval.
2	Local Bodies i.Thripunithura Municipality ii.Udayamperoor Grama Panchayath iii.Amballoor Grama Panchayath iv.Mulamthuruthy Grama Panchayth	1.To identify and restrict the polluting sources directly to the river and indirectly through its sub drains/streams 2.To Penalize the defaulters 3.To deposit fund to the survey department for conducting boundary demarcation of the river.	1. The local bodies had inspected the establishments/ hotels. Action taken against the violators. Thripunithura municipality given direction given to 44 units for removing the illegal outlets to river and permanently closed the outlets 2. Identified 21 encroachments in Tripunithura Municipality, 14 in Udayamperoor, 3 in Mulanthuruthy and one each in Amballoor and

	v.Chottanikkara Grama Panchayath	<p>4.To remove the encroachments</p> <p>5.To form ward wise committee for river protection</p> <p>6. To implement project for waste management so as to prevent dumping of solid wastes and discharge of untreated effluents.</p>	<p>Chottanikkara Panchayaths. Of these 4 encroachments at Tripunithura Municipality and one encroachment at Chottanikkara Panchayath have been completely removed.</p> <p>3. A septage treatment plant of capacity 1.5 MLD is proposed at Brahmapuram as a part of urban agglomeration project which got approval.</p>
3	Pollution Control Board	<p>1.To monitor water quality in different reaches of the river to identify the polluting sources</p> <p>2. To monitor regularly the quality of effluent discharge to the river from various agencies/firms and to monitor the availability and proper working of STPs.</p>	<p>1. Issued Closure direction to two car servicing units. One unit have installed ETP units and discharge is completely stopped. .</p> <p>2. Issued notice to apartments for non operation of STP .The apartments has taken action to make STP functional. Inspection progressing</p> <p>3. Five cycles of river monitoring conducted in the river.</p> <p>4. Constituted squads having officers from Thripunithura Municipality and KSPCB for preventing the usage of sale of banned single use plastics. Also, to identify the major discharges to river. The squad conducting inspections in shops to find out sale of banned plastic items</p>
4	PWD Bridges	To identify the bridges blocking the flow/restricting the navigation through the river and to take remedial measures so as to ensure free flow of water and also to make navigation possible.	A total of 6 bridges are there across Konothupuzha which comes under PWD department, Ernakulam, out of which 3 have low vertical clearance which are Karingachira bridge, Kaniyavally bridge and Kandanad bridge. Proposal for

			investigation estimation for these 3 bridges are submitted by PWD department and no administration sanction has been received till date.
5	Survey department	To conduct survey and demarcate the boundaries of the river along its length.	Survey completed and the action started to remove encroachments.
6	Agricultural department	To take steps to make available huge quantity of fertile excavated soil to farmers, to conduct soil test to access the type of crops for which it would be suitable.	The action to be initiated after the river cleaning works
7	Haritha Kerala Mission	To identify barren land and take steps to extend cultivation and rejuvenation of streams discharging to Konothupuzha.	Thripunithura municipality, Chottanikara, Amballoor, Mulamthuruthy and Udaympoor Grama Panchayath are having door to door non biodegradable collection system. The collected non biodegradable wastes are segregated at MCFs and traded to authorized waste dealer companies.
8	Suchitwa mission	To take steps for preventing the deposition of wastes into the river	1.Under the supervision of suchitwa mission, household level composting units have been setup in all local bodies, community level solid waste management plants in chotttanikkara, amballoor grama panchayat and tripunithura municipality and institutional level waste management plants in all panchayats. 2.A septage treatment plant of capacity 1.5 MLD is proposed at

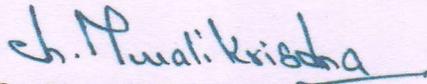
			Brahmapuram as a part of urban agglomeration Project , which got approval in DPC and agency for DPR preparation is selected. This STP can be utilized for the treatment of septage reaching Konnothpuzha.
9	Poverty alleviation unit	To provide coir geo textiles over the bund formed using excavated soil to prevent soil erosion.	The work to be initiated after the rejuvenation works completed
10	Tourism Department	To implement projects for beautification of river banks to increase the tourism potential.	Directed to implement the beautification of the river banks and new projects for the modification of the same.

The Nodal Officer, also informed that the District Collector, Ernakulam who is the Chairman of Joint Committee constituted as per direction of Hon'ble NGT (SZ) under OA 237 /2017 is reviewing the progress of action taken by various departments for river rejuvenation on monthly basis. The Chief Secretary of the State is also reviewing the actions taken by the Joint Committee for river rejuvenation.

In continuation of the presentation given by the Environmental Engineer, the Superintending Engineer, Minor Irrigation also presented the action taken by Irrigation department to rejuvenate the river and also given a detailed presentation about the project proposed by the Irrigation department for river cleaning, water hyacinth removal and also maintaining flow in the river. The relevant orders of Hon'ble NGT, Southern Bench OA 273/2017 dated 24.01.2020, 16.08.2021, 11.11.2021 20.12.2021 and 02.03.2022 pointing out the action reported by State Govt is enclosed as **Annexure 2,3,4&5**.

After the discussions the Joint committee opined that since the State Govt had already initiated actions for the Konothupuzha river rejuvenation and the matter is already under consideration before the Hon'ble NGT, Southern Zone (OA 237/2017), the committee

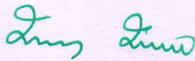
shall report the above actions before the Hon'ble NGT, Principal Bench for further appropriate directions in this regard.



Dr. Murali Krishna Chimata;
Scientist 'E', MoEF&CC,



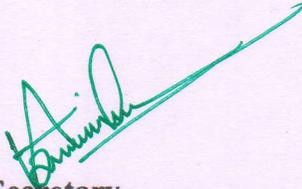
Sri. Vivek.K, SEE/Sc D
Central Pollution Control Board



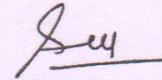
The Deputy Collector,
Land Reforms, Collectorate,Ernakulam



Sri. Baji Chandran,
The Superintending Engineer,
Minor Irrigation



Secretary,
Thrippunithura Municipality



Smt. Sreelakshmy P. B,
The Environmental Engineer, KSPCB

**BEFORE THE HON'BLE NATIONAL
GREENTRIBUNAL PRINCIPAL BENCH
IN
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Applicant : Koshy Samuel

Vs

Respondents : State of Kerala & Others

VOLUME 2

Index

Sl. No.	Description		Pages
	<u>Particulars</u>	<u>details</u>	
1.	Annexure -1	Original application filed by Manakunnam padasekhara samithy dated 23.10.2017	09-24
2.	Annexure -2	The Hon'ble Tribunal in OA 237/2017 order dated 24.01.2020	25-40
3.	Annexure -3	The Hon'ble Tribunal in OA 237/2017 order dated 16.08.2021	41-60
4.	Annexure -4	The Hon'ble Tribunal in OA 237/2017 order dated 11.11.2021	61-81
5.	Annexure -5	The Hon'ble Tribunal in OA 237/2017 order dated 20.12.2021	82-105
6.	Annexure -6	The Hon'ble Tribunal in OA 237/2017 order dated 02.03.2022	106-134

Dated this the 27th day of April 2022

JogyScaria Advocate
ADDITIONAL STANDING COUNSEL

30/10/2017

Annexure -1

Handwritten initials/signature in the top left corner.

Before the National Green Tribunal (Southern Zonal Bench) at Chennai

Application No: **237** Of 2017

Manakunnam Village,
Padashekara Samrakshana Samithy : Applicant
Registration No, ER 429/09

Represented by secretary Vs

Thripunithura Municipality & 15 Others : Respondents

(Under Section 18(1) read with section 14 of the National Green Tribunal Act, 2010)

Adv: PETER T. THOMAS,
Door no. 104 1st Floor K.H.C.A.A.
Golden Jubilee Chamber Complex
near High court of Kerala ,



Before the National Green Tribunal (Southern Zonal Bench) at Chennai

Application No: ²³⁷ Of 2017

Manakunnam Village,

Padashekara Samrakshana Samithy : Applicant

Registration No, ER 429/09

Represented by Secretary.

Vs

Thripunithura Municipality & 15 Others : Respondents

INDEX

COMPLIATION NO.1

Sl No.	DESCRIPTION	PAGES
1.	Vakalath	
2.	Synopsis	A
3.	Memorandum of Application	1-10

Dated this the 23rd day of October 2017

Counsel for the Applicant

Before the National Green Tribunal (Southern Zonal Bench) at Chennai

Application No: ²³⁷ Of 2017

Manakunnam Village,
Padashekara Samrakshana Samithy : Applicant
Registration No, ER 429/09

Represented by Secretary.

Vs

Thripunithura Municipality & 15 Others : Respondents

SYNOPSIS

This application is filed to save 'A FRESH WATER FLOWING RIVER' named 'KONOTHU PUZHA' in Ernakulam District from the slow death caused by activities of men. This river named "Konothupuzha" runs in north south direction passing through the areas comprising Udayamperoor, Amballoor, Mulamthuruthy, Chottanikkara grama Panchayath and Tripunithura Municipality in Ernakulam District. The total length of this river is 17 K.M starting from Vettuvelikadavu at Irumpanam and ends at Puthenkavu in Udayamperoor. North end starts from the Chambakkara Canal and in south it discharges into the Vembanad back water through Poothotta kayal. Its width vary from 30 meters to 90 meters and depth 3 meters to 4 meters . This river gets flooded with fresh water during the monsoon period from June to January. The nearby residents four Grama Panchayath and Municipality wholly depend upon this river for their potable water, fishing , bathing, cloth washing and irrigational purposes. Now this river faces ill health caused by the peoples surrounding it. Non flow of water, soil erosion, encroachment of people , unscientific construction of sluice cum regulator bridges, dumping of waste, unnatural growth of weeds and slime and failure to maintain sand bund. All this leads the above river to faces death by day by day hence this application.

Form 1

Before the National Green Tribunal (Southern Zonal Bench) at Chennai

Application No: ²³⁷ Of 2017

Memorandum of Application

(Under Section 18(1) read with section 14 of the National Green Tribunal Act, 2010)

Between:-

Manakunnam Village, Padashekara Samrakshana Samithy Registration No, ER 429/09 kandanad P.O. Ernakulam District PIN-682305 Represented by its Secretary K.P. Varghese, PH No.9497276001.

Respondents:-

1. Thripunithura Municipality, Municipality Building, Thripunithura, Thripunithura P.O, Ernakulam District, Kerala PIN-682301, (Represented by its Secretary)
2. Ambaloor Grama Panchayath, Panchayath Building, Kanjiramattom, Kanjiramattom P.O. - Ernakulam- District, Kerala, PIN-682315 (Represented by its Secretary)
3. Chotanikara Grama Panchayath, Panchayath Building, Chotanikara -Ernakulam District,-Kerala, PIN-682312 . (Represented by its Secretary) .
4. Mulanthuruthy Grama Panchayath, Panchayath Building, Mulanthuruthy, Mulanthuruthy P.O, - Ernakulam District, - Kerala PIN- 682314 (Represented by its Secretary) .

- Kerala
- ✓ 7. The Chief Engineer, Water Authority, Central Region, Kochi, Ernakulam District, Kerala, PIN-682030.
 - ✓ 8. The Deputy Director, Survey and the Land Records, Civil Station Kakkanad – Ernakulam District,- Kerala , PIN- 682030
 - ✓ 9. The Principal Agricultural Officer Civil Station Kakkanad – Ernakulam District, – Kerala , PIN- 682030
 - ✓ 10. The District Soil Survey and Soil conservator^{1st} Department, District Soil Conservator office, Kakkanad, Ernakulam District., Kerala, PIN-682030. (Represented by Survey and soil conservation)
 - ✓ 11. Kerala State Pollution Control Board, Pattom P.O. Trivandrum, Kerala, PIN-695004. (Represented by chairman)
 - ✓ 12. The Chief Engineer, Irrigation and Administration, Public Office Building, Museum P.O ,Thiruvananthapuram District, Kerala, PIN-695033.
 - ✓ 13. The Chief Engineer, Kerala State PWD (B&R) Public Office Building, Museum P.O Thiruvandrum , Kerala PIN-- 695033.
 - ✓ 14. The District Collector, Ernakulam Collectorate, Civil Station, Kakkanad P. O, Ernakulam District, Kerala PIN- 682030(Represented by Government Pleader).
 - ✓ 15. Principal Secretary, Kerala State L S G D, 4th floor, Secretariat annexe, Thiruvananthapuram District, Kerala , PIN - 695001.(Represented by Government Pleader)
 - ✓ 16. State of Kerala (Rep.by The Chief Secretary) Govt. Secretariat Thiruvananthapuram District, Kerala, PIN- 695001 (Represented by Government Pleader)

The address of the applicant is as given above for Service of notice of this application and that of their counsel Adv: PETER T. THOMAS, Door no. 104 1st Floor K.H.C.A.A. Golden Jubilee Chamber Complex near High court of Kerala ,Kochi -682031, Ph : no. 9447233249, e mail t.peterthomas57@gmail .com

The Applicant above named begs to submit this memorandum of application on the ground set out here under.

Facts in Brief

1. This application is filed to save 'A FRESH WATER FLOWING RIVER' named 'KONOTHU PUZHA' in Ernakulam District from the slow death caused by activities of men.
2. The applicant is a registered association under Travancore Cochin Literary Scientific and Charitable Societies Registration Act, 1955 with the aim of protecting and conserving paddy fields, Wetlands and other water resources in the wider interests of the Society. As part of it this applicant had taken up various studies and awareness programmes aimed at environment protection and submitted several complaints and memorandam to the state local bodies and authorities concerned for protecting these water bodies. As part of fulfilling its aim; the present problem faced by this 'KONOTHU PUZHA' was taken by this applicant and tried its maximum to solve it, thus leads this application.
3. Details Regarding this River 'Konothupuzha'

This river named "Konothupuzha" runs in north south direction passing through the areas comprising Udayamperoor, Amballoor, Mulamthuruthy, Chottanikkara grama Panchayath and Tripunithura Municipality in Ernakulam District. The total length of this river is 17 K.M starting from Vettuvelikadavu at Irumpanam and ends at Puthenkavu in Udayamperoor. North end starts from the Chambakkara Canal and in south it discharges into the Vembanad back water through Poothotta kayal. Its width vary from 30 meters to 90 meters and depth 3 meters to 4 meters . This river gets flooded with fresh water during the monsoon period from June to January.

4. Utilization Of River

By using the fresh water in this river irrigate around 3500 Acres of paddy field in the surrounding area of above four grama Panchayath and one

requirements of people by filling water in Ponds, Wells and other water resources. When a study was conducted reveals that 32 varieties of fresh

water fishes presence in this river. People in an around directly used this river for fishing, bathing, swimming, washing cloths and watering agricultural activities.

5. Status of RIVER during Different Climate

When the summer season approaches, the fresh water flow of this river slowed. The rivulets which enriched the fresh water flow to this river dried up in summer. So in order to curb the fresh water in this river getting mixed with the saline water of "Arabian Sea" on the western side; each year, manually made sand bunds were constructed on its northern side at vettuveli and southern side at Puthenkavu. As there is no tide in this river, it does not come under the purview of CRZ.

6. Bridges constructed Across this River

In the total length of 17 k.m of this River, twelve bridges were constructed by Respondents and Southern Railways. From the twelve bridges constructed four bridges were constructed by respondent number 12. All these bridges are regulator cum sluice Bridges and are Motorable. Places of such bridges constructions are as follows:

1. Puthenkavu Regulator cum Bridge.

2. Kaniyaveli sluice cum Bridge.

3. Nedungapuzha sluice cum bridge.

4. Vettivelikadavu sluice cum Bridge.

Six Bridges were constructed by respondent number 13. Place^s of such bridges constructions are as follows:-

1. Mattathankadavu Bridge.

2. Nadakavu Bridge.

3. Kandānad Bridge

4. Puthiyakavu Bridge

Other than the above 10 bridges; Southern Railways constructed two bridges across this river at Tripunithura and Irimbanam Refinery Yard.

7. Present Status of this river

At present this river is dying day by day. To know the problems affecting the present position of this river, the applicant with the help of "Kerala Sashtra Sahithya Parisheth" Ernakulam District Committee and Mulanthuruthy Mekhala Commiktee conducted a detailed study of this river. This organisation (K.S.S.P) stands for Scientific study of Environmental issues, nature study and other studies which are helpful for the wellbeing and upliftment of the society.

A study team was organised by the K.S.S.P under the chief Investigator Mr.K.A. Mukundan , Dr. P.Chandrakumar, (Prof. Chemical Oceanography) and Dr. R. P.G. Shankaran Namboothiri (Prof.Stactics department) both from Cochin University of Science and Technology (Cusat) guided the study team. The team conducted their study from February to July 2007 and submitted their report to the applicant.

In this report they have pointed out the following issues faced by this river.

(i) Non – Flow of water

At Present free flow of water through this river is arrested due to the unscientific construction of Bridges across this river.

The respondent No.: 12 constructed their Regulator cum sluice Bridge at Kaniyavelli divided this river water flow. This bridge was constructed encroaching the river on both sides. Why they constructed this Bridge in the middle portion of river is only known to them. Moreover the bottom flow of water in this river was obstructed by construction of concrete bunds for resting sluices . The same is the situation for all the sluice bridges. The height of the concrete bunds above than the river bed restricts the water flow of this river. Now this bridge are used for motor vehicle 16

The respondent No.12 and 13 constructed the bridges encroaching the

River on both sides to an extent of 6 meter. Thus they have reduce the length of the Bridge, thus they reduced the construction cost. But it affected very much the flow of water through this river.

(b) Soil Erosion: - Due to the soil erosion of both sides of the river and from rivulets affected the depth of the river. This resulted ^{duced} the free flow of water.

©(c) Encroachment by People: - In some places suddenly the width of river reduces. Prima facie we can see on both banks of the river in such places encroached by people. This resulted the free flow of water.

(d) Unscientific Construction of Regulator cum Sluice Bridge

The respondent No.12 constructed permanent Regulator Cum Sluice Bridge on Vetuvelikadavu and Puthenkavu. The R12 failed to maintain this sluice properly and it was destroyed within years. The unscientific construction of this Regulator Cum Sluice ^{obstruct} causes the free flow of water. In order to function the sluice they reduced the depth of river on that side by putting concrete bunds in heights in the base of the river bed.

R12 constructed Sand bund on both ends of this river when the summer approaches. But when the monsoon comes, ~~even though~~ this sand bund breaks on both sides. Non removal of sand used for construction seriously affected the free flow of water through this river.

(e) Dumping of waste by People

The four Grama Panchayath and one Municipality through which this river is flowing, these local bodies allowed to dump all kinds of waste to this river. These

inhabitancy dump all their wastes in to the river and rivulets following in to the river from far of places. Septage also is being put into the river . These local bodies are not taking any action to prevent the general public from dumping wastes into this river. When the monsoons arrives all those wastes enter the river. The entire river and its surrounding as getting highly polluted and become a source of diseases.

(f) Unnatural growth of pistia (weeds) and Slime

When the flow of water in this ^{RIVER} get arrested, the pistia (weeds) and slime increase above the natural growth and cause hindrances to the free flow of water and proper use of this river. Due to this at present even a country boat is not able to paddle through this river. The drinking water pipe line laid at bottom of the river near Kandanadu Bridge at Udayamperoor Panchayath for the Drinking Water Project is also interfering the free flow of water.

All the above causes helping each other to affect the free flow of water, polluting the river and reducing the width and depth of river . In the result, this river slowly dying each day by day.

(8) To make the matters more worse during the last two years the R 12 failed to construct sand bunds on Puthenkavu. Thus in summer the water in this river mixed with saline water. The cultivation of paddy completely stopped. The fishing in this river also stopped. Salinity enter the neighbouring fresh water sources like rivulets, ponds and well also. During summer the people look for fresh water supplied by the local bodies through water tankers.

(9) To know a bird' eye view of this river; the survey map of Kerala State no.58 C/5 and C1 is produced and marked as Annexure-A1. On 2-12-2007 attaching the report of K.S.S.P. this applicant submitted representation before the respondents. That representation is produced here with and marked as Annexure A2 (its true English translation is produced and marked as Annexure A2(a)series). The

Annexure 4 (a) series. A report of this river appeared in HINDU DAILY on September 4 of 2013 is herewith produced and marked as Annexure A5. Report Received from R10 produced and marked as ANNEXURE A6 and its #
Much water has flow through this river till today these respondents eyes were blind folded and ignore the genuine public cause. Hence this petition.

English Translation of Annexure A (6) Series

Grounds

(1) The local bodies through which this river is flowing is duty bound to protect this river in its original shape for the wellbeing of this surrounding residents. Even after receiving the Annexure A2, A3 and A4 their ostrich Policies towards this river seriously affected it original position attract these Hon'ble Tribunal actions against them.

(2) The respondent No.8 is duty bound to conduct a survey whenever encroachments of public property noticed by them. The serious lapses and laches shown by this respondent even though they were noticed the encroachment of this river by this applicant. Hence this Hon'ble Tribunal's interference is very much needed.

(3) The respondent No: 10 is ready and willing to demolish all encroachment done to this river, if they got the report of R8. Hence when this report of R8 was filed this Hon'ble Tribunal's, intervention is necessary for its implementation.

(4) The respondent R11 is duty bound to give notice and take action against the local bodies regarding the proper disposal of wastes generated including septage waste. Inactions from their part invite this Hon'ble Tribunal intervention.

(5) The respondent no.R12 and R13 shall demolish all the bridge causing the free flow of water through this river. Their inaction invites this Hon'ble Tribunal's intervention.

(6) In order to re-claim the old position of this river the satellite picture of this place and Annexure A1 are very helpful to the respondents. But no action

after notice by this applicant they allow the Rs.12 from non construction of sand bund on Puthenkavu. Thus allow to destroy the paddy cultivation. Hence this Hon'ble Tribunal's intervention highly necessary.

(8) The suggestion in the Annexure A3 report submitted by K.S.S.P. must be implemented at the earliest to protect this river and regain its original position for which this Hon'ble Tribunal intervention is highly necessary.

(9) The K.W.A. R7 draws their water pipe line near Kandanadu Bridge at Udayamperoor Grama Panchayath across this river parallel to the water level very much affected free flow of water and water transport. They must re-laid this pipe line under the river bed. The only the present hindrance caused by this must be removed for which this Hon'ble Tribunal's interference highly necessary.

LIMITATION

This applicant submitted that this is a continuing cause of action and against which no remedy is taken by respondent. There is no question of falling this application within the period of limitation. Therefore this application is within the period of limitation.

Remedy disposal of this application The Honorable Tribunal may be pleased to:-

(1) Issue an order to the Respondent 1 to 6 to make immediate steps to collect the waste of all types include septage from public and private and make arrangement to dump it at Bhāmapuram waste treatment plant.

(2) Issue an order to R8 to survey both side of the river using old survey sketch and old satellite map within a time bound fix by this Hon'ble Tribunal and files its report.

(3) Issue an order to R12 to construct sand bund on either ends of this river before summer.

For these and other grounds to be urged at the time of hearing, it is 20

most humbly prayed that this Hon'ble Tribunal may be pleased to

RELIEFS

- (I) Issue an order to respondent 14 to 16 to co-ordinate and make a master plan so as to re-gain the old natural lie of this river and free flow of water through this river.
- (II) Issue an order to R8 to survey this river on both sides using old survey sketch, and old satellite map and point out the encroachment done in it.
- (III) Issue an order to R¹⁴ to remove all obstruction done this river as per R8 survey report.
- (IV) Issue an order to R1 to R6 to protect this river and to do the necessary for permanent way of collecting and disposing of wastes and ~~steptage~~ waste.
- (V) Issue an order to R11 to supervise and monitor the waste disposal and septage waste disposal by R1 to R5.
- (VI) Issue an order K.W.A. R7 to remove the pipe line drawn across this river and re-lay its , so as to become completely under the river bed.
- (VII) To grant such other reliefs as this Hon'ble Tribunal deemed fit to grant

And

(Viii) To award the Cost

Dated this the 23rd day of October 2017

VERIFICATION

I K.P. Varghese S/o. late Peter, residing at Kavilleswarath home, Kandanad P.O., Ernakulam district, secretary Manakunnam village, Padashekara Samrakshana Samithy Reg.no. E.R 409/09 Kandanad P.O

Before the National Green Tribunal (Southern Zonal Bench) at Chennai

Application No: ²³⁷ Of 2017

Manakunnam Village,
Padashekara Samrakshana Samithy : Applicant
Registration No, ER 429/09

Represented by its Secretary
Vs

Thripunithura Municipality & 15 Others : Respondents

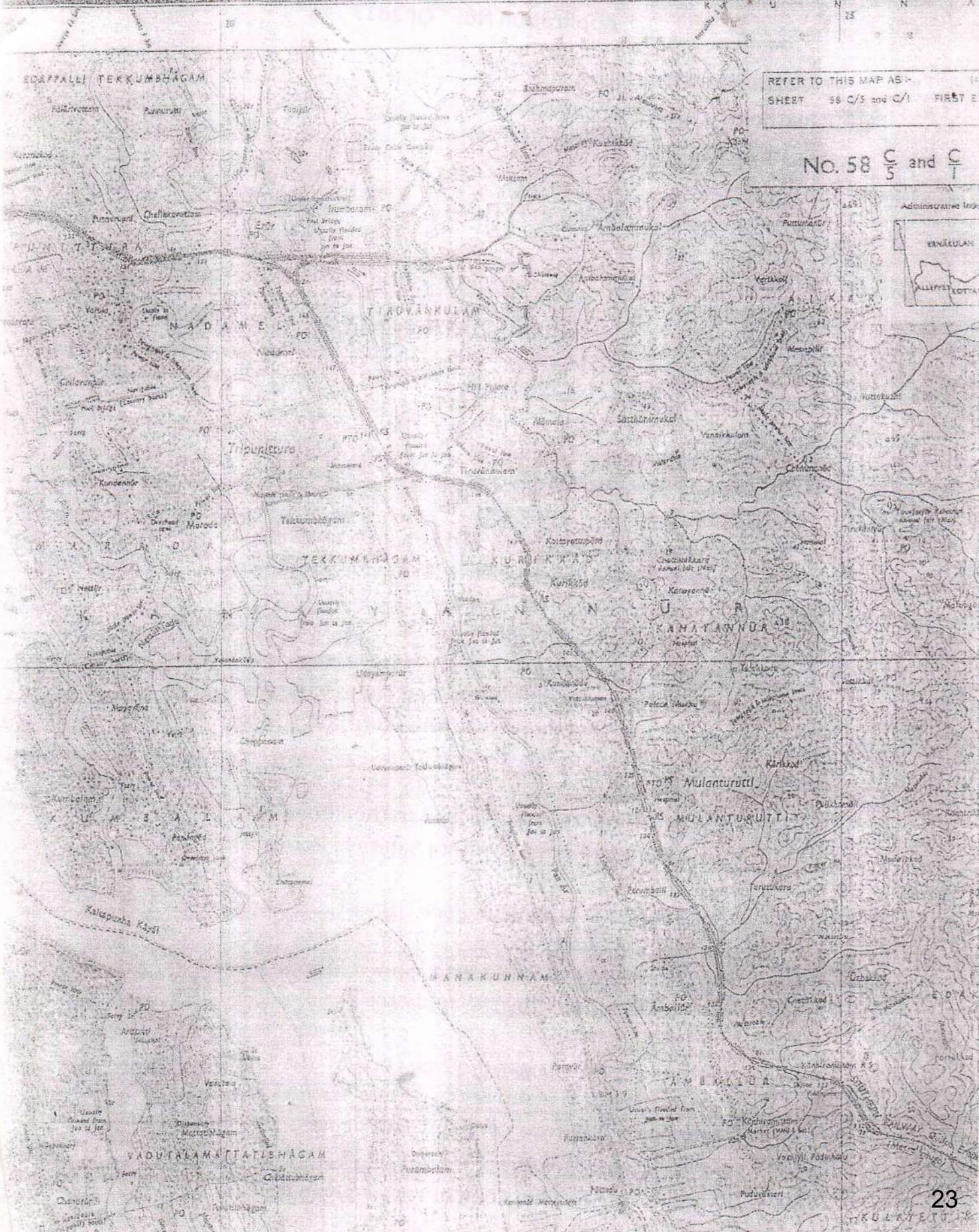
(Under Section 18(1) read with section 14 of the National Green Tribunal
Act, 2010)

Adv: **PETER T. THOMAS,**
Door no. 104 1st Floor K.H.C.A.A.
Golden Jubilee Chamber Complex
near High court of Kerala ,

Surveyed 1925-27.

REFER TO THIS MAP AS - SHEET 58 C/5 and C/1 FIRST

No. 58 C/5 and C/1



Before the National Green Tribunal (Southern Zonal Bench) at Chennai

Application No: ²³⁷ Of 2017

Manakunnam Village,

Padashekara Samrakshana Samithy

: Applicant

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Vs

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: Respondents

INDEX
12
COMPIATION NO.2

Sl No.	DESCRIPTION	PAGES
1.	<u>Annexure-A1</u> . True copy of the survey map of Kerala State no.58 C/5 and C1	1
2.	<u>Annexure A2</u> . True copy of the representation made by the applicant to the respondent along with the report submitted by K.S.S.P. dated 2.12.2017	12-16
3.	<u>Annexure A2</u> (<u>(a)series</u>). True copy of the translation of the above (its true English translation is produced and marked as Annexure A2(<u>(a)series</u>).	17-19
4.	<u>Annexure A3</u> Report attached to the above submitted by Kerala Sashthra Sahithya Parishath	20-34
5.	<u>Annexure A3</u> (<u>(a)series</u>). True copy of the English translation of the above.	35-39
6.	<u>Annexure A4</u> . On 2/06/2017 representation given to the respondent by the applicant	40-44
7.	<u>Annexure A4</u> (<u>(a)series</u>). True copy of the English translation of the above.	45-46
8.	<u>Annexure A5</u> . True copy of report appeared Hindu Daily on September 4 2013.	47
9.	<u>Annexure A6</u> . True copy of report given by R10	48-50

Annexure -2

Item No. 07

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 237 of 2017 (SZ)

IN THE MATTER OF:

Manakunnam Village,
Padashekara SAMrakshana Samithy

.. Applicant(s)

WITH

Thripunithura Municipality, Kerala
and others.

.. Respondents

Date of hearing: 24.01.2020.

**CORAM: HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

Applicant(s)

G. Stanly

Respondent(s):

M/s.S.A. Jawahar Basha for R2,
R3, R4 and R6
M/s.E.K. Kumaresan, G. Prabhu and
T. John Alexander for R7, R14, R16
M/s. Rema Smrithi V.K. for R11.

ORDER

The grievance in this petition is regarding pollution caused in Konothupuzha which runs through Udayamperoor, Amballoor, Mulamthuruthy, Chottanikkara and Tripunithura of which one is Municipality and others are Grama Panchayats. According to the petitioner, respondent no.12 constructed a regulator cum sluice bridge at Kaniyveli which divided the flow of river. The bridge was constructed, encroaching into the river bed on both sides. They also gave the details of the number of bridges constructed and according to them respondent no.13 had

constructed bridge at Karingachira, Puthiyakavu and Kandanari. They also gave the ill effect of this as follows:

"Soil Erosion: Due to the soil erosion of both sides of the river and from rivulets affected the depth of the river. This resulted the free flow of water.

(c) Encroachment by people: In some places suddenly the width of river reduces. Prima facie we can see on both banks of the river in such places encroached by people. This resulted the free flow of water.

(d) Unscientific construction of regulator cum sluice bridge

The respondent No.12 constructed permanent regulator cum sluice bridge on Vetuvelikadavu and Puthenkavu. The R12 failed to maintain this sluice properly and it was destroyed within years. The unscientific construction of this regulator cum sluice obstructs the free flow of water. In order to function the sluice they reduced the depth of river on that side by putting concrete bunds in heights in the base of the river bed.

R12 constructed sand bund on both ends of this river when the summer approaches. But when the monsoon comes, this sand bund breaks on both sides. Non removal of sand used for construction seriously affected free flow of water through this river.

Dumping of waste by people:

The four Grama Panchayat and one Municipality through which this river is flowing, these local bodies allowed to dump all kinds of waste to this river. These local bodies at present have no scientific full proof system of collection and disposing of waste generated by the resident and from public places like market, business place, community halls etc. The huge dumping of market wastes in plastic bags very much affected the purity of water and free flow of river. The inhabitancy dump all their wastes into the river and rivulets flowing into the river from far of places. Septage also is being put into the river. These local bodies are not taking any action to present the general public from dumping wastes into this river. When the monsoons arrives all those wastes enter the river. The entire river and its surrounding as getting highly polluted and become a source of diseases.

(f) Unnatural growth of pistia (weeds) and slime:

When the flow of water in this river get arrested, the pistia (weeds) and slime increase above the natural growth and cause hindrances to the free flow of water and

proper use of this river. Due to this at present even a country boat is not able to paddle through this river. The drinking water pipe line laid at bottom of the river near Kandanadu Bridge at Udayamperoor Panchayath for the drinking water project is also interfering the free flow of water."

2. They also contended that people are dumping waste and construction and demolition waste and also dump on the river bed. There is no mechanism provided by the local bodies to maintain and clean the river to provide free flow of water. They filed the application seeking the following relief:

"Issue an order to respondent 14 to 16 to coordinate and make a master plan so as to regain the old natural lie of this river and free flow of water through this river.

II. Issue an order to R8 to survey this river on both sides using old survey sketch, and old satellite map and point out the encroachment done in it.

III. Issue an order to R10 to remove all obstruction done this river as per R8 survey report.

IV. Issue an order to R1 to R6 to protect this river and to do the necessary for permanent way of collecting and disposing of wastes and septage waste.

V. Issue an order to R11 to supervise and monitor the waste disposal and septage waste disposal by R1 to R5.

VI. Issue an order KW.A.R7 to remove the pipe line drawn across this river and relay its, so as to become completely under the river bed."

3. Second respondent filed statement contending as follows:

"Konothupuzha is a tributary of Vembanad Lake flowing in the South-North direction of the Western border of the 2nd respondent Panchayat which is situated in Mulanthuruthy Block, Erakulam District. The river flows for a distance of about 3 1/2 kms touching the 2nd respondent panchayat. Though width varies from place to place, there is an average width of 10 meters for the stretch touching the 2nd respondent panchayat.

It is submitted that the river has historical significance. The produce from Thottara Panchayat which was known as the granary of the erstwhile Kochi Sate was moved

through this river. Similarly the transport of goods between the erstwhile Travancore and Kochi Princely State took place through the Konothupuzha river. At one point of time people residing on both sides of the river depended on the river even for drinking water. People living in the Eastern side of the river within the limits of the respondent Panchayat depended on the river for their agricultural needs. Similarly, the traditional fisherman on the western side of the river within the limits of the 5th respondent also depended on the river for their livelihood.

5. The brakish (salt) water from the Vembanad lake on the southern side enters the river during the summer and destroy the agricultural activities. In order to stop this a temporary bund is being constructed every year by the irrigation department for the past several years. This affects the natural flow of water through the river and affects the drainage of the wastes that are being dumped in the river. The situation was further aggravated by the fact that those living by the side of the river did not have toilets of their own and even those who had toilets used to dump the effluents from the toilet into the river. The Amballoor Grama Panchayat has provided bio gas plants to cover 90% houses within its limits on subsidy basis to process the waste generated from the households. Further the Amballoor Grama Panchayat is also successfully operating a waste processing plant at the Arayankavu market of the panchayat. Therefore, it is submitted that wastes in the river, has come flowing from elsewhere.

6. Similarly the large patches of grass, water hyacinths which grows during the rainy season affects the natural flow of the river. As the river flows further north the width of the river further reduces and the pollution in the river increases.

7. It is submitted that shutters installed by the Irrigation Department at Chirakkal, Puthankavu to ensure natural flow of water has been dysfunctional for last several years. In these circumstances around one year back the waste was removed and the river cleaned up under the auspices of certain organizations. At the time there was significant improvement in the colour of water and the natural flow of water was restored to an extent. However, with the advent of the summer season the temporary bund was again constructed to protect the crops and the river went back to its previous condition. Therefore such plans have to be continuous in nature to ensure complete success.

8. It is submitted that it is not an easy task to remove the waste that has been depositing over the years. It would require spending of large sums of money and manpower. If the said work is carried out by including in the project/non-project works of Amballoor Grama Pachayat, it will lead to a situation when no funds are available for other essential activities in the Panchayat. The present financial position of the 2nd respondent panchayat does not permit removal of waste from the river using own funds alone. Since the Miullunkal Thodu (Canal) which starts from Puthenkavu. the southern end of Konothupuzha and ends at Millunkal Junction is also to be cleaned in the same manner, second respondent Grama Panchayat alone cannot take up both the works.

Since Konothupuzha river becomes narrower as it proceeds North, the best method for waste disposal in the river is to let in water into the river from the Vembanad Lake during the high tide. However, effective steps should be taken to ensure that no damages is caused to the agricultural crops. For this purpose an action plan should be prepared and executed jointly by all Grama Panchayats on both sides of this river and concerned Government Departments under the leadership of the District Administration to ensure that the brackish water do not enter the paddy fields. It is submitted that the 2nd respondent Amballoor Grama Panchayat is willing to participate in any such action plan."

4. Third respondent filed statement contending as follows:

"It is submitted that Chotanikkara Grama Panchayat is taking all earnest efforts to keep the area under its jurisdiction free from solid and liquid wastes and has been constantly working to create awareness among local population about the importance of proper and scientific disposal of bio degradable as well as non-bio degradable wastes. The State Government policy in this regard is to encourage the processing of bio waste at the source itself than to collect it and try to process it at a centralized treatment plant. Many a campaigns have been carried out to spread this concept in the last two three years and during August 2017 a campaign named 'freedom from waste was conducted covering all the households and shops and establishments in the panchayat area. The 3rd respondent Panchayat has implemented projects for providing bio gas plant at subsidized rates to residents and many of them have already started using one or other type of bio degradable processing methods. Similarly, throwing of bio degradable wastes wrapped in plastic covers along road side or in to

canals and rivers have come down considerably as a result of these campaigns undertaken by the third respondent in the last one or two years. People are now very much aware of the negative effects of these unhealthy practices and very positive change is being seen in this regard. Ward level Health and Sanitation Committees constituted under "Arogya Jagratha – 2018" campaign also takes a very vigilant stand against these type of practices. It is submitted that community based social pressure has started developing against the very few persons indulging in these type of practices.

5. It is submitted that 3rd respondent Panchayat before issuing license to commercial establishments, in tune with the State Government policies, take efforts to ensure that all the commercial establishments have necessary waste management facilities like bio pots or bio gas plants etc to dispose of the bio degradable wastes in their premises itself. The 3rd respondent Panchayat also ensures that all major lodging houses, apartments also do have adequate waste treatment plants to handle its own waste.

6. It is submitted that there are no centralised markets within the limits of the 3rd respondent the Chottanikkara Panchayat. Hence there is no such issue of market wastes being piled up and being dumped into water bodies.

7. It is further submitted that as far as septic wastes are concerned the Chotanikkara Panchayat is already a "Nirmalgrama Panchayat" having declared as Open Defecation Free Panchayat under "Swatch Bharat Abhivaan". All the households in the 3rd respondent panchayat have toilets with septic tanks and at the time of issuing building permits it is ensured that the newly constructed buildings do have required septic treatment tanks.

8. It is submitted that Chottanikkara Grama Panchayat is vigilant with regard to the enforcement of waste disposal rules. Frequent inspections are carried out with the help of Public Health Wing of the Health Department and proceedings are initiated if any one is found to be dumping waste in the road, canals, public places or rivers. Chapter 20 of the Kerala Panchayat Raj Act, 1994 provides for public safety and health. The 3rd respondent Chotanikkra Grama Panchayat is enforcing the provisions of the Kerala Panchayat Raj Act, 1994 and the rules made thereunder.

9 It is also submitted that local bodies especially Grama Panchayats do not have adequate authority, financial resources, manpower and technical expertise to

undertake major works like restoration of a large river. Only the State Government Departments like irrigation, Public Works, Soil conservation and survey and land records acting coordination can prepare and implement a master plan for the eviction of encroachments in the river if any, and also for clearing of weeds, grass growth and dredging of river bed to ensure free flow of the river.

10. It is submitted that all earnest efforts are being taken by the 3rd respondent Chottanikkara Grama Panchayat to ensure that no wastes are dumped or septic wastes are flown in to the Konothupuzha river."

4. Fourth respondent filed statement contending as follows:

"The Konothupuzha river start from the Chambakkra Canal at Thrippunithura as a tributary and passes through Thrippunithura, Chotanikkara, Udayamperoor, Mulanthuruthy, and Amballoor Grama Panchayats for a distance of about 17 kilometers and joins the Vembanad Lake at Poothota region of Amballoor Grama Panchayat. Every year during the summer season, the Irrigation Department, Government of Kerala constructs temporary earthen/mud bund at the Chambakkara Canal side where the river starts and at Poothotta where the river ends to prevent the entry of salt water. Though it is stipulated that the temporary earthen bund must be demolished and removed with start of the monsoons each year, the Irrigation Department do not take steps to remove the earthen bund completely. Therefore, only the mud which gets washed away from the bund is the natural course get removed during the rainy season every year. As a result water does not flow properly through the river.

4. It is submitted that the Ernakulam District Panchayat had a project during the period 2011 -2015 to improve the water flow through the Konothupuzha river by removing he vegetation and silt/mud, with the cooperation of farmers and volunteers. Though this was a first step to protect the river, it was only limited to the removal of the vegetation and water hyacinths

5. There is no dispute about the fact that Konothupuzha river must be revived in a manner making it useful as freshwater source, for agriculture and fishing. It is submitted that Konothupuzha river passes through more than one Grama Panchayat. Section 218 of the Panchayat Raj Act, 1994 inter alia provides that all public water courses (other than river passing through more areas than one Panchayat are which

the Government may by notification in the gazette, specify) shall stand transferred and vest absolutely in the village/grama Panchayat. It is submitted that Konothupuzha river passes through various Grama Panchayat, and hence the 4th respondent alone cannot take up any project with respect to the Konothupuzha river.

6. The allegation of the petitioner that the river is becoming polluted as panchayats have no waste arrangement in place is false and hence denied. This allegation is not correct, More so, in the case of 4th respondent Maulmthuruthy Grama Panchayat. The 4th respondent panchayat has installed a biogas plant for the disposal of the waste from the fish and vegetable market of the panchayat. The panchayat has also appointed an employee on contract basis to collect and dispose of the waste and the biogas plant is operating efficiently. Additionally, the 4th respondent panchayat has given more than 1000 biogas plant to households within its limits to produce biogas from domestic waste.

7. It is submitted that strict instructions have been given to commercial establishment to segregate and process biodegradable and non biodegradable wastes. Licenses are issued/renewed for such establishment only on obtaining a NOC from the Health Department that the above instructions are being complied. An incinerator has been established to process hospital wastes from the Mulanthuruthy Community Health Centre. There are 4 major catering centers within the 4th respondent Mulanthuruthy Grama Panchayat limits and they all have their own biogas plants and incinerators. Moreover the Panchayat is also providing biogas plants to the households in need of them. Hence the allegation in the application that the river is being filled with wastes as the Panchayat is not providing waste processing facilities is not correct.

8. The Mulamthuruthy Gram Panchayat is taking steps to clean and remove mud from cultivatable paddy fields, channels and canals in the Grama Panchayat by including it in the Mahatma Gandhi National Rural Employment Guarantee Scheme. This will include those canals which flow into Konothupuzha river.

9. It is submitted that the length of Konothupuzha river which passes through Mulanthuruthy Panchayat is comparatively less compared to that of other local Self Government Institutions. It is further submitted that Mulanthuruthy Grama Panchayat is willing to cooperate with any project in connection with the protection of the river."

5. Sixth respondent today filed statement contending as follows:

"As per Section 218 of the Kerala Panchayat Raj Act 1994 water course springs reservoirs etc in Village Panchayats (Grama Panchayts) vest with absolutely in the Village Panchayat which are 1st tier Local Self Government Institutions. Further under Section 166 "maintenance of waterways and canals, collection and disposal of solid waste and regulation of liquid waste disposal" are coming under the mandatory functions of Village Panchayats.

4. *The said Konothupuzha flows through the areas comprising Udayamperoor, Ambalor, Mulamthuruthy, Chottanikkara Grama Panchayats and Tripunithura Municipality.*

5. *The District Panchayat, Ernakulam, a 3rd tier Local Self Government Institution, has no direct control or mandatory functions on the rivers and water bodies coming under the jurisdiction of Grama Panchayts/Municipality. It is submitted that the irrigation Department, Government of Kerala is the appropriate authority which has got control and jurisdiction over the Konothupuzha. More over, only the irrigation Department Government of Kerala has the technical knowhow to restore and revive the Konothupuzha river.*

6. *It is submitted that being responsible local self government institution, District Panchayat, Ernakulam cannot keep its eyes closed over the things happening in Konothupuzha. However, District Panchayat, Ernakulam is keen to cooperate with any initiative from the Government of Kerala through the Irrigation Department or any other body for the restoration of the past glory of the river. The process of cleaning and protecting the Konothupuzha requires a huge sum which can be made possible by the earnest effort of all stake holders lead by Government of Kerala. It is submitted that the District Panchayat Ernakulam will definitely play an active role in such a scenario."*

6. Eighth respondent filed statement contending as follows:

"It is submitted that the applicant herein had submitted an application to this respondent on 03.06.2017 for removal of encroachment from the river bed. As per G.O.(ms) 200/2010 revenue dated 31.05.2010 an as per G.O.(ms) No.303/2017 Revenue dated 26.08.2017, the Tahsildar (LR) alone is competent to deal with the matters relating to survey disputes. So, in compliance with the above Government

orders, this respondent has forwarded the application submitted by the applicant herein to the Tahsildar (LR), Kanayanor Taluk for further action.

5. It is submitted that this respondent has no authority to survey the land for the purpose of identifying the encroachments and hence this respondent is not a necessary party to this petition and the application submitted by the applicant had been rightly forwarded by this respondent to the concerned Tahsildar (LR) and it is for the Tahsildar (LR) to take action upon the request of the applicant."

7. Pollution Control Board viz., 11th respondent filed their statement stating as follows:

"It is respectfully submitted that the application is filed alleging total deterioration of the river Konothupuzha, Konothupuzha is a small river flowing through the areas comprising the following panchayats like Udayamperoor, Ambaloor, Mulathruthy, Chotanikkara and also through Thirpunithura Municipality in Ernakulam district. The total length of the river is 17 kms and the width varies from 30 – 90 mts. The issues arrayed in the application with regard to the deterioration of the river are non flow of water, soil erosion, encroachment of people, unscientific construction of sluice cum regulator bridge, dumping of waste, unnatural growth of weeds and slime and failure to maintain sand bund.

2. On a perusal of the issues raised in the application, it can be seen that these issues are detrimental to the conservation of the river system. Conservation of river system means up keeping of the river in such a way that the flora and fauna are not affected, free flow of water is ensured and quality of water is protected.

It is submitted that an inspection had been conducted along the river by the district office of the board at Ernakulam on 11.12.2017 based on this application. During the inspection it could be noticed that large quantities of wastes which include both solid and liquid were reaching the Konothupuzha river directly and also through the canals and streams joining the river. Another thing noticed was that a large number of sewage outlets were open directly to the Konothupuzha. It was also brought to the notice of the board by the public that unauthorised dumping of septage to the river also was taking place during the wee hours. The enquiry conducted by the board revealed that the issues raised in the application are genuine to a great extent.

3. It is humbly submitted that discharge of septage, sewage and other solid waste will definitely pollute the river. Also it will contribute significant amount of nutrients such as nitrate and phosphate causing growth of weeds and algae. This will ultimately interrupt the free flow of water and also will reduce the concentration of dissolved oxygen of the river. Based on the inspection findings, directions were given to the concerned local bodies to take necessary action towards the protection of river. Copy of the direction dated 12.3.2018 is produced herewith and marked as annexure R2(a). Conservation of river system is the collective responsibility and effort of the executive agencies among the respondents. For this a separate action plan and a detailed estimate has to be prepared after a detailed study of the issues for the restoration of the river system. Since the pollution control board is a regulatory agency rather than executive agency its role is limited in this particular case."

8. Respondent no.12 filed statement describing the manner in which the construction was done as follows:

"It is most respectfully submitted that Puthenkavu Regulator cum bridge was constructed 50 years back during period when Water Resource Department and Public Works Department were one and the same. The regulator was handed over to the Water Resource Department only after the bifurcation of two departments in 1991. The regulator was initially envisaged as a barrier against salt water intrusion to agricultural lands in Amballoor, Udayamperoor, Chottinikkara, Mulanthuruthy Panchayats and Thirupunithura Municipality. It also serves as the sole bridge connecting Puthenkavu and Kanjiramattom. Due to old age, the shutters of the regulators have rusted out and hence presently not functional.

4. It is submitted that the Vettuvelikadavu sluice cum bridge, Kaniyaveli sluice cum bridge and Nedunapuzha sluice cum bridge were constructed for length lesser than the width of the river on account of paucity of fund during the period of construction. It is submitted that arresting of saline water intrusion necessitates construction of sand bund since the length of sluice is not adequate to serve the purpose. It is submitted that the structure can be replaced with permanent regulator cum bridge depending upon the availability of the fund.

5. It is further submitted that functioning of sluice requires concrete apron, both the upstream and downstream of the structure which is inevitable. Therefore the recurring expenditure on putting up of sand bund can be got eliminated.

6. It is submitted that as far as Puthenkavu Regulator cum bridge is concerned, there is no such encroachment involved in the construction of bridge. The regulator was constructed based on detailed soil investigation works and design by the department in accordance with the hydraulic parameters of the river. The concrete bunds referred in the application are concrete aprons on upstream and downstream sides of the regulator which is an essential component to prevent soil erosion adjacent to bridge foundation and also to reduce uplift pressure at the base. The aprons are unavoidable for the stability of the regulator cum bridge. The aprons do not obstruct the flow of water as it is constructed at the bed level of the river.

7. It is also submitted that the existing shutters of the structure are found to be rusted and unserviceable. A work is already arranged by the department to dismantle the shutter portion. It is submitted that a proposal for construction of a new regulator cum foot bridge is already under preparation. The soil investigation work for the same was already tendered and will be commenced soon.

8. It is submitted that the shutters of the Puthenkavu regulator are not functional because of deterioration and earthen bund is being constructed annually across the Konothupuzha near to the damaged regulator temporarily to prevent salt water intrusion to adjacent agricultural lands to the relevant time of high flow of water in the river bed. It is further submitted that the above issue had already been raised regarding the position of the earthen bund by various beneficiaries panchayat. It is submitted that Mulathuruthy, Chotinikkaara and Udayanperoor Panchayats had opposed the construction of earthen bund across the Konothupuzh on account of the fact that the bund is causing obstruction to passage of fishing boats, whereas, Amballoor Pachayt, Authorities are pressing for the construction of bund as a major portion of agricultural lands are located in Amballoor Panchayat and salt water intrusion will definitely affect the productivity of crops. Hence, a meeting was convened by Additional District Magistrate, Ernakulam on 6.10.2016 with various representatives of the panchayats to decide about the construction of earthen bund the above area in order to preserve the free flow of water. In the said meeting, it was decided to construct five earthen bunds across five sub streams of Konothupuzha on

the downstream side of the regulator adjacent to agricultural lands in Amballoor Pachayat, otherwise it will spoil the agricultural productions and for the purpose of facilitating the free flow of fish boats, it was decided not to construct any earthen bund in the other areas.

9. According to the above decision, instead of a usual single bund across Konothupuzha, five small bunds across various upstreams were constructed to prevent salt water intrusion to agricultural lands in Amballoor Panchayat in the last year, though it is proved to be ineffective in resisting salt water intrusion. However, due to paucity of funds, such temporary arrangement has been continued. It is correct to state that the salt water intrusion can be effectively prevented only if the barrier is constructed at initial point of salt water intrusion i.e., at the location of regulator. However, steps are being taken by the 12th respondent to construct earthen bund adjacent to the damaged regulator across Konothupuzhas as done before. The work is already e-tendered and expected to be arranged by the second week of November. Therefore at present, there is no major obstruction to the free flow of river at portion of Puthenkavu regulator.

It is submitted that shutters of Puthenkavu regulator cum bridge are not functional and hence it does not serve the purpose of a regulator presently. But the bridge is a sole way of conveyance from Puthenkavu to Kanjiramattom and is located on the busy Ernakulam to Kottayam route. It is submitted that the regulator cum bridge is designed and constructed to allow the regulator flow of water and for maximum flood discharge, as a solution to the problem of salt water intrusion, a new regulator is proposed as stated above."

10. Others have not filed any statement, though there are allegations against some of the local bodies regarding their contribution to pollution in the said river.

11. It is seen from the statements filed by some of the respondents that it is admitted that construction of the bridges at least in some areas are not as per the standard for maintaining the flow of river. It is also seen from the statements submitted by the local bodies that though they admit their responsibility to maintain the waterbody and maintain free flow of water in the river and make it pollution free,

they are expressing their inability to maintain the same due to want of funds and want of coordinating of all stakeholders. It may be mentioned here that as per the direction of the Apex Court in several decisions and also as per the provisions of the Panchayat Raj Act and Municipalities Act, maintenance of water bodies are with local bodies viz., Grama Panchyat, Municipality and Corporation and it is for them to make necessary steps to protect the same. There is a responsibility on the local bodies to prevent discharge of untreated effluents into the river and pollute the water, affect flow of water by dumping garbage either solid waste or construction waste or other waste. If the local bodies have implemented the provisions of Solid Waste Management Rules, 2016, Bio Medical Waste (Management) Rules, 2016, E-waste Management Rules, 2016 and Construction and Demolition Management Rules, 2016 in its true spirit, then most of the problems that are alleged can be curtailed or remedied. But most of the local bodies are shirking their responsibility in implementing the Rules, as expected from them. They are expressing their inability to implement the same either on the ground of non availability of infrastructure or want of staff or necessary funds for implementing the same. This being a welfare measure to protect environment, they should not shirk their responsibility. This has been repeatedly expressed by the Apex Court that paucity of funds or infrastructure or man power is not a ground in not discharging their responsibility, as expected by the statute. It is for the State Government as well as local bodies to find out their own method by which these things can be solved by preparing proper action plan to meet the situation. They forget the fact that protection of environment is the primary responsibility of the State and its machineries under Article 48A of the Constitution of India. Further, importance of river is well known. Rivers carry water and nutrients. They play a very important part in the water cycle, acting as drainage channels for

surface water. Rivers drain nearly 75% of earth's land surface. They provide excellent habitat and food for many of the earth's organisms. So it is the duty of the State machinery to protect the same, as part of right to life and it is the responsibility of the State as enshrined under Article 21 of the Constitution of India. It is true that there is a duty cast on the people also to protect environment as contemplated under Article 51A(g), as fundamental duty, under the Constitution of India. But if authority wants to penalise the general public for not following the Rules, the authorities must discharge their responsibility in the manner in which they have to function under the Rules.

10. It is in a way admitted by all respondents that there is an imminent necessity to rejuvenate Konothupuzha and make it pollution free with free flow of water and a joint effort will have to be taken by all stakeholders which the localbodies alone cannot undertake and the State Machineries will have to be involved for proper preparation of action plan and effective coordination of various departments, whose expertise is required for generating common fund and expertise to effectively execute the same.

11. So, under these circumstances, we feel it appropriate to appoint a joint committee comprising of (1) District Collector, Ernakulam (2) State Pollution Control Board (3) Public Works Department (Irrigation, Bridge and Roads) (4) Secretary, District Panchayat, Ernakulam (5) Commissioners of the respective Municipalities and Executive Officers of the respective Grama Panchayat, Secretary of the Municipalities and Grama Panchayats through which the river passes and is being polluted to look into the matter and come with a proper action plan with specific time line to abate the pollution in the Konothupuzha river. If this will have to be extended to some other river stretch also, then they will have to connect those things as well

for the purpose of preparing a holistic action plan. Chief Secretary of the State Government as well as the Principal Secretary of Urban Development Department and P.W.D. as well as Social Welfare Department and Environment Secretary and Water Resources are directed to coordinate with the respective authorities to prepare the action plan and submit the same before this Tribunal within a period of three months. The Chief Secretary of Kerala State Government shall over see the same and if necessary guidelines will have to be framed to implement the direction of this Tribunal, the same be provided by the Chief Secretary of the State Government of Kerala. District Collector, Ernakulam will be nodal agency for this purpose, including logistic support.

12. The Registry is directed to communicate this order to the concerned authorities immediately by e-mail so as to enable them to comply with the direction and submit the report to this Tribunal within the time mentioned through e-mail @ ngtszfiling@gmail.com.

13. The copy of this order may also be sent to the Chairman, State Monitoring Committee by e – mail for supervision and report independently of the progress of the work periodically to this Tribunal.

For consideration of report post on 13.5.2020

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Saibal Dasgupta)

O.A.No.237 of 2017
24th January, 2020
kk.

Item No.11:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 237 of 2017 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Manakunnam Village,
Padashekara Samrakshana Samithy

...Applicant(s)

Thripunithura Municipality,
Kerala and Ors.

...Respondent(s)

Date of hearing: 16.08.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Mr. G. Stanley Hebzon Singh.

For Respondent(s):

Mr. Haridas represented

Mr. A.V. Arun for R1.

M/s. Rukmani Venugopalan represented

M/s. S. Sree Kumar Associates for R2 to R4 & R6.

Mr. Sarathbabu represented

Mr. E.K. Kumaresan for R7, R9, R10, R12 to R16.

Mrs. V.K. Rema Smrithi for R11.

Mr. P.G. Jayashankar for R18.

ORDER

1. As per order dated 04.06.2021, this Tribunal had directed the committee to submit a further progress report regarding the decisions taken by them in the earlier meetings and also directed the Kerala State Pollution Control Board to file their action taken report and posted the case to 09.07.2021 for that purpose. Thereafter, the matter has been adjourned from time to time by notification and lastly, it was adjourned to today as per notification dated 05.08.2021.
2. When the matter came up for hearing today through Video Conference, Mr. Stanley Hebzon Singh represented the applicant. Mr. Haridas represented Mr. A.V. Arun for 1st respondent, M/s. Rukmani Venugopalan represented M/s. Sree Kumar Associates for respondents 2 to 4 & 6, Mr. Sarathbabu represented Mr. E.K. Kumaresan for respondents 7, 9, 10 & 12 to 16, Mrs. Rema Smrithi V.K. represented 11th respondent and Mr. P.G. Jayasankar represented 18th respondent.
3. The Chairman and the District Collector who is the 14th respondent has filed an action taken report dated Nil, e-filed on 08.07.2021 received on 13.07.2021 which reads as follows:-

ACTION TAKEN REPORT SUBMITTED BY THE CHAIRMAN OF THE JOINT COMMITTEE & DISTRICT COLLECTOR ERNAKULAM IN OA 237/17 OF HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI ORDER DATED 04/06/2021

Name of the Petitioner : Manakunnam Village Padashekara
Samrakshana samithy, Kandanad P.O
Respondent 14 : District Collector, Ernakulam

It is submitted that the Manakunnam Village Padashekara Samrakshana Samithy, represented by its Secretary has filed an Original Application No.237/2017 before the Hon'ble National Green Tribunal, Chennai, to protect the river named "Konothupuzha", which is flowing through the jurisdiction of Kanayannur Taluk, Ernakulam district.

Considering the said OA 237/2017 filed by the petitioners, the Hon'ble National Green Tribunal, vide judgement dated 24/01/2020, has directed to appoint a Joint Committee comprising of the following members to prepare an action plan with specific timeline to abate the pollution in Konothupuzha river .

- 1) District Collector,Ernakulam
- 2) State Pollution Control Board
- 3) Public Works Department (Irrigation,Bridges &Roads)
- 4) Secretary, District Panchayath, Ernakulam
- 5) Commissioners of the respective Municipalities and Grama Panchayaths

As per the direction of the Hon'ble National Green Tribunal, the State Government in its order under G.O(Rt) No. 817/2020/LSGD dated 03/05/2020 has constituted a Joint Committee with District Collector, Ernakulam as Chairman and the District level officers of the departments and the Secretaries of the Municipalities and Grama Panchayaths through which the river passes as members .

In order to comply the order of National Green Tribunal, this authority had called a meeting of the officials concerned on 15/06/2020. By considering the judgement of Hon'ble National Green Tribunal, the District Collector has passed an order to form a sub committee with the following members to submit the detailed Action Plan before the Joint committee.

1. Executive Engineer ,Minor Irrigation Division - Convener
2. Executive Engineer,Pollution Control Board,Kadavanthra,Ernakulam
3. Secretary,Thripunithura Municipality
4. Secretary, Udayamperoor Grama Panchayath
5. Secretary,Mulanthuruthy Grama Panchayath
6. Tahsildar(L R) ,Kanayannur

A proposal was also submitted to the Government to add the members of the Sub Committee in the

Joint committee formed vide G.O(Rt) No. 817/2020/LSGD dated 03/05/2020. The Sub Committee meeting held at this office on 06.07.2020. It is submitted that Konothupuzha forms part of Muvattupuzha river and flows through Udayamperoor, Amballoor, Mulanthuruthy, Chottanikkara Panchayaths and Tripunithura Municipality. The present pathetic condition of the river is known to have as a result of the following factors. The 17 km long river is subjected to heavy pollution. It is contaminated with both biodegradable and non-biodegradable pollutants. There are evident encroachments in various stretches of the river especially in the reaches coming under Tripunithura Municipality. Due to heavy deposition of silt and infestation of vegetation and water weeds, the river is almost stagnant. To protect the river, it has been decided to reduce pollution, increase the depth of the river, clean it and remove encroachments.

In order to restore the river, eviction of encroachments is an indispensable step. The boundaries of the river need to be clearly marked for preventing further encroachments. Then the Deputy Director of Survey directed to survey the river banks to detect illegal encroachments on the river. The Local Bodies have been directed to take steps to remove the encroachments identified in the survey and to identify the sources of pollution and prevent pollution. It is proposed to make earthen bund on both sides of the river with excavated silt and the same will be protected by spreading coir geo textiles to prevent soil erosion and further encroachments. The District mission Co-ordinator, Poverty Alleviation Unit was directed to adopt measures under MGNRES Scheme (Mahatma Gandhi National Rural Employment Scheme to protect the river bunds. The Executive Engineer, PWD Bridges Division was directed to identify the bridges blocking the flow/restricting the navigation through the river and to make remedial measures so as to ensure free flow of water and also to make navigation possible. The removal of excess silt deposited in the river ensure the free flow of river. The Principal Agricultural Officer, Ernakulam was directed to take steps to make available huge quantity of fertile excavated soil to farmers, to conduct soil test to assess the type of crops for which it would be suitable. The District Mission Coordinator, Suchitwa Mission was directed to monitor regularly the quality of effluent discharge to the river from various agencies /firms.

As per the direction issued from this Respondent, the Executive Engineer, Minor Irrigation Division has formulated an action plan for the rejuvenation of Konothupuzha and the Detailed Project Report for rejuvenation of the entire stretch of Konothupuzha amounting to Rs.20.80 crores is submitted before Government and is being considered by the Government for approval. The copy of the Detailed Project Report is submitted herewith.

Working progress of the duties so assigned above was reviewed by the committee on 23.07.2020, in the presence of elected members of local bodies and Legislative Assemblies concerned. Subsequently, the meeting was held on 17.08.2020 and 23.10.2020 to evaluate the progress of the work. Although it was decided to hold a review meeting on 21.04.2021 after the General Assembly Election, it was postponed due to the high surge in Covid positive cases in the District and the Lock Down of Covid Phase 2 and an online meeting was held on 30.06.2021.

As a conclusion in brief, the following actions have been taken by the committee so far.

Sl. No.	Name of agency	Responsibilities assigned	Remarks/Status
1.	Irrigation departm ent	To carry out cleaning works for the restoration of flow and to remove the temporary mud bund built to prevent salt water intrusion before the onset of monsoon.	<p>1. As per the decision in meeting held on 15.06.2020, emergency restoration works for clearing and restoring flow in the most polluted reach of Konothupuzha from Karingachira bridge to Nedungapuzha road in Tripunithura Municipality was carried out for Rs.15 lakhs utilizing the emrgency fund available under the disosal of Executive Engineer ,Minor Irrigation, ernakulam. Utilizing the deposit fund from Tripunithura Municipality the immediate restoration work in the reach from Nedungapuzha to Vettuvelikadavu is also completed.</p> <p>2. Irrigation Department constructs temporary earthen bunds during summer season at both outlet points of Konothupuzha viz. Puthenkavu near Poothotta and at Vettuvelikadavu ,Tripunithura to prevent entry of saline water so as to prevent destruction to crops and to prevent contamination of ground water sources such as wells in areas adjacent to river. The closing of bund in summer results in stagnation of river water and the flow of entire river gets restricted . Now the construction of a permanent Regulator for preventing salt water intrusion has also been commenced at Puthenkavu.After completion this regulator shutters could be mechanically operated and hence the flow of water could be regulated more effectively.</p> <p>3. Detailed Project Report costing to Rs.20.85 crore to implement the National Green Tribunal order have been submitted to the Government for approval and heirarchical sanction. Presently this Detailed Project Report is with Special Working Group of State Government for further action.</p>
2.	Local bodies	1. To identify and restrict the polluting sources directly to the river and indirectly through its sub drains /streams.	1. Munnicipal Health Department has inspected the establishments/Hotels discharging sewage/waste into the river within the limits of Tripunithura Municipality and the

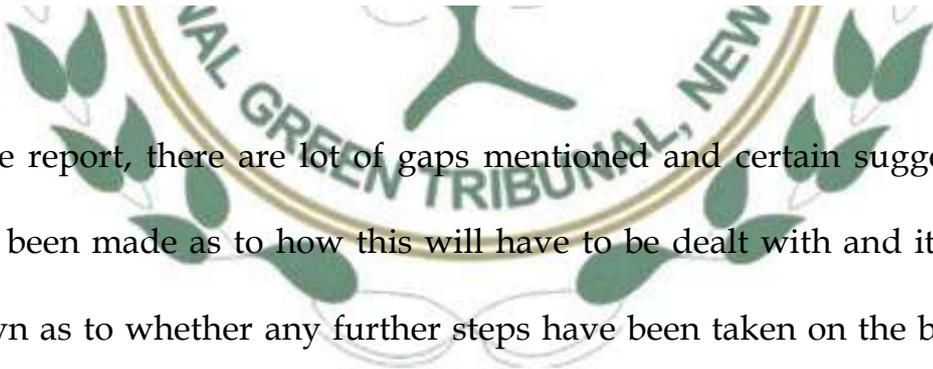
	<p>2. To penalize the defaulters.</p> <p>3. To deposit fund to the Survey department for conducting boundary demarcation of the river</p> <p>4. To remove the encroachments.</p> <p>5. To form ward wise Committees for protection of river.</p> <p>6. To implement projects for waste management so as to prevent dumping of solid waste and discharge of untreated effluents thereby contaminating the water source.</p>	<p>outlets setup for discharge of waste water have been removed by giving notice to the establishments and flats which have been found to be discharging Waste/Waste water into the river.</p> <p>2. Inspection conducted in Udayamperoor, Mulamthuruthy and Amballoor Grama Panchayath, didnot find any effluent/sewage flowing into the river.</p> <p>3. All Local bodies had deposited the survey charge to the Survey department's Head of Account. Concerned local bodies are directed to make necessary arrangements to help in survey works of the river .</p> <p>4. Steps are being taken to place surveillance Cameras in places where waste is found to be dumped into the river.</p> <p>5. Net is installed on both sides of the bridges over the river.</p> <p>6. House hold level composting units have been set-up in all local bodies, Community Level solid waste management plants in Chottanikkara, Amballoor Grama Panchayaths and Tripunithura Municipality and Institutional Level Waste Management Plants in all Panchayaths.</p> <p>7. Haritha Karma Sena is conducting door to door collection of non-bio degradable waste in al local bodies. The collected non-bio degradable wastes are segregated at MCFs and trades to authorised waste dealer companies.</p> <p>8. A Septage Treatment Plant of capacity 1.5 MLD is proposed at Brahmapuram as a part of Urban Agglomeration Project, which got approval in DPC and Agency for DPR preparation is selected. This STP can be utilized for the treatment of septage reaching Konothupuzha.</p>
<p>3. Pollution control Board</p>	<p>To monitor water quality in different reaches of the river ,to identify the polluting sources ,to monitor regularly the quality of effluent discharge to the river from various agencies /firms ,to monitor the availability and proper working of STPs .</p>	<p>1. Board inspected the appartments/ Commercial Buildings located at the banks of the river and during inspection, it was noticed that the STPs of some flats on the banks of Konothupuzha/ the drains joining the Konothupuzha were not functioning. KSPCD issued notices/directions ton all the violators directly them to take immediate action provide for proper treatment facilities.</p> <p>2. Water samples and sediment samples were collected to</p>

			know the change in water quality of the river. The analysis reports show the presence of coliform organisms.
4.	PWD bridges	To identify the bridges blocking the flow/restricting the navigation through the river and to take remedial measures so as to ensure free flow of water and also to make navigation possible.	A total of 6 bridges are there across Konothupuzha which comes under PWD(bridges) department,Ernakulam,out of which 3 have low vertical clearance which are Karingachira bridge, Kaniyavally bridge and Kandanad bridge. Proposal for investigation estimate for these three bridges are submitted by PWD department and no administration sanction has been received till date.
5.	Survey Department	To conduct survey and demarcate the boundaries of the river along its length.	<p>1. Survey Deputy Director,Ernakulam submitted estimate for survey works on 29/07/2020.Local bodies deposited the survey charges to the Head of Account of DD,Survey. A survey team including one Head Surveyor and six other surveyors was formed by survey department This survey team started their survey work on 19/08/2020 under the supervision of Tahsildar (LR), Kanayannur .</p> <p>2. Tahsildar(LR),Kanayannur informed that survey works completed for 2.849 km in Nadama Village, 1.606 km in Thekkumbhagam Village, 1.288km in Kurikkad Village, 5.644 km in Thiruvankulam Village, 2.043 km in Amballoor Village, 2.021 km in Mulamthuruthy Village and 5.885 km in Manakunnam Village. Thus a total of 21.336 km has been surveyed on both banks of the river.</p> <p>3. The Taluk Surveyor informed that the survey could not be carried out as the rest of the river was covered with grass, mud and moss making it impassable. Local bodies have been directed to provide necessary assistance for the removal of silt and mosses.</p> <p>4. Several encroachments were noticed in Nadama, Thekkumbhagam, Thiruvankulam and Kureekkad Villages.</p> <p>5. Instructed the Tahsildar to hand over the details of encroachment found in the survey so far and sketch and other relevant documents to the Local bodies for taking action against the encroachers.</p>
6.	Agricultural department	To take steps to make available huge quantity of fertile excavated soil to farmers ,to conduct soil test to assess the	1. As per report submitted by the agricultural department, a committee comprising members of local bodies,agricultural officers,ADC members will be formed who will make a list

	ment	type of crops for which it would be suitable	<p>of farmers who will be the beneficiaries of the fertile excavated soil. The amount of this fertile soil can be fixed for each farmer .</p> <p>2. But due to the inadequacy of fund, the work of increasing the depth of the river has not started.</p>
7.	Haritha Kerala Mission	To identify barren land and take steps to extend cultivation and rejuvenation of streams discharging to Konothupuzha	<p>1. Tripunithura Municipality, Chottanikkara, Amballoor, Mulamthuruthy and Udayemperoor Grama Panchayaths are having door to door non-bio degradable collection system. The collected non-bio degradable wastes are segregated at MCFs and trades to authorised waste dealer companies.</p> <p>2. The Mulamthuruthy Block Panchayath has completed the construction of Resource Recovery Facility (RRF) with bailing machine having an installed capacity of 25 tons. The RRF is conveniently located in the Industrial Area owned by Mulamthuruthy Block Panchayath and the infrastructure facilities can be shared by the five panchayaths in the block that includes Chottanikkara, Amballoor, Mulamthuruthy and Udayamperoor. All the four panchayaths can use this nearby facility.</p>
8.	Suchitwa Mission	To take steps for preventing the deposition of wastes into the river	<p>1. Under the supervision of Suchitwa Mission, House hold level composting units have been set-up in all local bodies, Community Level solid waste management plants in Chottanikkara, Amballoor Grama Panchayaths and Tripunithura Municipality and Institutional Level Waste Management Plants in all Panchayaths.</p> <p>2. A Septage Treatmentn Plant of capacity 1.5 MLD is proposed at Brahmapuram as a part of Urban Agglomeration Project, which got approval in DPC and Agency for DPR preparation is selected. This STP can be utilized for the treatment of septage reaching Konothupuzha.</p> <p>3. Currently there is no project for slaughter waste management. It has been informed that Suchithwa Mission will provide necessary technical support if a suitable site is identified.</p> <p>P</p>

9.	Poverty Alleviation Unit	To provide coir geo textiles over the bund formed using excavated soil to prevent soil erosion.	<p>1. As per Action Plan for bund formation and to provide coir geo textile estimate total of Rs.75 lakhs got approval by Mulanthuruthi block panchayath.</p> <p>2. The Panchayath Committee has approved the work of strengthening then sides of the river by spreading coir geotextiles in Amballoor, Chottanikkara, Mulamthuruthy and Udayamperoor Panchayaths.</p> <p>3. Coir geotextiles spreading on the deeper sides of the river is not feasible and after strengthening the sides with machinery in these areas, fodder cultivation and planting of saplings in these areas can be undertaken under the MGNRES scheme.</p>
10	Planning Board	To submit a plan for collecting the working capital towards the cost of rejuvenation of the river	As per report submitted by District Planning Officer, for the rejuvenation of this river, a proposal of Rs. 16 crore 10 lakh was submitted before Government which needs approval .
11.	Tourism dept.	To implement projects for beautification of river banks to increase the tourism potential	Directed to implement the beautification of river banks and new projects for the modification of the same.

The District Administration is carrying out all possible activities on the basis of the order of the Honourable National Green Tribunal for the protection and rejuvenation of Konothupuzha. The District Level Monitoring Committee Meeting is being conducted at regular intervals and the local bodies have been strictly instructed to implement Solid Waste Management Rules. It is submitted that all earnest efforts are being taken by this Respondent to ensure the protection of the river.

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4. In the report, there are lot of gaps mentioned and certain suggestions have been made as to how this will have to be dealt with and it is not known as to whether any further steps have been taken on the basis of the action plan prepared by them in this regard.
5. It is also mentioned in the report that the Executive Engineer, Minor Irrigation Division has formulated an action plan for the rejuvenation of Konothupuzha River and the Detailed Project Report (DPR) for

rejuvenation of the entire stretch of Konothupuzha River at an estimate of Rs.20.80 Crores and that is pending before the Government for approval but, it is not known as to whether any further action has been taken by the Government in this regard.

6. So, the District Collector, Ernakulam District is directed to file a further report regarding the further action taken and the improvement that has been made on the basis of the decisions taken by them in the joint committee meeting.

7. The Kerala State Pollution Control Board has filed a report dated 08.07.2021, e-filed on 09.07.2021 and received on 26.07.2021 which reads as follows:-

“Report filed by the Environmental Engineer, Regional Office, Ernakulam for and on behalf of the Kerala State Pollution Control Board

I, Mini Mary Sam, aged 54 years, W/o. Sri. Ranjan Jacob, Environmental Engineer do hereby submit that I am authorized to represent the Kerala State Pollution Control Board, the 6th respondent and that I am conversant with the facts of the above case and I may state as follows:

1. The Hon'ble Tribunal has directed this Board in its direction dt.04.06.2021 to submit the status report of the implementation of the Solid Waste Management Rules, 2016 in the respective local bodies who have been arrayed in this case. In compliance with the order of the Hon'ble NGT, the status of the solid waste management of the concerned local bodies and the action taken for enforcing the Solid Waste Management Rules, 2016 is submitted as follows:-

2. Thripunithura Municipality

The Thripunithura Municipality comprises of 49 wards. Population is 92522. No of households 25690. The quantity of waste generated is about 4.5 tonnes. The waste collected per day is 4 tonnes/day and quantity of waste processed per day is reported to be 4 tonnes/day. The municipality has no common facility for treating biodegradable wastes. The municipality is disposing their biodegradable waste at Bhramapuram waste processing plant. The municipality has one MCF and disposing the plastic waste through M/s Eco green.

The Board issued direction vide notice No. PCB/HO/Rules/SWM-Ernakulam/2018 dated 12/10/2019 to take steps to provide biomethanation plant for the waste generated within the municipality as the windrow composting plant at Brahmapuram in dilapidated condition. As the Municipality was continuing the violations of provision of Rule 22 of Solid Waste Management Rules, 2016 The Chief Environmental Engineer, Regional Office, made assessment for levying Environmental Compensation for an amount of Rs. 378.46 lakh for a period from 09/04/2019 to 31/12/2020. Show cause notice was issued on 08/02/2021 to the municipality to show cause any reasons for not levying the Environmental

Compensation amount from the local body. No reply is obtained till date.

The Board has given direction to the unit for submitting the application to submit application for authorization. The application for authorization has not been submitted till date. Incidents are noted regarding illegal dumping of the solid wastes in the municipal premises and directions are being given to the Secretary in this regard. The Board issued letter regarding illegal dumping of solid waste on 04.05.2021.

The Secretary reported that they have removed all illegal outlets laid from the hotels/commercial establishments/flats to the Konothupuzha river. It is also informed that the municipality has taken action to install surveillance cameras on the banks of the river.

3. Chottanikkara Panchayat

The Panchayat comprises of 14 wards. Population is 22656. No. of households 9767. The Secretary reported that 28 Haritha Karma Sena members are engaged for collecting non biodegradable wastes and segregated in MCF which is given to Clean Kerala Company for disposal wet waste is disposed only through decentralised disposal facilities such as bio bins, compost etc. Installed cameras near river banks, major

junctions, water bodies where there are possibilities for depositing waste. It is also reported that they that they have sought the advice of Integrated Rural Technology Centre (IRTC), Palakkad, for the safe disposal of solid waste.

4. Mulanthuruthy Panchayat

It is reported as the quantity of non bio degradable waste collected is 80 kg/day. They are having 34 numbers of Haritha Karma Sena members and one material collection centre. The dry waste is collected once in a month from houses, shops and other establishments and handed over to Clean Kerala Company for disposal.

5. Udhayamperoor Panchayat

The Panchayath consists of 10022 households and 1586 establishments in 20 wards. The calculated quantity of waste generation based on population is 300kg/day. The panchayath is reported to collect 2.5-3 T of non - biodegradable waste per month with the help of 26 HKS members. The collection frequency is once in a week. There is one MCF in the panchayath.

6. Amballoor Panchayat

The total quantity of solid waste generated in the panchayat is 0.06 T/day. Quantity of waste collected per day is 0.0012 t/day.

The number of wards is 16 and having 16 Haritha Karma Sena members. The dry waste collected is handed over to Clean Kerala Company for disposal.

7. Field survey for determining status of compliances of Solid Waste Management Rules, 2016 could not be monitored due to covid pandemic. Compliance monitoring and status shall be facilitated shortly.

8. The Board has conducted inspection to the 4 panchayats through which the river flows on 24.06.2021, to check compliance of the directions issued on 16.10.2020. The solid wastes dumped in identified spots are seen removed except near Nadakkavu-Mulamthuruthy bridge. Instruction has given to the panchayat to remove the same.

9. Also inspected 11 establishments of which the waste water reaches the river. The details of the action taken by the Board are given below.

Sl No	Industry Name	Type Of Industry	Consent (Y/N)	Septic Tank Facility	STP/ETP (Y/N)	Action taken
1	Choice paradise apartments, Thripunithura	Flats & Apartments	Yes	No		Direction issued on to augment the STP within one month

2	SFS kingdom apartment Thripunithura	Flats & Apartments	Yes	No	Yes	STP is in working condition and Samples are collected for testing. Action will be initiated based on the analysis reports of the samples
3	Star homes annex apartment, Thripunithura	Flats & Apartments	No	Yes	No	Letter issued to the Secretary of star homes apartment on 25.06.2021 to install STP and to obtain Board's Consent to Operate.
4	Heera life style apartment Thripunithura	Flats & Apartments	No	No	Yes	Letter issued on 25.06.2021 on improper working of STP and operating without valid consent to operate
5	Valy heights apartment, Thripunithura	Flats & Apartments	No	No	Yes	STP is functional but not obtained Board's consent, letter issued. Sample collected for testing. Direction issued on 25.06.2021 to obtain Board's consent
6	Service station at Thripunithura, owned by Karthikeyan M N	Service station	No	No	No	Closure Intention Notice issued on 25.06.2021 due to the unauthorized functioning of the unit
7	NSD Triumph Irumpanam, Thripunithura	Flats & Apartments	No	No	Yes	STP is functional but not obtained Board's consent, letter issued on 25.06.2021. sample collected for testing

8	Popular Hyundai Service	Service station	No	No	Yes	ETP is functional but not obtained Board's consent, letter issued on 25.06.2021. Sample collected for testing
9	CAR WASH 12/76-E refinery road Nadama, Thripunithura	Service station	No	No	Yes	Letter issued on 25.06.2021 on the unauthorized functioning of the unit.
10.	Asset city bay	Flats & Apartments	No	No	Yes	STP is functional but not obtained Board's consent to operate. Letter issued to take Board's consent.
11.	Confident Bellatrix	Flats & Apartments	Yes	No	Yes	STP is in working condition and Samples are collected for testing

10. WATER QUALITY OF THE RIVER.

The Board conducted monitoring in the month of June 2020 at 6 points to find out the present water quality of the river and the analysis details are as follows:

DETAILS OF SAMPLE COLLECTED FROM THE KONOTHUPUZZHA/TRIBUTARIES OF KONOTHUPUZZHA, DRAIN AND STREAM JOINING TO KONOTHUPUZZHA				
SL.NO	PARAMETERS	IRUMPANAM BRIDGE	KOLENCHERY BRIDGE	ANDHAKARATHODU
1	Colour (Hazen)	50	140	40
2	Turbidity (NTU)	13	8	9
3	pH	6.2	6.6	6.8
4	Chloride (mg/L)	63.8	93.6	29.8
5	Total Coliform (Cfu/100 Ml)	5400	7000	175000
6	Fecal Coliform (Cfu/100 Ml)	3000	3200	70000
7	Suspended Solids (mg/L)	31	37	27
8	Nitrate-N (mg/L)	0.34	0.5	0.39
9	Sulphate (mg/L)	22	6	33
10	Sulphide (mg/L)	BDL	BDL	BDL
11	Phosphate (mg/L)	0.07	0.03	0.11
12	BOD (mg/L)	1.9	1.8	1.7
13	COD (mg/L)	24	36	16
14	Lead (mg/L)	BDL	BDL	BDL
15	DO (mg/L)	BDL	BDL	BDL

SL.NO	PARAMETERS	ALIYAR BRIDGE	KANIYAVALLI BRIDGE	NEDANGAPUZZHA BRIDGE
1	Colour (Hazen)	50	200	100
2	Turbidity (NTU)	14	8	11
3	pH	6.2	6.1	6.2
4	Chloride (mg/L)	34	55.3	46.8
5	Total Coliform (Cfu/100 Ml)	60000	7800	8000
6	Fecal Coliform (Cfu/100 Ml)	20000	4600	6800
7	Suspended Solids (mg/L)	44	41	34
8	Nitrate-N (mg/L)	0.36	0.51	0.4
9	Sulphate (mg/L)	3	5	10
10	Sulphide (mg/L)	BDL	BDL	BDL
11	Phosphate (mg/L)	0.02	0.03	0.04
12	BOD (mg/L)	2.2	2	1.8
13	COD (mg/L)	12	28	20
14	Lead (mg/L)	BDL	BDL	BDL
15	DO (mg/L)	BDL	BDL	BDL

11. The Analysis reports of the water sample shows the presence of high value of Total coliforms including Fecal coliforms and colour. The value of dissolved oxygen is obtained as BDL. Analysis report shows contamination due to sewage.

12. It is submitted that the Board shall take follow up action with the local bodies/industries/establishments regarding solid waste and waste water management for restoring the water quality of the river.

All that is stated above is true to the best of my knowledge, information and belief.

Dated this the 8th July, 2021."

- 
8. The Kerala State Pollution Control Board also pointed out several gaps regarding the implementation of the Solid Waste Management Rules, 2016 especially, in respect of Thirupunithura Municipality, where according to them, implementation is very poor and they have already initiated action against the municipality by issuing show cause notice to show cause as to why environmental compensation to the tune of Rs.378.46 lakhs for the period from 09.04.2019 to 31.12.2019 should not be imposed and it was mentioned that there was no reply filed till date.
 9. The Kerala State Pollution Control Board is also directed to file further action taken report regarding the observations made by them during the inspection of several institutions.
 10. The 1st respondent/Thirupunithura Municipality has filed an affidavit, but we are not satisfied with the affidavit submitted by the 1st respondent in the view of the status report filed by the Kerala State

Pollution Control Board, which highlighted some irregularities regarding the implementation of the Solid Waste management Rules, 2016 in that particular area.

11. The 1st respondent is also directed to file a detailed report as to whether they are carrying out the door to door collection of both biodegradable and non-biodegradable waste, including sanitary napkins and diapers as contemplated under Rule 17 of the Solid Waste Management Rules, 2016 and whether they are following the disposal methodology as required under the Solid Waste Management Rules, 2016.

12. The respective respondents are also directed to file their independent reports as directed by this Tribunal and the committee is also directed to file a detailed report regarding the improvement (if any) that has taken place on the basis of the work done by the respective departments in this regard.

13. The State of Kerala is also directed to file a detailed report regarding the status of the implementation of the project that has been suggested by the Joint Committee to remedy the situation and what is the nature of action taken in this regard, including providing necessary funds for this purpose.

14. They are directed to file their respective reports to this Tribunal on or before 30.09.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with

necessary hardcopies to be produced as per Rules.

15. The Registry is directed to communicate this order to the members of the committee, Kerala State Pollution Control Board and also to the Chief Secretary, State of Kerala, Principal Secretary for Environment, Irrigation, Public Works Department, Director of Swachh Bharath by e-mail immediately for their information and also for filing independent reports regarding the progress that has been undertaken on the basis of the action plan prepared by the Joint Committee to resolve the issue permanently in this case.

16. For consideration of further action taken reports, post on 30.09.2021.

Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.237/2017,
16th August, 2021. Mn.

Item No.10:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 237 of 2017 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Manakunnam Village,
Padashekara Samrakshana Samithy

...Applicant(s)

Thripunithura Municipality,
Kerala and Ors.

...Respondent(s)

Date of hearing: 11.11.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Mr. G. Stanley Hebzon Singh.

For Respondent(s):

Mr.V.N. Haridas for R1.

M/s. Gayathri and

M/s. Rukmani Venugopalan represented

M/s. S. Sree Kumar Associates for R2 to R4 & R6.

Mr. S. Ambedkar represented

Mr. E.K. Kumaresan for R7, R9, R10, R12 to R16.

Mrs. V.K. Rema Smrithi for R11.

Mr. Rajeev represented

Mr. P.G. Jayasankar for R18.

ORDER

1. As per order dated 04.10.2021, this Tribunal had considered the order dated 16.08.2021 which was extracted in Para 1 of the order and then, passed the following order:-

“2. The case was originally posted to 30.09.2021 for consideration of further action taken reports. On 30.09.2021, it was adjourned to today by notification.

3. The learned counsel appearing for the State of Kerala submitted that they want two weeks time to file the progress report of the action taken on the basis of the recommendations made by the committee.

4. The learned counsel appearing for the 1st respondent/Thirupunithura Municipality submitted that though they tried to upload further action taken report, due to some technical defects, they were not be able to do the same and they want some time.

5. The matter is of the year 2017. The issue is regarding pollution caused to Konathupuzha on account of non-implementation of the Solid Waste Management Rules, 2016 and also discharge of untreated sewage into the river by residents of the local bodies which are situated on either side of the river. Though certain steps have been taken, it has not effectively addressed the issue, as certain action will have to be taken from the local body as well as from the Government level to meet the situation.

6. The State of Kerala as well as the concerned local bodies are directed to file their independent status report regarding the progress of implementation of the recommendations made by the joint committee to resolve the issue.

7. The Kerala State Pollution Control Board is also directed to file a further status report regarding the implementation of the Solid Waste Management Rules, 2016 and what is the nature of the action taken by them against the defaulting local bodies within this area, so that this Tribunal can evaluate all those aspects and pass appropriate orders in this regard.

8. They are directed to submit their respective reports to this Tribunal on or before 11.11.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

9. The Registry is directed to communicate this order to the

members of the committee, Kerala State Pollution Control Board and also to the Chief Secretary, State of Kerala, Principal Secretary for Environment, Irrigation, Public Works Department, Director of Swachh Bharath by e-mail immediately for their information and compliance of the direction."

2. The case was posted to today for submission of further reports.
3. We have received an action taken report submitted by the 3rd Respondent dated 22.10.2021, e-filed on 09.11.2021 and received on 10.11.2021 which reads as follows:-

"ACTION TAKEN REPORT FILED ON BEHALF OF THE 3RD RESPONDENT

I, S. Shari, S/o. R. Sivadasan, aged 50 years, residing at "Thiruvonam", Kavanad P.O., Kollam- 691003, do hereby solemnly affirm and state as follows:

1. I am the Secretary of the 3rd respondent Panchayat- Chottanikara Grama Panchayat in the above Original Application. I am well conversant with the facts of this case and competent to swear to this Action Taken Report on behalf of the 3rd Respondent in the O.A.

2. In compliance to the direction of this Hon'ble Tribunal date 04.10.2021, this respondent is hereby submitting the Action Taken Report /Progress Report on the basis of the action plan prepared by the Joint Committee headed by the 15th respondent herein in the meeting held on 04.09.2021, in respect of the protection from faecal contamination of Konothupuzha River.

3. It is submitted that the above original application is filed against the pollution caused Konothupuzha River which runs through different Local Self Government Institutions including 3rd respondent Panchayat. The main relief sought in the original application, that to protect the river and to do the necessary for permanent way of collecting and disposing of wastes and septage wastes.

4. In this milieu, it is most respectfully submitted that this Panchayat is doing earnest efforts to reduce the bio-degradable waste and

non bio degradable waste. Accordingly, a Bye-Law has been prepared by the Panchayat Committee. As per the Bye-Law, single used and plastic products having less than 50 micron is banned in the Chottanikara Panchayat. Apart from that, for the proper implementation of the above Bye-Law, a team headed by the Health Inspector is carrying out regular and periodic inspections and legal actions have been initiated against the offenders also.

5. It is submitted that in order to ensure that no contaminated/sewage water is discharged or flowed to the paddy fields or water sources within the territorial limits of Chottanikara Grama Panchayat, inspections were carried out with the aid of the workers of the Mahatma Gandhi National Rural Employment Guarantee Scheme, Kudumbasree workers and notices were issued against the offenders under the various green laws. In this milieu, it is submitted that at present no contaminated water is discharged or flowed to the paddy fields or water sources.

6. It is submitted that Chottanikara Panchayat comprises of 14 wards. Population is 22,656. Number of households is 9767. It is submitted that 28 Haritha Karma Sena members (2 members for one ward) are engaged for collecting non bio-degradable wastes. Further, this Panchayat has already taken initiative for compulsory enrolment of all the houses, institutions and other commercial establishments/shops within the local limits of Chottanikara Panchayat to become a part/member of effective Solid Waste Management System.

7. The dry waste is collected once in a month from houses, shops and other establishments (door- to-door) by 28 Haritha Karma Sena members (2 members for one ward) and a nominal user fee has also been imposed for the same. The non bio-degradable wastes collected in the said manner is segregated in MCF (Material Collection Facility) installed at Panchayath Office premises and thereafter it is given to Clean Kerala Company for disposal.

8. With respect to the bio- degradable waste/wet waste, the Panchayat ensures that wet waste is disposed only through de-centralized disposal facilities such as bio bins, bio pit and compost pit etc. The Panchayat has also established Thumboormuzhy model

system (an aerobic composting method).

9. In this context, it is also submitted that the Panchayat has also installed CCTVs (Closed -circuit television camera) near river banks, major junctions, water bodies and other hot spots where there are possibilities for depositing waste. It is submitted that Chottanikkara Grama Panchayat is vigilant with regard to the enforcement of waste disposal rules. Frequent inspections are carried out with the help of Public Health Wing of the Health Department and proceedings are initiated against the offenders who are found dumping waste in the road, canals, public places or rivers. Chapter 20 of the Kerala Panchayat Raj Act, 1994 provides for public safety and health. Chottanikkra Grama Panchayat is enforcing the provisions of the Kerala Panchayat Raj Act, 1994 and the rules made there under including Solid Waste Management Rules, 2016.

10. It is submitted that people are now very well aware of the impact of these unhealthy practices and very positive change is being seen in this regard. Ward level Health and Sanitation Committees constituted under "Arogya Jagratha - 2018" campaign also takes a very vigilant stand against these types of unhealthy practices. Further, the offenders are punished with fine also.

11. It is submitted that Chotanikkara Grama Panchayat is taking all earnest efforts to keep the area under its jurisdiction free from solid and liquid wastes and has been constantly working to create awareness among local population about the importance of proper and scientific disposal of bio degradable as well as non-bio degradable wastes. Many campaigns are being carried out to literate all the households, shops and establishments in the Panchayat area about the effective and proper waste disposal. Moreover, the Panchayat is regularly conducting awareness classes among public, Kudumbasree workers, members of Haritha Karma Sena, the representatives of Residence Associations and members of various political parties.

12. In this context, it is also brought to the kind notice of this Hon'ble Tribunal that considering the goals attained by the Chottanikara Panchayat in respect of the decentralized approach in waste management, the Panchayat has bagged the award of "Nava Kerala Puraskar-2021" (the only Panchayat in Ernakulam District).

13. It is most respectfully submitted that Konothupuzha runs through different local self-government institutions including ward 1 and ward 14 of Chottanikara Grama Panchayat (a small portion of Konothupuzha runs through the territorial jurisdiction of Chottanikara Grama Panchayat). In order to evict illegal encroachments on the Konothupuzha, a survey was conducted and the report of the survey has also been received. Hence, the boundary of the Chottanikara Grama Panchayat through which Konothupuzha river passes has been identified and demarcated. On the basis of the above Survey report, the eviction notice has been served on the encroacher and directed him to demolish the existing encroachment within 15 days from the date of receipt of the notice. In response to the above notice, he submitted a reply before the Panchayat. On going through the reply submitted by him, some more clarity and assertion in respect of the encroachment was required. With regard to that, a clarification has been sought from the Tahsildar, Land Records, Kanayanoor Taluk, Ernakulam. The Panchayat is awaiting for his report in order to proceed with further action for removal of encroachment. It is submitted that all effort are being taken by the Chottanikara Panchayat to ensure the protection of Konothupuzha.

The above facts are submitted. This Hon'ble Tribunal may kindly accept this Action taken report/Status in to file and record that the 3rd respondent -Chottanikara Panchayat has duly complied with the directions issued by this Hon'ble Tribunal.

Dated this the 22nd day of October, 2021. “

4. The 4th Respondent has filed the report in the form of an affidavit dated 03.11.2021, e-filed on 09.11.2021 and received on 10.11.2021 which reads as follows:-

“AFFIDAVIT FILED BY THE 4th RESPONDENT IN COMPLIANCE WITH THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL DATED 4-10-2021”

I Binu Varghese, age 54 Years, D/o K.J Varghese residing at

Cheeramelil House, Mulanthuruthyp.0, 682314, Kerala and having office at Mulanthuruthy Grama Panchayat do hereby solemnly affirm and state as follows:

1. I am the Secretary in Charge of the 4th Respondent, Mulanthuruthy Grama Panchayat. I know the facts of the case as borne out from the records and I am authorized and competent to swear this counter affidavit on behalf of the 4th Respondent.

2. This Hon'ble Tribunal vide Order dated 4-10-2021 had directed the concerned local bodies to file their independent status report regarding the progress of implementation of the recommendations made by the joint committee on or before 11-11-2021.

3. It is submitted that the Panchayat has attained significant progress in implementing the recommendations of the Joint Committee regarding processing of solid waste. The Haritha Karma Sena is collecting non biodegradable waste from houses and institutions in the Panchayat in regular intervals. The collected waste is stored in the MCF facility of the Panchayat and is later transferred to the accredited agency with which an agreement is executed.

4. The awareness classes have been conducted for representatives of traders/industries, residents associations, Kudumbasree officials to ensure participation of all families and institutions in the non biodegradable waste project and to ensure maximum reduction in the usage of prohibited plastic products. Moreover, notices have been distributed in all households and establishments regarding this. The work is progressing with the target of complete waste processing by end of March, 2022.

5. During the survey, the Survey Department found 3 encroachments on the banks of Konothupuzha. As per the sketch supplied notice have been issued for eviction. The main issue that is remaining is the rehabilitation of the said 3 families as they have no other house or property.

All the facts stated above are true. Dated this the 3rd day of November, 2021."

5. The 6th Respondent has filed the compliance report in the form of an affidavit dated 03.11.2021, e-filed on 09.11.201 and received on 10.11.2021 which reads as follows:-

“AFFIDAVIT FILED BY THE 6th RESPONDENT IN COMPLIANCE WITH THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL DATED 4-10-2021

I, Aji Francis Kollannur, aged 50 years, S/o Francis K.T, residing at Asset Esteem, Anchumana, Edappally, Ernakulam, Kerala - 682024, presently working as the Secretary, Ernakulam District Panchayath, Kakkanadu, Ernakulam, Kerala do hereby solemnly affirm and state as follows:

1. I am the Secretary of the 6th Respondent, Ernakulam District Panchayat. I know the facts of the case as borne out from the records and I am authorized and competent to swear this counter affidavit on behalf of the 6th Respondent.

2. This Hon'ble Tribunal vide Order dated 4-10-2021 had directed the concerned local bodies to file their independent status report regarding the progress of implementation of the recommendations made by the joint committee on or before 11-11-2021.

3. It is submitted that with respect to the fecal contamination of Konothupuzha river and its rejuvenation, a detailed action plan has been prepared by the Chairman, Joint Committee & District Collector, Ernakulam District.

4. It is submitted that though the 6th Respondent District Panchayat has not been assigned any specific duty or responsibility as per the said action plan, it has conveyed its willingness to extend all possible help from its side for the execution of the project.

5. It is submitted that with respect to solid waste management and dump sites, responsibility is vested with the Grama Panchayat under Section 219(a) and Schedule III of the Kerala Panchayat Raj Act, 1994. The District Panchayat has no role in this regard.

All the facts stated above are true. Dated this the 3rd day of November, 2021 .”

6. The Additional Chief Secretary, Environment filed an action taken report not signed by the Additional Chief Secretary, but by their standing counsel dated 12.10.2021, e-filed on 16.10.2021 and received on 28.10.2021 which reads as follows:-

**“ACTION TAKEN REPORT SUBMITTED BY THE
ADDITIONAL CHIEF SECRETARY ENVIRONMENT (A)
DEPARTMENT**

It is submitted that this Hon'ble Tribunal vide its order in O.A.No.237 of 2017 dated 16.08.2021 had directed to file independent reports regarding the progress that has been undertaken on the basis of the action plan prepared by the Joint Committee to resolve the issue permanently in this case. In abeyance of the said order, the Additional Chief Secretary, Environment (A) Department submits the action taken by the Government regarding rejuvenation of Konnothupuzha River as follows:

1. It is submitted that as per the order of this Hon'ble Tribunal, an action plan for rejuvenation of Konnothupuzha has been formulated. A detailed Project Report for the entire stretch of the river with an estimate of Rs.20.80 crores has also been submitted to the Government by the Irrigation Department. In compliance to the order of National Green Tribunal, the Joint Committee convened by the District Collector conducted a review meeting on 13.08.2021 and it was decided to implement the river rejuvenation project in 2 phases. The survey and demarcation, eviction of encroachments, and river water quality assurance are part of the first phase envisaged. The second phase involved long term projects for the protection of the river with the coordination of various departments.

2. It is submitted that based on the decision of the meeting, the survey of the river was completed and the survey officials and the concerned Local Self Government Officials conducted a joint inspection in the banks to identify the encroachments. On identification of encroachments, the concerned Local Self Government Institution

Secretaries have taken action under the Kerala Land Conservancy Act to evict all encroachers from the banks of the river. Notices have been issued to twenty one encroachers in Thrippunithura Municipality, one in Amballoor, and one in Chottanikkara Grama Panchayaths. It was also decided in the meeting to identify the industries which discharge waste into the water body and issue statutory notices and subsequently to cancel the building permits of those who do not follow the instruction, so as to ensure the quality of water in the river. Accordingly, notices were issued by the Pollution Control Board to the identified institutions. A copy of the report of Pollution Control Board is attached as **Annexure**.

3. It is humbly submitted that Irrigation Department have been entrusted to take immediate steps to conduct dredging in the river, so as to clear the mud accumulated during the rainy season. This will improve the water flow within Trippunithura Municipality and Amballoor Grama Panchayath. The Amballoor Grama Panchayat has constituted a surveillance squad with Grama Panchayat Secretary, AE, I.SGD, Village Extension Officer, Health and Welfare Standing Committee Chairman and concerned ward member as the members. The surveillance squad performs periodic inspections to find out the illegal disposal of Sewage/Septage in the river side and premises. Also a team of Haritha Karma Sena has been formed for each ward to collect plastic wastes from houses. The Grama Panchayath has initiated 1 MCF and 5 Mini MCFs for plastic collection and segregation. Two major Biogas plants are installed in two markets in Amballoor for processing Bio Degradable Wastes. A Bio gas plant for 70% of households is granted and more under the process. Panchayat has constituted an agreement with Clean Kerala Company to hand over the reusable plastic wastes. Certain Grama Panchayaths are exploring the possibility of planting mangroves.

Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to record the said action taken report filed by Additional Chief Secretary, Environment (A) Department and thus render justice.

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

7. Even on several occasions, this Tribunal has reiterated the responsibility of the respondents to file their statement signed by themselves and not signed by their counsel, in order to make the report more genuine and acceptable and that will be binding on the Government itself when it was filed by the Secretary who represented the respondents before this Tribunal.

8. When this was pointed out, the learned counsel appearing for the State of Kerala submitted that he will instruct the Secretary to file the report signed by them.

9. The 1st Respondent has filed the report in the form of an affidavit dated 28.10.2021, e-filed on 02.11.2021 and received on 08.11.2021 with some photographs which reads as follows:-

**"AFFIDAVIT FILED BY THE FIRST RESPONDENT-
THRIPUNITHURA MUNICIPALITY**

I, Abhilash Kumar.H, aged 39 years, son of T.A.Haridasan Nair, residing at "Sreehari", Thondakulangara, P.O.Avalukkunnu, Alappuzha 688006, do hereby solemnly swear and state as follows:

1. I am the Secretary of the 1st Respondent Thripunithura Municipality (hereinafter referred to as the "1st Respondent"). I am conversant with the facts of the case as revealed by the records and I am competent to swear to the contents of this counter affidavit.

2. It is respectfully submitted that the Hon'ble Tribunal in its last sitting on 04.10.2021 has directed this 1st respondent to file a detailed report as to whether the 1st respondent is carrying door to door collection of both biodegradable and non biodegradable wastes including sanitary napkins and diapers as contemplated under Rule 17 of Solid Waste Management Rules 2016 and also directed to file independent status report

regarding the progress of implementation of the recommendations made by the joint committee to resolve the issue.

3. At the outset, it is most respectfully submitted that the 1st respondent is doing door to door collection of both biodegradable and non biodegradable wastes as contemplated under R.17 of the Solid Waste management Rules, 2016. Source level processing of segregated biodegradable waste is promoted in house hold level including residential flats by promoting bio-bins. However it is inevitable for the 1st Respondent to collect about 30% of the biodegradable waste generated from source level due to lack of availability of sufficient land for these households and institutions. This 1st Respondent has engaged "HARITHA KARMA SENA" members for the collections of segregated biodegradable and non biodegradable waste from the source level. This respondent municipality has 49 wards and engaged 2 persons in each wards for the said purpose. The segregated biodegradable waste so collected is processed at Bhrahmapuram plant maintained by the Kochi Municipal Corporation by giving tipping charges at the rate of Rs.1740/ton. A minor part of the same is processed at the aerobic compost unit functioning at Anaparambu in ward no.41. Also the respondent municipality established another aerobic compost unit (Thumburmuzhi Model) at Taluk Hospital compound. The 1st Respondent is also planning to establish more decentralized mini aerobic compost units in different areas with the local level managerial support of the residential welfare associations. A photograph of the aerobic compost unit functioning at ward.41 at Anaparambu is produced herewith and kindly be marked as EXHIBIT.R (1)(E).

4. It is respectfully submitted that with respect to the non biodegradable waste, the 1st Respondent is collecting dry waste other than napkins and diapers from all households and other establishments through "HARITHA KARMA SENA" in a weekly basis and the same dry waste is temporarily stored at the MCF facility at the building near the market complex. Also a mini material collection facility is functioning at Taluk Hospital complex. A photograph of the same is produced herewith and may kindly be marked as EXHIBIT.R (1) (F). The non biodegradable waste are collected separately, stored and handed over to "Eco-Green Kerala Limited" a Government approved agency for scientific recycling and reuse

purpose.

5. It is respectfully submitted that the 1st respondent is taking all earnest efforts to comply with the provisions of Solid Waste Management Rules 2016 and other respective laws for the effective control of waste management. The 1st respondent is giving prime importance to promote nil waste on ground and to process the waste after segregation at the source itself. Accordingly, Plan subsidy and technical support are given at the household level for processing of biodegradable waste by using biogas plant, bio-bins, kitchen compost, bucket compost and ring compost etc. and these organic compost are used for agricultural and gardening purpose.

6. It is respectfully submitted that as per rule 17(3) of the Solid Waste Management Rules 2016, "Manufacturers or brand owners or making companies of sanitary napkins and diapers shall explore the possibility of using all recyclable materials in their products or they shall provide a pouch or wrapper for disposal each napkin or diapers along with the packets of their sanitary products". At present no collection or disposal of sanitary napkins and diapers is carried on by the 1st Respondent. However a scientific proposal for the treatment of sanitary napkins and diapers submitted by the "EN Cleaners" a facility management company having Udyam registration No. Udyam KL-12-00026081 in collaboration with Kerala Enviro Infrastructure limited (KEIL) submitted a proposal with a specific plan on 20.09.2021 to collect the sanitary waste from the individual households and handing over to KEIL for bio-medical incineration. A true copy of the said proposal is produced herewith and kindly be marked as EXHIBIT.R (1)(G). Sanitary napkins and diapers are commonly used sanitary products by the households, thus a scientific disposal is necessary. In this circumstance the 1st Respondent initiated discussion with the KEIL for formal approval and providing Non Objection Certificate for the said facility.

7. It is respectfully submitted that a joint committee is constituted to study and to initiate steps in order to mitigate pollution caused to Konothupuzha which runs through different Local Government Institution including the 1st Respondent. It is respectfully submitted that in compliance with the directions of this Honorable Tribunal, the 1st respondent municipality has convened a meeting of concerned departments

on 06.03.2020 and decided to initiate stringent measures against pollutions of water body. A field study for identifying the establishments having not installed waste and sewage treatment plants was conducted and identified 45 establishments and issued notice to those establishments to comply with the standards specified by the KSPCB and to install onsite sewage and waste treatment plants. On the basis of said notice and follow up actions many institutions and establishments have installed ETP / STP facilities at the premises and stopped discharge of untreated waste water to the drains and river. A series of photographs of the installations are produced herewith and may kindly be marked as EXHIBIT.R (1)(H) Series. Further follow up actions for ensuring waste water treatment facility in all establishments and to curtail discharge of polluted water into the drains and rivers is monitored by the 1st Respondent.

8. It is respectfully submitted that the 1st Respondent has prepared a detailed project for the installation of surveillance camera across various hotspot locations near Konothupuzha River in order to detect the offenders who dumps waste and other contaminants into the river. The District Planning Committee has approved the said project with an outlay of Rs.5 lakhs and the implementation steps are initiated.

9. The 1st respondent municipality has taken serious steps to identify and evict the encroachments in the Konothupuzha River. The 1st Respondent remitted the cost of survey to the 15th respondent for identifying encroachments. Subsequently a survey was conducted and report was received from Tahasildar, Kanayannoor as per report No.S-10/11879/2020 dated 01/07/2020. On the basis of the survey report, field level visit was initiated and during the visit almost 21 cases of encroachments were spotted. Notice was issued to all such identified encroachments as per PW 5-6923/2020 dated 09/09/2021, a true copy of one of the notice issued to an encroacher, Beena Latheef is produced herewith and may kindly be marked a EXHIBIT.R (1) (i). Similar notices were issued to the other encroachers.

10. It is respectfully submitted that from the identified encroachments, there are 10 buildings involved and out of which 7 are residential houses. Retaining walls for the protection of river embankments and nearby properties is to be ensured as a part of this eviction drive. In

order to accomplish the eviction drive and protection of river embankments, a joint effort by the district administration and irrigation department is essential. The 1st Respondent prepared a draft estimate for the eviction drive which amounts to about 50 lakhs and reported it to the 15th respondent district collector and 6th respondent the government.

11. It is respectfully submitted that the 1st Respondent issued letter to the Tahasildar, Kanayannur Taluk office requesting to depute an officer not below the rank of Deputy Tahasildar for conducting enquiry proceedings before eviction as per section 12 of Kerala Land Conservancy Act 1957. A true copy of the said letter dated 26.10.2021 as per PW-5/6923/2020 issued by the 1st respondent to the Kanayannur Taluk office is produced herewith and may be kindly be marked as EXHIBIT.R (1) (J). Similar letter issued to the concerned village officers of Nadama, Thekkumbagom and Thiruvankulam villages to prepare and produce plotted sketch and mahazar report of the identified encroachments and valuations of the structures and buildings in the identified encroachments as per forum No.A , Rule 4 of the Kerala Conservancy Act 1957 and Kerala land conservancy rules 1958. A true copy of the letter issued to the village officer, Nadama Thekkumbagom, Thripunithura is produced herewith and may be marked as EXHIBIT.R (1)(K). A true copy of the letter issued to the village officer, Thiruvankulam is produced herewith and may be marked as EXHIBIT.R (1)(L). Further proceedings for evictions as per land conservancy act can be initiated only after receiving the above mentioned reports and enquiry proceedings.

12. It is respectfully submitted that a committee consisting of the representatives of various Government departments Strict, Administration and LSGI for considering the redressal of grievances and objections of the respective identified encroachers is to be constituted in order to effectively evict the encroachments.

For these and other reasons that may be permitted to be urged at the time of hearing, this Hon'ble Tribunal may kindly accept this affidavit and compliance report into file and record that the 1st respondent has duly complied with the directions issued by the Hon'ble Tribunal."

10. It is seen from the report submitted by the 1st Respondent/Thripunithura Municipality that they have engaged “Haritha Karma Sena” for collection of segregated biodegradable and non-biodegradable waste from the source level and it is being processed at Bhramapuram Plant by paying some user fee. They are collecting the dry waste other than sanitary napkins and diapers from the households and other establishment on weekly basis and the non-biodegradable waste are collected separately, stored and handed over to the Eco Green Kerala Limited, a Government approved agency for scientific recycling and reuse purpose.

11. As regards the implementation of Rule 17 (3) of the Solid Waste Management Rules, 2016 in respect of sanitary napkins and diapers, they are not collecting the same, scientific proposal for treatment of sanitary napkins and diapers submitted by the EN Cleaners, a facility management company having Udyam Registration No. Udyam KL-12-00026081 in collaboration with the Kerala Enviro Infrastructure Limited (KEIL) for biomedical incineration is under consideration. They also mentioned in the report that they have taken necessary steps to remove the encroachment and remedial measures for preventing pollution to Konothupuzha in co-ordination with the Tahsildar, Kanayanoor.

12. It may be mentioned here that as per Rule 17 (3) of the Solid Waste Management Rules, 2016 relied on by the 1st Respondent Municipality,

there is a responsibility cast on the local bodies to collect the same as well in co-ordination with the manufacturers and distributors of the same. Though certain steps are proposed to be taken from their side, till then what is the procedure to be adopted by them to dispose of those waste has not be mentioned, as nowadays most of the households are dealing with sanitary napkins and diapers which is supposed to be a hygienic method by which the health of the women and children can be protected. It is for the local bodies to take initiative to collect those waste as well, as under Rule 17 (3) of the Solid Waste Management Rules, 2016, they have got a responsibility of collecting the same as well. This aspect has been considered by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.237 of 2020 and certain directions have been issued in this regard. If the manufacturers or the brand owners are not carrying out their responsibility, then it is for the local bodies to see that this is being implemented by them, instead of shirking the responsibility of collecting the same and leaving it uncollected and creating unhygienic condition in the residential houses.

13. The State Pollution Control Board is also expected to take pro-active role to ascertain as to what is the nature of collection and disposal mechanism that is being adopted for disposal of sanitary napkins and diapers as enumerated under the Rule 17 (3) of the Solid Waste Management Rules, 2016 and if it is not implemented, what is the

nature of action taken by them in this regard as well.

14. The learned counsel appearing for the Kerala State Pollution Control Board submitted that they have issued directions to the local bodies to strictly implement the Solid Waste Management Rules, 2016 regarding collection on daily basis of both biomedical and non-biomedical waste generated from the residential houses and also other generating sources and segregate and dispose of the same in a scientific manner as provided under Solid Waste Management Rules, 2016 as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018.

15. The learned counsel further submitted that they will file the detailed report in this regard. Imposing certain user fee for engaging "Haritha Karma Sena" or other collecting agency, so that the hygienic condition in the locality can be properly maintained by them as expected from a local body. They cannot shirk the responsibility of avoiding such things in a casual manner and without providing any supervisory mechanism, this is being properly implemented or not. Further, this is being repeatedly stated by this Tribunal even in this case and also in similar cases of this nature regarding the implementation of the Solid Waste Management Rules, 2016 and violation found.

16. The District Collector who has been designated as the Chairman of the committee constituted by the Government for the purpose of

implementing the scheme of restoration of Konothupuzha River from pollution and encroachment has not filed any report regarding the further steps taken from their side in this regard and what is its stage and there is any improvement made on account of the steps taken by them in this regard and the nature of action taken against the persons who are found to be violators of non-compliance of the permission/consent granted, who are expected to comply the same, which results in such illegal discharge of untreated sewage into the river directly who are having residences along the banks of the Konothupuzha River which in the earlier report, they said to have been identified.

17. The local bodies as well as the Kerala State Pollution Control Board and the District Collector and the Additional Chief Secretary for Environment are directed to file their further progress report regarding the steps taken and the improvement made in protecting the Konothupuzha River.

18. The learned counsel appearing for the applicant submitted that they are not being given notice to the meeting and if notice is given to the applicant, they can appear and submit their views before the committee so that, that can be considered by the committee. If the applicants are interested in protecting the Konothupuzha River, having known that the committee has been constituted with the District Collector as

Chairman of the committee, they could have submitted their representations before the District Collector making their suggestion and also requesting them to issue notice to them on the date of meeting, so that they can make their representation before the committee which can be considered by them.

19. It is not possible for the State authorities to issue individual notice, but they can only co-ordinate with the regulators and monitor the steps taken by them for implementing the directions of this Tribunal and also concerned Waste Management Rules in protecting the water body and environment. If the applicant filed any representation giving their suggestion as to how issues can be resolved in a scientific manner to the District Collector, the District Collector is directed to consider the same and take appropriate steps to implement the same in co-ordination with the other members of the committee and Stakeholders who are expected to execute the same, if it is feasible and practicable.

20. If the applicant wants to file any objection to the report, they are at liberty to file the same before the next hearing date with copy to the District Collector who is the Chairman of the committee constituted by the Government for this purpose and also to the respective local bodies and the Kerala State Pollution Control Board, so that they can also consider those things while submitting the further report as directed by this Tribunal.

21. The above said officials are directed to file their independent further progress report to this Tribunal on or before 20.12.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

22. The Registry is directed to communicate this order to the members of the committee, District Collector, Ernakulam, Kerala State Pollution Control Board and also to the official respondents, apart from communicating this order to the Chief Secretary, State of Kerala, Principal Secretaries for Environment, Irrigation, Public Works Department and Revenue, Director of Swachh Bharath by e-mail immediately for their information and compliance of the direction.

23. For consideration of further progress report, post on 20.12.2021.



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

Sd/-
.....E.M.
(Dr. K. Satyagopal)

O.A. No.237/2017,
11th November, 2021. Mn.

Item No.01:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 237 of 2017 (SZ)

(with Hybrid Option)

IN THE MATTER OF:

Manakunnam Village, Padashekara Samrakshana Samithy

...Applicant(s)

Versus

Thripunithura Municipality, Kerala and Ors.

...Respondent(s)

Date of hearing: 20.12.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. Stanley Hebzon Singh

For Respondent(s):

M/s S. Sree Kumar Associates for Ms. Gayathiri
for R2 to R4 and R6

Mr. Bindhu C.G. for R5

Ms. Rema Smrithi for R11

Mr. P.G. Jayasankar for R18

ORDER

1. As per order dated 11.11.2021, this Tribunal had considered the order dated 04.10.2020 which was extracted in para 1 of the order and then considered the report submitted by 3rd respondent- Chottanikara Grama Panchayat dated 22.10.2021 which was extracted in para 3 of the order, considered the report submitted by 4th respondent-Mulanthuruthy Grama Panchayat dated 03.11.2021 which was extracted in para 4 of the order, considered the report submitted by 6th respondent-Ernakulam District Panchayat dated 03.11.2021 which was extracted in para 5 of the order, considered the report submitted by 1st respondent dated 28.10.2021 which was extracted in para 9 of the order and then passed the following order:

10. It is seen from the report submitted by the 1st Respondent/Thripunithura Municipality that they have engaged "Haritha Karma Sena" for collection of segregated biodegradable and non-biodegradable waste from the source level and it is being processed at Bhrmapuram Plant by paying some user fee. They are collecting the dry waste other than sanitary napkins and diapers from the households and other establishment on weekly basis and the non-biodegradable waste are collected separately, stored and handed over to the Eco Green Kerala Limited, a Government approved agency for scientific recycling and reuse purpose.

11. As regards the implementation of Rule 17 (3) of the Solid Waste Management Rules, 2016 in respect of sanitary napkins and diapers, they are not collecting the same, scientific proposal for treatment of sanitary napkins and diapers submitted by the EN Cleaners, a facility management company having Udyam Registration No. Udyam KL-12- 00026081 in collaboration with the Kerala Enviro Infrastructure Limited (KEIL) for biomedical incineration is under consideration. They also mentioned in the report that they have taken necessary steps to remove the encroachment and remedial measures for preventing pollution to Konothupuzha in co-ordination with the Tahsildar, Kanayanoor.

12. It may be mentioned here that as per Rule 17 (3) of the Solid Waste Management Rules, 2016 relied on by the 1st Respondent Municipality, there is a responsibility cast on the local bodies to collect the same as well in

co-ordination with the manufacturers and distributors of the same. Though certain steps are proposed to be taken from their side, till then what is the procedure to be adopted by them to dispose of those waste has not be mentioned, as nowadays most of the households are dealing with sanitary napkins and diapers which is supposed to be a hygienic method by which the health of the women and children can be protected. It is for the local bodies to take initiative to collect those waste as well, as under Rule 17 (3) of the Solid Waste Management Rules, 2016, they have got a responsibility of collecting the same as well. This aspect has been considered by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.237 of 2020 and certain directions have been issued in this regard. If the manufacturers or the brand owners are not carrying out their responsibility, then it is for the local bodies to see that this is being implemented by them, instead of shirking the responsibility of collecting the same and leaving it uncollected and creating unhygienic condition in the residential houses.

13.The State Pollution Control Board is also expected to take pro-active role to ascertain as to what is the nature of collection and disposal mechanism that is being adopted for disposal of sanitary napkins and diapers as enumerated under the Rule 17 (3) of the Solid Waste Management Rules, 2016 and if it is not implemented, what is the nature of action taken by them in this regard as well.

14.The learned counsel appearing for the Kerala State Pollution Control Board submitted that they have issued directions to the local bodies to strictly implement the Solid Waste Management Rules, 2016 regarding collection on daily basis of both biomedical and non-biomedical waste generated from the residential houses and also other generating sources and segregate and dispose of the same in a scientific manner as provided under Solid Waste Management Rules, 2016 as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018.

15.The learned counsel further submitted that they will file the detailed report in this regard. Imposing certain user fee for engaging “Haritha Karma Sena” or other collecting agency, so that the hygienic condition in the locality can be properly maintained by them as expected from a local body. They cannot shirk the responsibility of avoiding such things in a casual manner and without providing any supervisory mechanism, this is being properly implemented or not. Further, this is being repeatedly stated by this Tribunal even in this case and also in similar cases of this nature regarding the implementation of the Solid Waste Management Rules, 2016 and violation found.

16.The District Collector who has been designated as the Chairman of the committee constituted by the Government for the purpose of implementing the scheme of restoration of Konothupuzha River from pollution and encroachment has not filed any report regarding the further steps taken from their side in this regard and what is its stage and there is any improvement made on account of the steps taken by them in this regard and the nature of action taken against the persons who are found to be violators of non-compliance of the permission/consent granted, who are expected to comply the same, which results in such illegal discharge of untreated sewage into the river directly who are having residences along the banks of the Konothupuzha River which in the earlier report, they said to have been

identified.

17.The local bodies as well as the Kerala State Pollution Control Board and the District Collector and the Additional Chief Secretary for Environment are directed to file their further progress report regarding the steps taken and the improvement made in protecting the Konothupuzha River.

18.The learned counsel appearing for the applicant submitted that they are not being given notice to the meeting and if notice is given to the applicant, they can appear and submit their views before the committee so that, that can be considered by the committee. If the applicants are interested in protecting the Konothupuzha River, having known that the committee has been constituted with the District Collector as Chairman of the committee, they could have submitted their representations before the District Collector making their suggestion and also requesting them to issue notice to them on the date of meeting, so that they can make their representation before the committee which can be considered by them.

19.It is not possible for the State authorities to issue individual notice, but they can only co-ordinate with the regulators and monitor the steps taken by them for implementing the directions of this Tribunal and also concerned Waste Management Rules in protecting the water body and environment. If the applicant filed any representation giving their suggestion as to how issues can be resolved in a scientific manner to the District Collector, the District Collector is directed to consider the same and take appropriate steps to implement the same in co-ordination with the other members of the committee and Stakeholders who are expected to execute the same, if it is feasible and practicable.

20.If the applicant wants to file any objection to the report, they are at liberty to file the same before the next hearing date with copy to the District Collector who is the Chairman of the committee constituted by the Government for this purpose and also to the respective local bodies and the Kerala State Pollution Control Board, so that they can also consider those things while submitting the further report as directed by this Tribunal.

21.The above said officials are directed to file their independent further progress report to this Tribunal on or before 20.12.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

22.The Registry is directed to communicate this order to the members of the committee, District Collector, Ernakulam, Kerala State Pollution Control Board and also to the official respondents, apart from communicating this order to the Chief Secretary, State of Kerala, Principal Secretaries for Environment, Irrigation, Public Works Department and Revenue, Director of Swachh Bharath by e-mail immediately for their information and compliance of the direction.

2. The case was posted to today for consideration of further progress report.
3. We have received a action taken report submitted by the District Collector through post dated 10.12.2021 and received on 16.12.2021

which reads as follows:

**Action Taken Report submitted by the Chairman of the
Joint Committee (District Collector, Ernakulam)
in OA 237/2017 of
Hon'ble National Green Tribunal**

It is submitted that the Honourable National Green Tribunal, vide its order in OA No. 237/2017, dated 11.11.2021, had directed this joint Committee to file further progress report regarding the steps taken and the improvement made in protecting the Konothupuzha river. In compliance with the said order, action taken report for the rejuvenation of Konothupuzha river is submitted herewith .

As per the order of this Honourable Tribunal, an action plan for the rejuvenation of Konothupuzha river has been formulated. A Detailed Project Report for the entire stretch of the river with an estimate of Rs. 20.80 crores has also been submitted to the Government by the Irrigation Department, and the approval of the same is pending with the Government. Reminder has been sent to the Government in this regard.

Actions against pollution :

The Joint Committee has assigned the following responsibilities to Kerala State Pollution Control Board.

1. To monitor water quality in different reaches of the river to identify the polluting sources.
2. To monitor regularly the quality of effluent discharge to the river from various agencies/firms and to monitor the availability and proper working of STPs.

The first action to be initiated for the river rejuvenation is to assess the present water quality of the river before the rejuvenation works so as to verify the improvements in the water quality. The Pollution Control Board had conducted two sets of monitoring in Konothupuzha river on 26.6.2020 and 24.6.2021. The analysis report of the samples showed that the river is contaminated with organic wastes and coliforms. The analysis report shows the river is polluted with high organic loading. Based on the analysis reports, the polluted stretches are identified where the organic loading and high coliform content is detected. The details of polluting stretches have been informed to Tripunithura Municipality by the Pollution Control Board for taking urgent steps to find out all illegal outlets and close them so as to improve the water quality.

The various apartments/ commercial buildings/ industries etc. are inspected and action being initiated against the violators by the Pollution Control Board. The details are given below.

Sl. No.	Name of the Establishment	Action taken on 25.06.2021	Action taken on 08.09.2021	Present Status
1.	Choice Paradise Apartments, Tripunithura	Time allotted for revamping of existing of STP, Time completed on 31.07.2021	Inspection conducted 06.09.2021 STP revamping almost completed. Installation of filtration system pending. Reported to be completed within one month	The STP is made functional. The treated samples are collected. Further actions will be initiated based on analysis report
2.	Star Homes Annex Apartment Tripunithura	Direction issued and also letter issued to Tripunithura Municipality to furnish details of occupier for taking legal action against the builder	Show cause notice issued	
3.	Valey Heights Apartment Tripunithura	Notice issued due to the improper working of STP and operating without valid consent	Show cause notice issued	Direction issued to make STP operation and

		to operate		informed that Board will initiate legal action including cancellation of occupancy and levy of Environmental compensation.
	Service Station at Tripunithura Owned by Karthikeyan M N	Letter issued due to the unauthorised functioning of the unit	Closure Direction issued	Installed ETP
	CAR Wash 12/76-E Refinery Road Nadama, Tripunithura -682309	Letter issued due to the unauthorised functioning of the unit	Closure Intention notice issued	Closure direction issued on 23.10.2021. Action will be taken to cancel their license issued by Tripunithura Municipality and ensure that the unit is not operated.
6	Asset City Bay Owner's Association Hill Palace Road Chathari, Tripunithura P O Ernakulam-682301	Letter issued due to the unauthorised functioning of the unit	Show cause notice issued	Direction issued to make STP operation and informed that Board will initiate legal action including cancellation of occupancy and levy of Environmental compensation
7	SFS Kingdom Near Railway Over Bridge, Choice School Road P. O.	The STP is found operational		The STP is operational and has Board's Consent to Operate valid till

Tripunithura 682301			30.06.2023
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Encroachment Removal :

Based on the decision of the Joint Committee, the river boundary has been surveyed and encroachments have been identified. On identification of encroachments, the concerned Local Self Government Institution Secretaries have taken action under the Kerala Land Conservancy Act 1957 to evict all encroachers from the banks of the river. **21 encroachments were found in Tripunithura Municipality, 14 in Udayamperoor, 3 in Mulanthuruthy and one each in Amballoor and Chottanikkara Panchayaths. Of these, 4 encroachments at Tripunithura Municipality and 1 encroachment at Chottanikkara Panchayath, have been completely evicted.** The poor families living in the puzha puramboke (Govt Land) in Udayamperoor and Mulanthuruthy panchayaths cannot be evicted without rehabilitation and this will require funding from the Government. It is learned that four encroachers of Tripunithura Municipality have filed a Writ petition in the Honourable High Court of Kerala against the eviction order of the Municipal Secretary and in two of them stay orders have been obtained. *An estimate of 50 lakhs rupees has been prepared and submitted to the Government by Trippunithura Municipality for the demolition of encroachments including flats, which is pending with the Government.*

The Amballoor Grama Panchayath has constituted a Ward Level Monitoring Committee with Grama Panchayath Secretary, Assistant Engineer Local Self Government Department, Village Extension Officer, Health and Welfare Standing Committee Chairman and concerned ward members as the members. The Surveillance squad performs periodic inspections to find out the illegal disposal of sewage / septage in the river side and premises. Surveillance Cameras have been installed at Chottanikkara Grama Panchayath to detect direct discharge of waste into the river and steps are being taken to install the cameras on other Local Self

Government Institutions as well.

Municipal health wing has inspected the establishments / hotels discharging sewage / waste into the river within the limits of Tripunithura Municipality and the outlets set up for discharge of waste water have been removed by giving notice to the establishments and flats which have been found to be discharging waste / waste water into the river. The Tripunithura Municipality has imposed a fine of Rs. 25,000/- for dumping waste into the river. It is humbly submitted that even though plans have formulated for the implementation of projects, it can be started only after the Detailed Project Report is approved and funds are allotted by the Government.

Submitted by ,

Chairman of the Joint Committee
& District Collector, Ernakulam
TH

4. 2nd respondent also filed a compliance report in the form of affidavit dated 02.11.2021, e-filed on 12.11.2021 which reads as follows:

**AFFIDAVIT FILED BY THE 2nd RESPONDENT IN COMPLIANCE WITH
THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL
DATED 4-10-2021**

I, Sameena B, age 53, W/o Rahim M residing at Vaisakh, Thiruvankulam PO Ernakulam having office at Amballoor Grama Panchayat, Kanjiramattom P.O, Ernakulam - 682315 do hereby solemnly affirm and state as follows:-

1. I am the Secretary of the 2nd Respondent, Amballoor Grama Panchayat. I know the facts of the case as borne out from the records and I am authorized and competent to swear this counter affidavit on behalf of the 2nd Respondent.
2. This hon'ble Tribunal vide Order dated 4-10-2021 had directed the concerned local bodies to file their independent status report regarding the progress of implementation of the recommendations made by the joint committee on or before 11-11-2021.
3. It is submitted that the 2nd Respondent Panchayat has increased the strength of the Haritha Karma Sena to 30 nos. and their house hold service extended up to 78 percent. The quantity of waste collected is also increased up to 0.00146 T/day. Regular monthly review meetings are conducted to increase the efficiency of the Haritha Karma Sena members.



SAMEENA B
Secretary
Amballoor Grama Panchayat,
Kanjiramattom P. O. Ernakulam-682 315
Ph: 0484-2740294, 9496045788
E-Mail: amballoorgp@gmail.com

4. In order to increase public awareness, notices are issued to every house hold through the Harith Karma Sena about the importance of Solid Waste Management system and about the punishments that are liable to be imposed for violations.
5. It is submitted that regular inspections are also conducted to ensure that wastewater from household are not allowed to be flown into the river within the limits of the 2nd Respondent Panchayat.
6. It is submitted that the Panchayat has issued eviction notice regarding the encroachment on the river side which is reported by the Survey Department and the eviction process is progressing.
7. It is submitted that Panchayat Committee has further decided to grow Mangroves on the bank of the river on completion of the cleaning process by the Minor Irrigation Department.

All the facts stated above are true.

Dated this the 2nd day of, November, 2021



Deponent.

Sameena B
SAMEENA B
 Secretary
 Amballoor Grama Panchayat
 Kanjiramattom P. O., Ernakulam-682 315
 Ph: 0484-2740294, 9496045793
 E-Mail: amballoorpanchayat@gmail.com

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 2nd day of November, 2021 at my office at _____



JK Advocate
JOSE KURIAKOSE K.
 Advocate & Notary Public
 Reg. No. 7554
 Kaithakottil, Mulanthuruthy P. O.
 Ernakulam-682 314
 Ph: 0484-2741461, 9447603941

Book No. *01*
 Page No. *45*
 Sl. No. *488*

JK
 02/11/2021

5. It is seen from the report submitted by the District Collector that they have identified 21 encroachments in Tripunithura Municipality, 14 in Udayamperoor, 3 in Mulanthuruthy and one each in Amballoor and Chottanikkara Panchayaths. Of these 4 encroachments at Tripunithura Municipality and one encroachment at Chottanikkara Panchayath have been completely removed.
6. As regards poor families living in the puzha puramboke in Udayamperoor and Mulanthuruthy Panchayats could not be evicted without rehabilitation and this will require funding from the Government. It is also mentioned in the report that 4 encroachers in Tripunithura Municipality have filed Writ Petition before the Hon'ble High Court of Kerala against the eviction order of the Municipal Secretary and in two of them stay orders have been obtained. An estimate of 50 lakh has been prepared and submitted to the Government by Tripunithura Municipality for the demolition of encroachments including flats which is pending with the Government.
7. Certain steps have been taken by Amballoor Grama Panchayat to avoid dumping of waste and also discharge of sewage into the river. Surveillance cameras have been installed at Chottanikkara Gram Panchayat to detect direct discharge of waste into the river and steps are being taken to install the cameras on other local self Government institutions as well. Certain penal measures have been taken by Tripunithura Municipality against the persons who are dumping waste in

the river.

8. It is also mentioned in the report submitted by the District Collector who is also the Chairman of the Joint Committee appointed by the Government that certain proposals are pending with the Government and as soon as funds are received, they may be able to execute the same. The Government is directed to look into the issue and take necessary steps to provide sufficient fund for implementing the recommendation of the Joint Committee to protect Konothupuzha River.
9. We have received the report submitted by Kerala State Pollution Control Board dated 16.12.2021 which was sent through e-mail today as there is some difficulty in e-filing the document which reads as follows:

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

1) I, Mini Mary Sam, aged 54 years, W/o Ranjan Jacob, Environmental Engineer do here by 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 river “Konothupuzha” runs in North- South direction passing through the areas comprising Udayamperoor, Amballoor, Mulamthuruthy, Chottanikkara Grama Panchayath and Tripunithura Municipality in Ernakulam District. The total length of this river is 17 Km starting from Vettuvelikkadavu at Irumpanam and ends at Puthenkavu in Udayamperoor. North end starts from Chambakkara canal and in South it discharges into the Vembanadu back water through Poothotta Kayal. The river water is mainly used for irrigation, fishing etc. The river is facing high pollution problems due to disposal of untreated sewage, septage, stagnation etc and need an urgent action to improve the water quality. The major source of pollution of the river is the

discharge of domestic sewage from apartments/houses/hotels etc. There are no major effluent generating industries located on the banks of river. The small industries such as car wash units, service station etc are identified by KSPCB.

3) The Hon'ble Tribunal while considering the case pointed out that *"there is an imminent necessity to rejuvenate Konothupuzha and make it pollution free with free flow of water and a joint effort will have to be taken by all stakeholders which the local bodies alone cannot undertake and the State Machineries will have to be involved for proper preparation of action plan and effective coordination of various departments, whose expertise is required for generating common fund and expertise to effectively execute the same. So, under these circumstances, we feel it appropriate to appoint a joint committee comprising of (1) District Collector, Ernakulam (2) State Pollution Control Board (3) Public Works Department (Irrigation, Bridge and Roads) (4) Secretary, District Panchayat, Ernakulam (5) Commissioners of the respective Municipalities and Executive Officers of the respective Grama Panchayat, Secretary of the Municipalities and Grama Panchayats through which the river passes and is being polluted to look into the matter and come with a proper action plan with specific time line to abate the pollution in the Konothupuzha river"*

4) As per the direction of the Hon'ble NGT, the state Govt in its order under G.O.(Rt) No.817/2020/LSGD dated 03.05.2020 has constituted a Joint committee with District Collector, Ernakulam as Chairman and the District level Officers of the departments and the Secretaries of the Municipalities and Grama Panchayats through which the river passes as the members. The following responsibilities are assigned to KSPCB

- To monitor water quality in different reaches of the river to identify the polluting sources
- To monitor regularly the quality of effluent discharge to the river from various agencies/firms and to monitor the availability and proper working of STPs.
- To periodically monitor the river water quality.

Action taken to identify the pollution sources and check water quality

The first action to be initiated for the river rejuvenation is to assess the water quality of river before the rejuvenation works so as to verify the improvements in the water quality. Board had conducted two sets of monitoring in the Konothupuzha river. The first set of monitoring conducted on 26.06.2020 and second set on

28.06.2021. The analysis report of the samples shows that the river is contaminated with organic wastes and coliforms. The analysis reports of the samples taken on 28.06.2021 is enclosed herewith and marked as **Annexure- 1**. The analysis reports show river is polluted with high organic loading The BOD level in the river is above 4mg/lit and also high coliform content is noted in the river which indicates the sewage contamination. The major problems are discharge of sewage into the river and also restriction of flow due to thick growth of water hyacinth. The restriction of flow causes “*Eutrophication*” in river. The prevention of disposal of solid wastes, discharge of untreated sewage and ensuring minimum environment flow in the river will improve the water quality. The next set of monitoring is scheduled in December 2021.

Based on the analysis reports, the polluted stretches where prime importance for rejuvenation of river is required has been identified and direction given to the Local body, Thripunithura Municipality to take immediate action to find out the polluting sources and close all the illegal outlets so as to improve the water quality.

The Hon’ble NGT while disposing the case in OA 673/2018 dated 22.02.2021(case related to rejuvenation of polluted stretches) had directed the states that “*The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up*”

Although the river is not included in OA 673/2018, Board has approached the river restoration work of “Konothupuzha River” as done in the rejuvenation of polluted stretches in OA 673/2018. The “Concept and Plan” framed by CPCB for rejuvenating polluted stretches is being followed for the rejuvenation of “Konothupuzha River” also. Based on the analysis reports, Board has identified the river polluted stretches as the average BOD is above 3 mg/lit and can be considered as “Priority V”. The identified stretches are informed to the “Thripunthura Municipality” who is the major party in the River Konothupuzha Rejuvenation. The Direction issued to the Thripunithura Municipality is enclosed herewith and marked as **Annexure-2**.

Board has conducting various inspections to identify the sources of pollution. The details are given below.

Sl no.	Name of the Establishment	Action taken on 25.06.2021	Action taken on 08.09.2021	Present Status
1	Choice paradise apartments, Thripunithura	Time allotted for revamping of existing of STP. Time completed on 31.07.2021.	Inspection conducted 06.09.2021 STP revamping almost completed. Installation of filtration system pending. Reported to be completed within one week.	The STP is functional
2	Star Homes annex Apartment ,Thripunithura	Direction issued and also Letter issued to Thripunithura Municipality to furnish details of occupier for taking legal action against the builder.	Show cause notice issued	
3	Valy heights Apartment, Thripunithura	Notice issued due to the improper working of STP and operating without valid consent to operate	Show cause notice issued	
4	Service station at Thripunithura, Owned by karthikeyan M N	Letter issued due to the unauthorized functioning of the unit	Closure Direction issued	Closure Direction issued

5	CAR WASH, 12/76-E Refinery Road, Nadama, Thripunithura- 682 309	Letter issued due to the unauthorized functioning of the unit	Closure Intention Notice issued	Closure Direction issued on 23.10.2021
6	Asset City Bay Owner's Association Hill Palace Road Chathari, Tripunithura. P.O Ernakulam-682 301	Letter issued due to the unauthorized functioning of the unit	Show cause notice issued	

Inspections were conducted on 23.10.2021. As per the inspections, Board has issued directions to following units .

Sl No	Name of the Establishment	Action taken on 23.10.2021	Present Status
1	Taluk Head Quarters Hospital, Thripunithura	The hospital situated at the bank of Andhakara Thodu (thodu joining the Konothupuzha). The Hospital is not obtained Board's consent and not having STP.	Direction issued on 25.10.2021 to obtain Board's consent.

2	Thripunithura Market	Board inspected the market and found that the no proper solid waste/liquid waste management systems adopted. The waste water including slaughter house effluent is seen discharged to the nearby drain reaching Andhakarathodu which joins Konothupuzha	Direction Issued to the Secretary, Thripunithura Municipality on 29.10.2021.
3	Apartment owned by M/s Archives Vicenza Owners Association, Thripunithura	The residential project operating without Board's consent.	Direction issued to the unit to obtain Board's consent.
4	Medical trust Institute of Medical Sciences, Irumpnam Ernakulam	It's an educational building having clinics, laboratories etc operating without consent of the Board	Directed them to obtain Board's consent including authorization under bio medical rules.

The Chairman of joint Committee, District Collector is continuously reviewing the actions taken by the departments to rejuvenate the river.

As per the Joint Committee direction, the LSGDs shall

- Identify and restrict the polluting sources directly to the river and indirectly through its sub drains/streams.
- To penalize the defaulters
- To deposit fund to the Survey department for conducting boundary demarcation of the river
- To implement projects for waste management so as to prevent dumping of solid wastes and discharge of untreated effluents thereby contaminating the water sources

CPCB Guidelines for Management of sanitary waste set provisions to SPCBs/PCCs to allow sale and operation of mini and modular incinerators for disposal of sanitary napkins. Based on this guideline, the Board has conducted trail runs and issued certificate for sale and operation of sanitary napkin incinerators for 5 companies. Also the board has issued letter vide KSPCB/23/2021- SEE2 dated 21.04.2021 to all local bodies, urban and Panchayath directorate regarding the compliance in the Hon'ble NGT order 237/2020 dated 12.03.2021. A letter was also issued on 12.11.2021 seeking the progress in the implementation of Hon,ble NGT order in 237/2020 to Urban and Panchayath directorate.

5) The Konothupuzha river passes through 5 local bodies, Thripunitura Municipality, Chottanikkara, Mulamthuruthy, Amballur and Udayamperoor Grama Panchayaths.

i. Thripunithura Municipality

The major part of the river passes through the Thripunithura Municipality. As per the river monitoring results, it is noted that the river stretch passing through the Municipal area is highly contaminated with organic loading. Board had directed the Municipality to take immediate action to find out all the sources and close the illegal outlet. Also, Board had issued directions to the Municipality for adopting proper solid waste management systems.

Thrippunithura Municipality comprises of 49 wards with a population of 92522 and the total no of households are 43620. The total quantity of waste generated is about 38tonnes and processed is 14 TPD. The biological waste collected per day is 4 tonnes/day. For the treatment of biodegradable waste at institutional level the municipality is provided with aerobic composting (Thumboormuzhi model) - 2 bins at 2 locations with capacity 14 units & 18 units and Biogas plant - 1no with 100 kg capacity. In community level 1.62TPD of biodegradable waste is managed and 0.124TPD of non-biodegradable waste is managed by Thumbur muzhi model at Anapparambu. For the treatment of biodegradable waste at household level 300 Nos of biogas plant, 125 no.s of bio-digester Pot , 2400 Nos. of Bucket Compost and 10000 No.s of Pipe Compost are provided. The Municipality is also disposing the remaining biodegradable waste at Brahmapuram waste processing plant. The Municipality has one MCF, one plastic shredding and bailing unit. As per the latest SWM annual report submitted to the CPCB on 06.09.2021 there are 64 Haritha Karma Sena members working in the Trippunithura municipality.

The Board has given direction to the unit for submitting the application for authorization. The Municipality has not submitted application for Authorization till date. The Board had issued notice vide PCB/HO/RULES/SWM-ERNAKULAM/ 2018 dated 08.02.2021 for levying the environmental compensation on non-compliance of solid waste management rules, 2016. But, no reply is received from the Municipality. Incidents are also noted on the illegal dumping of the solid wastes in the municipal premises and directions are being given to the Secretary in this regard. Board has issued letter on the illegal dumping of solid waste on 04.05.2021. Direction is issued to the Secretary, Thripunithura Municipality to report the status of implementation of the Solid Wastes Management Rules and also

action taken to prevent Konothupuzha river pollution. The notice and letter issued are enclosed herewith and marked as Annexure-3 and Annexure-4. As part of State Environmental Action Plan, the municipality has submitted an action plan as given below.

Sl. No.	Description	Actual	Target	Action taken	Timeline for completion (Months)
1. 100% door to door collection of waste					
a	Door to door collection from Households (%)	45	55	Number of Harithakarmasena unit to be increased from 74 to 98 and 25 additional wheel barrow to be purchased	31.03.2022
b	Door to door collections from institutions/commercial establishments (%)	24	76		31.03.2022
2. Material collection facility					
a	No. of MCFs which are functional	1	24	Project submitted for DPC 2021- 22	31.03.2022
b	Ensure quantification of incoming and outgoing waste at MCF	0	0		
	i. Installation of weighing machine	0	1	Proposal submitted to council	31.03.2022
	ii. Maintaining WQR	1	0		
3. Resource Recovery Facility					
a	Ensuring forward linkage for Resource recovery either by linkage to RRF ¹ or agreement with CKCL/Private firm	1	0	Already agreement entered with Agro Green Kerala. Now new agreement entered with CKCL for taking good plastic.	31.12.2021
b	Ensure quantification of incoming and outgoing waste at RRF (if own RRF)	0	0		
	i. Installation of weighing machine	0	1	Proposal submitted to council	31.12.2021
	ii. Maintaining WQR	1	0		
4. Composting					
a	No. of Household level composting unit	0	600	Project DPC approved. Waiting technical sanction from Suchitwa mission	
b	No. of Institutional level composting units (eg: Schools, Hospitals)	23	0	Survey initiated	31.03.2023
c	No. of community Level composting units	0	25	Thumboormozhi model composting unit initiated	31.03.2023
d	No. of Centralized composting units	0	1	submitted to council for approval	31.03.2022
5. Biomethanation					

a.	No. of Household level Biogas plant	1800	100	Project DPC approved. Waiting technical sanction from Suchitwa mission	31.03.2022
b.	No. of Institutional level Bio gas plant (eg: Schools, Hospitals)	0	7		31.03.2022
c.	No. of community Level Biogas plant units	0	0		
d.	No. of centralized Biogas plant units	0	0		
6. Biodegradable Waste processing by bulk waste generators					
a.	No. of agencies collecting and processing Biodegradable Waste from bulk waste generators in the LSGI	0	1	Selection process is going on	
b.	No. of agencies certified/authorized by the LSGI for this purpose:	0	1	Certification process is going on	
7. Legacy Waste Management					
a.	No. of Legacy dumpsites identified	0	0		
b.	No. of Legacy dumpsites quantified	0	0		
c.	No. of Legacy waste dumpsite in which remediation has been initiated	0	0		
d.	No. of Legacy waste dumpsite remediated	0	0		

Based on the progress in the implementation of the action plan submitted, Board shall initiate further action to issue direction to be issued under section 5 of the Environmental (Protection) Act.

ii. Chottanikkara Panchayath

The Panchayat comprises of 14 wards, Population is a 22656. No of households 9767. The Secretary reported that 28 Haritha Karma Sena members are engaged for collecting non biodegradable wastes and segregated in MCF which is given to Clean Kerala Company for disposal wet waste is disposed only through decentralized disposal facilities such as bio bins, compost etc. Installed cameras near river banks, major junctions, water bodies where there are possibilities for

depositing waste. It is also reported that they have sought the advice of Integrated Rural Technology Centre (IRTC), Palakkad, for the safe disposal of solid waste.

iii. Mulanthuruthy Panchayath

It is reported as the quantity of non bio degradable waste collected is 80 kg/day. They are having 34 numbers of Haritha Karma Sena members and one material collection centre. They dry waste is collected once in a month from houses, shops and other establishments and handed over to Clean Kerala Company for disposal.

iv. Udhayamperoor Panchayath

The Panchayath consists of 10022 households and 1586 establishments in 20 wards. The calculated quantity of waste generation based on population is 300kg/day. The panchayath is reported to collect 2.5 – 3T of non-biodegradable waste per month with the help of 26 HKS members. The collection frequency is once in a week. There is one MCF in the panchayath.

v. Amballoor Panchayat

The total quantity of solid waste generated in the panchayat is 0.06 T/day. Quantity of waste collected per days is 0.0012 t/day. The number of wards is 16 and having 16 Haritha Karma Sena members. The dry waste collected is handed over to Clean Kerala Company for disposal.

Meeting by ACS, LSGD, and CS are conducting regularly for reviewing the progress in the waste management of the above Local Self Government Institutions. All that is stated above are true to the best of my knowledge information and belief.

Dated this 16th day of December 2021

Environmental Engineer

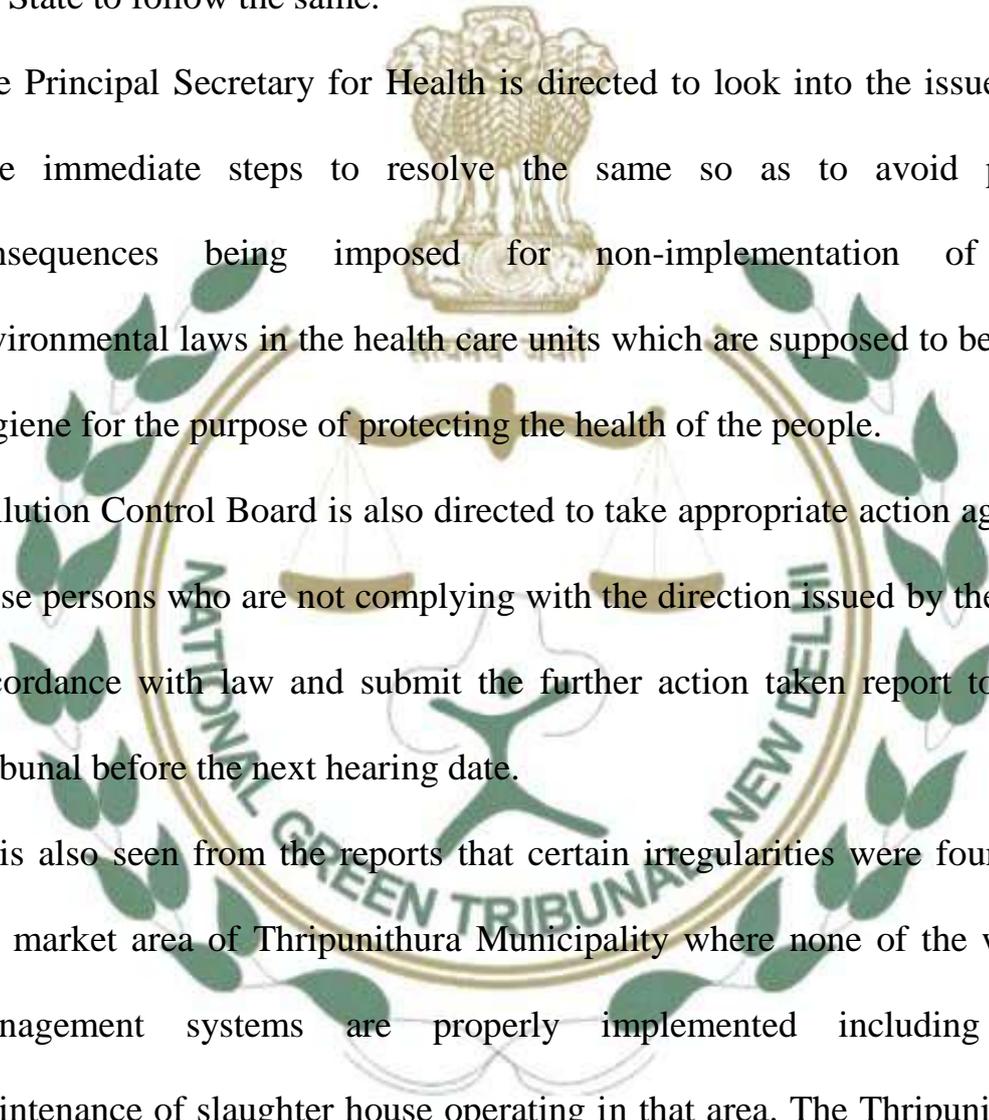
10. It is mentioned in the report that the major problem is of discharge of sewage into river and also restriction of flow due to thick growth of water hyacinth. It is also mentioned that restriction of water flow causes “Eutrophication” in the river and if it is allowed to continue, it is likely to affect the flora and fauna of the riverine ecology.
11. As regards the removal of hyacinths are concerned, there is a duty cast on the authorities who are expected to maintain the water bodies to clean the same periodically so to avoid growth of such plants/weeds in the river. Further, mechanism must also be found out as to whether this can be used as a resource for utilising the same in a profitable manner. The

Government will have to evolve a policy on this and take steps to improve the system.

12. Further, permanent solution to prevent discharge of sewage into water bodies is to provide underground sewage system in the State and action will have to be taken by the Government to implement the same and once this system is evolved connecting the sewage collected through the underground sewage system to STPs and treat the same to prescribed norms before it is discharged into the water bodies, permanent solution can be possible for only if such an arrangement is made. The Government also will have to evolve the system for this, in consultation with the stakeholder Departments and evolve action plan to implement the same within a short time frame instead of seeking longer timeline for implementing the same.

13. It is also seen from the report that Taluk Head Quarters Hospital, Thripunithura is also contributing to the untreated sewage being let into the Andhakara Thodu, which ultimately joins Konothupuzha. It is also mentioned in the report that they have not established any sewage treatment plant for treating the waste water before it is being discharged into water body. When such a pathetic condition was brought out in respect of kalamassery Medical College Hospital, certain directions have been issued by this Tribunal and some steps have been taken by the Government in this regard. Government Hospitals and Government

institutions must be models for taking eco-friendly measures for protecting the water bodies. If Government Department themselves are not able to fulfil the constitutional obligation of protecting the environment, there is no meaning in Government directing the citizens of the State to follow the same.

- 
14. The Principal Secretary for Health is directed to look into the issue and take immediate steps to resolve the same so as to avoid penal consequences being imposed for non-implementation of the environmental laws in the health care units which are supposed to be kept hygiene for the purpose of protecting the health of the people.
 15. Pollution Control Board is also directed to take appropriate action against those persons who are not complying with the direction issued by them in accordance with law and submit the further action taken report to this Tribunal before the next hearing date.
 16. It is also seen from the reports that certain irregularities were found in the market area of Thripunithura Municipality where none of the waste management systems are properly implemented including the maintenance of slaughter house operating in that area. The Thripunithura Municipality is also directed to take appropriate steps to implement the direction issued by the Pollution Control Board in its letter and spirit so as to improve the hygiene system in Thripunithura Municipality and make it a model Municipality for implementation of waste management rules and

implementing the scheme of the State Government, namely ‘Garbage Free Keralam’ and ‘Malinya Mukta Keralam’.

17. The Chief Secretary and the Principal Secretary for Environment, Principal Secretary for Health and Principal Secretary for Local Administration are directed to look into those issues personally and come with a proper action plan for resolving such issues not only in respect of protection of Konothupuzha River but also all water bodies in Kerala as Kerala is supposed to be one of the States having more numbers of water bodies and rivers.
18. They are directed to submit the reports to this Tribunal on or before 06.01.2022 by e-filing in the form of searchable PDF/OCR supportable PDF and not in the form of image PDF along with necessary hardcopies to be produced as per Rules and if e-filing is not possible then by e-mail and also by producing hard copies.
19. The Registry is directed to communicate this order to official respondents and also to Chief Secretary, Principal Secretary for Environment, Principal Secretary for Health and Principal Secretary for Local Bodies for their information and compliance of the direction.
20. District Collector, Pollution Control Board and Local Bodies are also directed to submit their further independent report of further action taken by them to resolve the issue on the basis of the recommendations given by the Joint Committee to save Konothupuzha River from pollution and

encroachments before the next hearing date. Registry is directed to communicate this order to the above officials as well by e-mail immediately for information and compliance of the directions of the Tribunal.

21. For consideration of further progress cum action taken report, post on 06.01.2022.

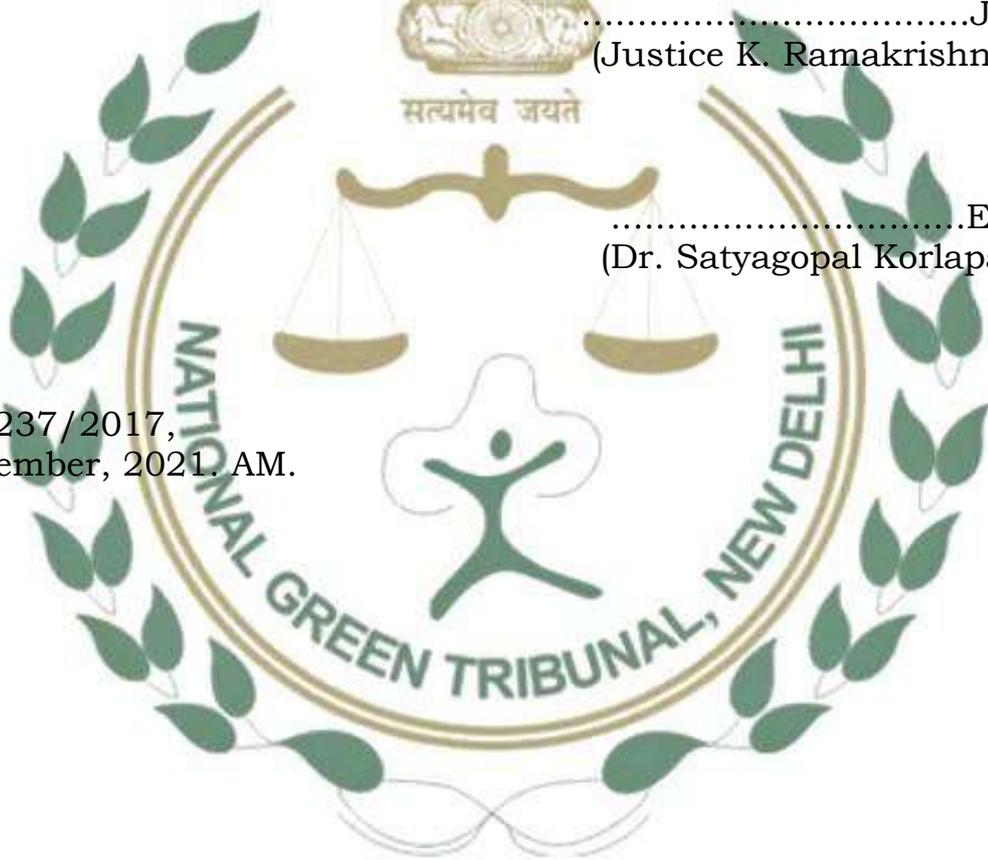


सत्यमेव जयते

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.237/2017,
20th December, 2021. AM.



Item No.12:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 237 of 2017 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Manakunnam Village, Padashekara Samrakshana Samithy



Versus

सत्यमेव जयते

Thripunithura Municipality, Kerala and Ors.

...Applicant(s)

...Respondent(s)

Date of hearing: 02.03.2022.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. A. Yogeshwaran for Mr. Stanley Hebzon
Singh

For Respondent(s): Ms. V. N. Haridas for Mr. A.V. Arun for R1
Ms. Gayathri for M/s S. Sree Kumar Associates for
R2 to R4 and R6

Mr. Bindhu C.G. for R5

Mr. G. Vignesh for Mr. E.K. Kumaresan for R7,
R9, R10 and R12 to R16

Ms. Rema Smrithi for R11

Mr. Rajeev for Mr. P.G. Jayasankar for R18

ORDER

1. As per order dated 20.12.2021, this Tribunal had considered the order passed on 11.11.2021 extracted in Para 1 of the order, considered the report submitted by the District Collector dated 10.02.2021, extracted in Para 3 of the order, considered the report submitted by the 2nd respondent, extracted in Para 4 of the order and also considered the report of Pollution Control Board dated 16.12.2021 extracted in Para 9 of the order and then passed the following order:

5. It is seen from the report submitted by the District Collector that they have identified 21 encroachments in Tripunithura Municipality, 14 in Udayamperoor, 3 in Mulanthuruthy and one each in Amballoor and Chottanikkara Panchayaths. Of these 4 encroachments at Tripunithura Municipality and one encroachment at Chottanikkara Panchayath have been completely removed.

6. As regards poor families living in the puzha puramboke in Udayamperoor and Mulanthuruthy Panchayats could not be evicted without rehabilitation and this will require funding from the Government. It is also mentioned in the report that 4 encroachers in Tripunithura Municipality have filed Writ Petition before the Hon^{ble} High Court of Kerala against the eviction order of the Municipal Secretary and in two of them stay orders have been obtained. An estimate of 50 lakh has been prepared and submitted to the Government by Tripunithura Municipality for the demolition of encroachments including flats which is pending with the Government.

7. Certain steps have been taken by Amballoor Grama Panchayat to avoid dumping of waste and also discharge of sewage into the river. Surveillance cameras have been installed at Chottanikkara Gram Panchayat to detect direct discharge of waste into the river and steps are being taken to install the cameras on other local self Government institutions as well. Certain penal measures have been taken by Tripunithura Municipality against the persons who are dumping waste in the river.

8. It is also mentioned in the report submitted by the District Collector who is also the Chairman of the Joint Committee appointed by the Government that certain proposals are pending with the Government and as soon as funds are received, they may be able to execute the same. The Government is directed to look into the issue and take necessary steps to provide sufficient fund for implementing the recommendation of the Joint

Committee to protect Konothupuzha River.....

..... 10. It is mentioned in the report that the major problem is of discharge of sewage into river and also restriction of flow due to thick growth of water hyacinth. It is also mentioned that restriction of water flow causes “Eutrophication” in the river and if it is allowed to continue, it is likely to affect the flora and fauna of the riverine ecology.

11. As regards the removal of hyacinths are concerned, there is a duty cast on the authorities who are expected to maintain the water bodies to clean the same periodically so to avoid growth of such plants/weeds in the river. Further, mechanism must also be found out as to whether this can be used as a resource for utilising the same in a profitable manner. The Government will have to evolve a policy on this and take steps to improve the system.

12. Further, permanent solution to prevent discharge of sewage into water bodies is to provide underground sewage system in the State and action will have to be taken by the Government to implement the same and once this system is evolved connecting the sewage collected through the underground sewage system to STPs and treat the same to prescribed norms before it is discharged into the water bodies, permanent solution can be possible for only if such an arrangement is made. The Government also will have to evolve the system for this, in consultation with the stakeholder Departments and evolve action plan to implement the same within a short time frame instead of seeking longer timeline for implementing the same.

13. It is also seen from the report that Taluk Head Quarters Hospital, Thripunithura is also contributing to the untreated sewage being let into the Andhakara Thodu, which ultimately joins Konothupuzha. It is also mentioned in the report that they have not established any sewage treatment plant for treating the waste water before it is being discharged into water body. When such a pathetic condition was brought out in respect of kalamassery Medical College Hospital, certain directions have been issued by this Tribunal and some steps have been taken by the Government in this regard. Government Hospitals and institutions must be models for taking eco-friendly measures for protecting the water bodies. If Government Department themselves are not able to fulfil the constitutional obligation of protecting the environment, there is no meaning in Government directing the citizens of the State to follow the same.

14. The Principal Secretary for Health is directed to look into the issue and take immediate steps to resolve the same so as to avoid penal consequences being imposed for non-implementation of the environmental laws in the health care units which are supposed to be kept hygiene for the purpose of protecting the health of the people.

15. Pollution Control Board is also directed to take appropriate action against those persons who are not complying with the direction issued by them in accordance with law and submit the further action taken report to this Tribunal before the next hearing date.

16. It is also seen from the reports that certain irregularities were found in the market area of Thripunithura Municipality where none of the waste management systems are properly implemented including the maintenance of slaughter house operating in that area. The Thripunithura Municipality is also directed to take appropriate steps to implement the direction issued by the Pollution Control Board in its letter and spirit so as to improve the hygiene system in Thripunithura Municipality and make it a model Municipality for implementation of waste management rules and implementing the scheme of the State Government, namely „Garbage Free Keralam“ and „Malinya Mukta Keralam“.

17. The Chief Secretary and the Principal Secretary for Environment, Principal Secretary for Health and Principal Secretary for Local Administration are directed to look into those issues personally and come with a proper action plan for resolving such issues not only in respect of protection of Konothupuzha River but also all water bodies in Kerala as Kerala is supposed to be one of the States having more numbers of water bodies and rivers.

18. They are directed to submit the reports to this Tribunal on or before 06.01.2022 by e-filing in the form of searchable PDF/OCR supportable PDF and not in the form of image PDF along with necessary hardcopies to be produced as per Rules and if e-filing is not possible then by e-mail and also by producing hard copies.

19. The Registry is directed to communicate this order to official respondents and also to Chief Secretary, Principal Secretary for Environment, Principal Secretary for Health and Principal Secretary for Local Bodies for their information and compliance of the direction.

20. District Collector, Pollution Control Board and Local Bodies are also directed to submit their further independent report of further action taken by them to resolve the issue on the basis of the recommendations given by the Joint Committee to save Konothupuzha River from pollution and encroachments before the next hearing date. Registry is directed to communicate this order to the above officials as well by e-mail immediately for information and compliance of the directions of the Tribunal.

2. The case was posted to 06.01.2022 for consideration of further progress report cum action taken report. Thereafter, the matter has been adjourned from time to time by notification and lastly it was adjourned to today by notification dated 25.02.2022.
3. After the case was adjourned, we have received an affidavit filed by the

2nd respondent- Amballoor Grama Panchayat dated 04.01.2022, e-filed on 05.01.2022 which reads as follows:

AFFIDAVIT FILED BY THE 2nd RESPONDENT IN COMPLIANCE WITH THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL DATED 20-12-2021

I, Sameena B, aged 53, W/o Rahim M, residing at Vaisakh, Thiruvankulam PO, Ernakulam - 682305 do hereby solemnly affirm and state as follows:-

1. I am the Secretary of the 2nd Respondent, Amballoor Grama Panchayat. I know the facts of the case as borne out from the records and I am authorized and competent to swear this counter affidavit on behalf of the 2nd Respondent.
2. This hon'ble Tribunal vide Order dated 20-12-2021 had directed the concerned local bodies to file their progress reports detailing the steps taken by them in accordance with the Report/Recommendations of the Joint Committee.
3. It is submitted that as per the survey report one encroachment of a residential building was noticed by the Konothupuzha riverside within the limits of the 2nd Respondent Panchayat. Consequently notice was issued to the encroachers and residents of the said building and the said building has been demolished now. The 2nd Respondent panchayat is organizing periodic inspection on the riverside to prevent dumping of waste and sewage water disposal into the river.
4. It is submitted that non-biodegradable waste is being collected satisfactorily through the Haritha Karma Sena and monthly review meetings are being conducted to assess the improvement of the efficiency of their work.

All the facts stated above are true.

Dated this the 4th day of, January, 2022.

4. The Additional Chief Secretary for Environment has filed action taken report dated nil, e-filed on 17.02.2022 which reads as follows:

Action Taken by Government of Kerala regarding rejuvenation of Konnothupuzha River based on the orders of Hon'ble NGT in OA 237/2017

The river "Konnothupuzha" runs in North-South direction passing through the areas comprising Udayamperoor, Amballoor, Mulamthuruthy, Chottanikkara Grama Panchayath and Tripunithura Municipality in Ernakulam District. The total length of this river is 17 Km starting from Vettuvellikadavu at Irumpanam and ends at Puthenkavu in Udayamperoor. North end starts from Chambakkara canal and in South it discharges into the Vembanadu back water through Poothotta Kayal. The river water is mainly used for irrigation, fishing etc. The river is facing high pollution problems due to disposal of untreated sewages, septages, stagnation etc. The major sources of pollution to river are due to the discharge of domestic sewage from apartments/houses/hotels etc. There is no major effluent generating industries located at the banks of river. The small industries such as car wash units, service station etc are identified by Kerala State Pollution Control Board.

The Hon'ble Tribunal while considering the case pointed out that

"there is an imminent necessity to rejuvenate Konnothupuzha and make it pollution free with free flow of water and a joint effort will have to be taken by all stakeholders which the local bodies alone cannot undertake and the State Machineries will have to be involved for proper preparation of action plan and effective coordination of various departments, whose expertise is required for generating common fund and expertise to effectively execute the same. So, under these circumstances, we feel it appropriate to appoint a joint committee comprising of (1) District Collector, Ernakulam (2) State Pollution Control Board (3) Public Works Department (Irrigation, Bridge and Roads) (4) Secretary, District Panchayat, Ernakulam (5) Commissioners of the respective Municipalities and Executive Officers of the respective Grama Panchayat, Secretary of the Municipalities and Grama Panchayats through which the river passes and is being polluted to look into the matter and come with a proper action plan with specific time line to abate the pollution in the Konnothupuzha river"

As per the direction of the Hon'ble NGT, the State Government in its order under G.O.(Rt) No.817/2020/LSGD dated 03.05.2020 has constituted a Joint Committee with District Collector, Ernakulam as

Chairman and the District level Officers of the Departments and the Secretaries of the Municipalities and Grama Panchayats through which the river passes as the members. The following responsibilities are assigned to KSPCB

- To monitor water quality in different reaches of the river to identify the polluting sources
- to monitor regularly the quality of effluent discharge to the river from various agencies/firms and to monitor the availability and proper working of STPs.
- To periodically monitor the river water quality.

Action taken to identify the pollution sources and check water quality

The Kerala State Pollution Control Board has initiated the first action for the river rejuvenation which is to assess the water quality of river before the rejuvenation works so as to verify the improvements in the water quality. Board had conducted two sets of monitoring in the Konothupuzha river. The first set of monitoring conducted on 26.06.2020 and second set of monitoring conducted on 28.06.2021. The analysis report of the samples shows that the river is contaminated with organic wastes and coliforms. The analysis reports of the samples taken on 28.06.2021 is enclosed herewith and marked as **Annexure- 1**. The analysis reports show river is polluted with high organic loading. The BOD level in the river is above 4mg/lit and also high coliform content is noted in the river which indicates the sewage contamination. The major problems are discharge of sewage into the river and also restriction of flow due to thick growth of water hayacinth. The restriction of flow causing "*Eutrophication*" in river. The prevention of disposal of solid wastes, discharge of untreated sewage and ensuring minimum environment flow in the river will improve the water quality. The next set of monitoring is scheduled in December 2021.

Based on the analysis reports, the polluted stretches where prime importance for rejuvenation of river is required were identified and direction was given to the Local body, Thripunithura Municipality to take immediate action to find out the polluting sources and close all the illegal outlets so as to improve the water quality.

The Hon'ble NGT while disposing the case in OA 673/2018

dated 22.02.2021(case related to rejuvenation of polluted stretches) had directed the states that

"The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up"

Although, the river is not included in OA 673/2018, the Kerala State Pollution Control Board had approached the river restoration work of "Konothupuzha River" as done in the rejuvenation of polluted stretches in OA 673/2018. The "Concept and Plan" framed by CPCB for rejuvenating polluted stretches is being followed for the rejuvenation of "Konothupuzha River" also. Based on the analysis reports, Board had identified the river polluted stretches as the average BOD is above 3 mg/lit and can be considered as "Priority V". The identified stretches were informed to the "Thripunithura Municipality" who is the major party in the River Konothupuzha Rejuvenation. The Direction issued to the Thripunithura Municipality is enclosed herewith and marked as **Annexure-2**.

Kerala State Pollution Control Board is conducting various inspections to identify the sources of pollution. The details are given below.

Sl no.	Name of the Establishment	Action taken on 25.06.2021	Action taken on 08.09.2021	Present Status
1	Choice paradise apartments, Thripunithura	Time allotted for revamping of existing of STP. Time completed on 31.07.2021.	Inspection conducted 06.09.2021 STP revamping almost completed. Installation of filtration system pending. Reported to be completed within one week.	The STP is functional
2	Star Homes annex Apartment, Thripunithura	Direction issued and also Letter issued to Thripunithura Municipality to furnish details of occupier for taking legal action against the builder.	Show cause notice issued	

3	Valy heights Apartments, Thripunithura	Notice issued due to the improper working of STP and operating without valid consent to operate	Show cause notice issued	
4	Service station at Thripunithura, Owned by Kathirkeyan M N	Letter issued due to the unauthorized functioning of the unit	Closure Direction issued	Closure Direction issued
5	CAR WASH, 12/76-E Refinery Road, Nadama, Thripunithura-682 309	Letter issued due to the unauthorized functioning of the unit	Closure Intention Notice issued	Closure Direction issued on 23.10.2021
6	Asset City Bay Owners Association Hill Palace Road Chathari, Tripunithura. P.O Ennakulam-682 301	Letter issued due to the unauthorized functioning of the unit	Show cause notice issued	

The last inspections were done on 23.10.2021. As per the inspections, Board had issued directions to following units also.

Sl No	Name of the Establishment	Action taken on 23.10.2021	Present Status
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1	Taluk Head Quarter's Hospital, Thripunithura	The hospital situated at the bank of Andhakara Thodu (thodu joining the Konothupuzha). The Hospital has not obtained Board's consent and not having STP.	Direction issued on 25.10.2021 to obtain Board's consent.
2	Thripunithura Market	Board inspected the market and found that there is no proper solid waste/liquid waste management systems adopted. The waste water including slaughter house effluent is seen discharged to the nearby drain reaching Andhakarathodu which joins Konothupuzha	Direction Issued to the Secretary, Thripunithura Municipality on 29.10.2021.
3	Apartment owned by M/s Archives Vice Owners Association, Thripunithura	The residential project operating without Board's consent.	Direction issued to the unit to obtain Board's consent.
4	Medical trust Institute of Medical Sciences, Irumpnam Ernakulam	It's an educational building having clinics, laboratories etc operating without consent of the Board	Directed them to obtain Board's consent including authorization under bio medical rules.

The Chairman of Joint Committee, District Collector is continuously reviewing the actions taken by the departments to rejuvenate the river.

As per the Joint Committee direction, the LSGDs shall

- Identify and restrict the polluting sources directly to the river and indirectly through its sub drains/streams.
- To penalize the defaulters
- To deposit fund to the Survey department for conducting boundary demarcation of the river

- To implement projects for waste management so as to prevent dumping of solid wastes and discharge of untreated effluents thereby contaminating the water sources

The river is passing through 5 local bodies, Thripunitura Municipality, Chottanikkara, Mulamthuruthy, Amballur and Udayamperoor Grama Panchayaths.

Thripunithura Municipality

The major part of the river passes through the Thripunithura Municipality. As per the river monitoring results, it is noted that the river stretch passing through the Municipal area is highly contaminated with organic loading. Board had directed the Municipality to take immediate action to find out all the sources and close the illegal outlet. Also, Board had issued directions to the Municipality for adopting proper solid waste management systems.

Thrippunithura Municipality comprises of 49 wards and the total no of households are 25690. The total quantity of waste generated is about 28.5 tonnes. The biological waste collected per day is 4 tonnes/day. The Municipality has no facility for treating biodegradable wastes. The Municipality is disposing their biodegradable waste at Brahmapuram waste processing plant. The Municipality has one MCF and disposing the plastic waste through M/s Eco green. The Board has given direction to the unit for submitting the application for authorization. The Board had issued notice for levying the environmental compensation on non-compliance of solid waste management rules, 2016. Incidents are also noted on the illegal dumping of the solid wastes in the municipal premises and directions are being given to the Secretary in this regard. Board had issued letter on the illegal dumping of solid waste on 04.05.2021. Direction is issued to the Secretary, Thripunithura Municipality to report the status of implementation of the Solid Wastes Management Rules and also action taken to prevent Konothupuzha river pollution. The Board had already issued notice to levy the Environment compensation from the Municipality.

In compliance to the NGT Orders and the direction of KSPCB, the Thripunithura Municipality has started door to door collection of both biodegradable and non biodegradable wastes as contemplated under R.17 of the Solid Waste management Rules, 2016. The Source level

processing of segregated biodegradable waste is promoted in house hold level including residential flats by promoting bio-bins. However it is inevitable to collect about 30% of the biodegradable waste generated from source level due to lack of availability of sufficient land for these households and institutions.

The "HARITHA KARMA SENA" members are engaged for the collections of segregated biodegradable and non biodegradable waste from the source level. The municipality has 49 wards and engaged 2 persons in each wards for the said purpose. The segregated biodegradable waste so collected is processed at Bhrahmapuram plant maintained by the Kochi Municipal Corporation by giving tipping charges at the rate of Rs.1740/ton. A minor part of the same is processed at the aerobic compost unit functioning at Anaparambu in ward no.41.

The municipality established another aerobic compost unit (Thumburmuzhi Model) at Taluk Hospital compound and is also planning to establish more decentralized mini aerobic compost units in different areas with the local level managerial support of the residential welfare associations.

In respect to the non biodegradable waste, the municipality is collecting dry waste other than napkins and diapers from all households and other establishments through "HARITHA KARMA SENA" in a weekly basis and the same dry waste is temporarily stored at the MCF facility at the building near the market complex. Also a mini material collection facility is functioning at Taluk Hospital complex. The non biodegradable waste are collected separately, stored and handed over to "Eco-Green Kerala Limited" a Government approved agency for scientific recycling and reuse purpose. As per rule 17(3) of the Solid Waste Management Rules 2016, "Manufacturers or brand owners or making companies of sanitary napkins and diapers shall explore the possibility of using all recyclable materials in their products or they shall provide a pouch or wrapper for disposal of each napkin or diapers along with the packets of their sanitary products". At present no collection or disposal of sanitary napkins and diapers is carried on by the Thripunithura municipality. However a scientific proposal for the treatment of sanitary napkins and diapers submitted by the "EN Cleaners" a facility management company having Udyam registration No. Udyam KL-12-00026081 in

collaboration with Kerala Enviro Infrastructure Limited (KEIL), submitted a proposal with a specific plan on 20.09.2021 to collect the sanitary waste from the individual households and handing over to KEIL for bio-medical incineration.

Sanitary napkins and diapers are commonly used sanitary products by the households, thus a scientific disposal is necessary. In this circumstance the municipality has initiated discussion with the KEIL for formal approval and providing Non Objection Certificate for the said facility. A joint committee is constituted to study and to initiate steps in order to mitigate pollution caused to Konothupuzha which runs through different Local Government Institution including the Thripunithura Municipality. In compliance with the directions of this Honorable Tribunal, the municipality has convened a meeting of concerned departments on 06.03.2020 and decided to initiate stringent measures against pollution of water body. A field study for identifying the establishments having not installed waste and sewage treatment plants was conducted and identified 45 establishments and issued notice to those establishments to comply with the standards specified by the Kerala State Pollution Control Board and to install onsite sewage and waste treatment plants. As a result of the notice issued and constant followup many institutions and establishments have installed ETP / STP facilities at the premises and stopped discharge of untreated waste water to the drains and river. Further follow up actions are taken by the municipality for ensuring waste water treatment facility in all establishments and to curtail discharge of polluted water into the drains and rivers is monitored by the municipality.

The municipality has prepared a detailed project for the installation of surveillance camera across various hotspot locations near Konothupuzha River in order to detect the offenders who dump waste and other contaminants into the river. The District Planning Committee has approved the said project with an outlay of Rs.5 lakhs and the Implementation steps are initiated.

The municipality has taken serious steps to identify and evict the encroachments in the Konothupuzha River. A survey was conducted and as per the report from Tahasildar, Kanayannoor a field level visit was initiated and during the visit almost 21 cases of encroachments were spotted. In the identified encroachment there are 10 buildings involved and out of which 7 are residential houses. Retaining walls for the protection of river embankments

and nearby properties is to be ensured as a part of this eviction drive. In order to accomplish the eviction drive and protection of river embankments, a joint effort by the district administration and irrigation department is essential. The municipality had prepared a draft estimate for the eviction drive which amounts to about 50 lakhs and reported it to district collector and to the Government. The municipality issued letter to the Tahasildar, Kanayannur Taluk office requesting to depute an officer not below the rank of Deputy Tahasildar for conducting enquiry proceedings before eviction as per section 12 of Kerala Land Conservancy Act 1957.

A similar letter was issued to the concerned village officers of Nadama, Thekkumbagom and Thiruvankulam villages to prepare and produce plotted sketch and mahazar report of the identified encroachments and valuations of the structures and buildings in the identified encroachments as per forum No.A , Rule 4 of the Kerala Conservancy Act 1957 and Kerala land conservancy rules 1958. Further proceedings for evictions as per land conservancy act can be initiated only after receiving the above mentioned reports and enquiry proceedings. A committee consisting of the representatives of various departments, Administration and LSGs has to be constituted for considering the redressal of grievances and objections of the respective identified encroachers to effectively evict the encroachments.

Chottanikkara Panchayath

Chottanikkara Panchayat is doing earnest efforts to reduce the bio-degradable waste and non bio-degradable waste. The Panchayat comprises of 14 wards, population is 22656, number of households 9767 with 28 Haritha Karma Sena members engaged for collecting non biodegradable wastes and segregated in MCF which is given to Clean Kerala Company for disposal. Wet waste is disposed only through decentralized disposal facilities such as bio bins, compost etc. Cameras were installed near river banks, major junctions, water bodies where there are possibilities for depositing waste. The Panchayath have sought the advice of Integrated Rural Technology Centre (IRTC), Palakkad, for the safe disposal of solid waste.

A Bye-Law has been prepared by the Panchayat Committee. As per the Bye- Law, single use plastic products having less than 50

micron is banned in the Chottanikara Panchayat. Apart from that, for the implementation of Bye-Law, a team headed by the Health Inspector is carrying out regular and periodic inspections and legal actions have been initiated against the offenders also. In order to ensure that no contaminated/sewage water is discharged or flowed to the paddy fields or water sources within the territorial limits of Chottanikara Grama Panchayat, inspections were carried out with the aid of staff, other organizations and Kudumbasree workers and notices were issued against the offenders under the various green laws. Currently, there is no contaminated water being discharged or flowed to the paddy fields or water sources.

Further, this Panchayat has already taken initiative for compulsory enrolment of all the houses, institutions and other commercial establishments/shops within the local limits of Chottanikara Panchayat to become a part/member of effective Solid Waste Management System. The dry waste is collected once in a month from houses, shops and other establishments (door- to-door) by 28 Haritha Karma Sena members (2 members for one ward) and a nominal user fee has also been imposed for the same. The non biodegradable wastes collected in the said manner are segregated in MCF installed at Panchayath Office premises and thereafter it is given to Clean Kerala Company for disposal. With respect to the biodegradable waste/wet waste, the Panchayat ensures that wet waste is disposed only through decentralized disposal facilities such as bio bins, bio pit and compost pit etc.

The Panchayat has also established Thumboormuzhy model system (an aerobic composting method) and has also installed CCTVs near river banks, major junctions, water bodies and other hot spots where there are possibilities for dumping waste. Frequent inspections are carried out with the help of Public Health Wing of the Health Department and proceedings are initiated against the offenders who are found dumping waste in the road, canals, public places or rivers and panchayath is vigilant with regard to the enforcement of waste disposal rules.

The Panchayat is enforcing the provisions of Chapter 20 of the Kerala Panchayat Raj Act, 1994 which provides for public safety and health. The people of Chottanikara panchayath are now very well aware

of the impact of these unhealthy practices. The Ward level Health and Sanitation Committees constituted under "Arogya Jagratha - 2018" campaign also takes a very vigilant step against these types of unhealthy practices and fine is imposed to the offenders.

The Panchayat is taking all earnest efforts to keep the area under its jurisdiction free from solid and liquid wastes and has been constantly working to create awareness among local population about the importance of proper and scientific disposal of bio degradable as well as non-bio degradable wastes. Many campaigns are being carried out to educate all the households, shops and establishments in the Panchayat area about the effective and proper waste disposal. Moreover, the Panchayat is regularly conducting awareness classes among public, Kudumbasree workers, members of Haritha Karma Sena, the representatives of Residence Associations and members of various political parties. The Chottanikara Panchayat has bagged the award of "Nava Kerala Puraskar-2021"(the only Panchayat in Ernakulam District) for decentralized approach in waste management.

The Konothupuzha runs through different local self government institutions including ward 1 and ward 14 of Chottanikara Grama Panchayat. A survey was conducted to evict illegal encroachments on the Konothupuzha and based on the survey report, the eviction notice has been served to the encroacher and directed him to demolish the existing encroachment within 15 days from the date of receipt of the notice. The Panchayat is awaiting for report from the Tahsildar, Land Records, Kanayannoor Taluk, Ernakulam in order to proceed with further action for removal of encroachment.

Mulanthuruthy Panchayath

The quantity of non bio-degradable waste collected from the panchayath is 80 kg/day. The panchayath is having 34 numbers of Haritha Karma Sena members and one material collection centre. The dry waste is collected once in a month from houses, shops and other establishments and handed over to Clean Kerala Company for disposal.

The Haritha Karma Sena in Panchayath collects non-biodegradable waste from houses and institutions at regular intervals and

collects it at the MCF of the panchayat and is transferred to the authorized agency contracted by the Panchayat. Awareness classes to Trade / Industry Representatives, Residence Association Representatives and Kudumbasree neighbourhood officers have been conducted and notices are being issued to all households and institutions in the Panchayat on how to avoid the use of banned plastic products and to involve the entire households and institutions in the Panchayat in the Inorganic Waste Management Project. The panchayath aims to achieve complete waste management by March 2022 and is in progress.

The Survey Department has identified 3 encroachments on the banks of Konothupuzha and issued notices to the concerned to evacuate as per the sketch.

Udhayamperoor Panchayath

The Panchayath consists of 10022 households and 1586 establishments in 20 wards. The calculated quantity of waste generation based on population is 300kg/day. The panchayath is collecting 2.5 – 3T of non-biodegradable waste per month with the help of 26 Haritha Karma Sena members. The collection frequency is once in a week. There is one MCF in the panchayath.

The Panchayath has issued notices to 15 persons who had encroached on the river, in connection with the revival of Konothupuzha, along the eastern boundary of Udayamperoor Grama Panchayat based on the report of the Kanayannur Taluk Surveyor.

The District Planning Committee has approved an allocation of 9 lakh for the installation of cameras to prevent the dumping of waste from bridges on Nadakkavu - Mulanthuruthi road and Udayamperur - Kandanadu road across Konothupuzha and letter has been sent to the PWD Electronics Division to prepare an estimate for the installation of the camera and the tender procedure will be followed and the camera will be installed as soon as the estimate is available. As part of Konothupuzha rejuvenation several projects are included in the 2021-22 plans of MGNREGS to clean the streams coming into Konothupuzha and to take necessary steps to carry out these works accordingly.

Amballor Panchayat

The total quantity of solid waste generated in the Panchayat is 0.06 T/day. Quantity of waste collected per day is 0.0012 T/day. The number of wards is 16 and having 16 Haritha Karma Sena members. The dry waste collected is handed over to Clean Kerala Company for disposal.

Meeting by Additional Chief Secretary, Local Self Government Department, and Chief Secretary are conducting regularly for reviewing the progress in the waste management of the above Local Self Government Institutions.

In the Grama Panchayat, one encroachment of a residential building is found on the Konothupuzha river side and notice is issued to evict the encroachment and the eviction process is going on. Most part of the river banks are marshy land and there is no residential or commercial building situated. There is no chance of waste dumping or sewage water disposal to the river. Periodical inspections have been conducting on the river side in this regard.

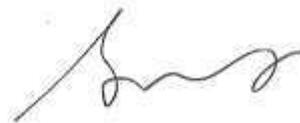
The strength of the Haritha Karma Sena has increased to 30 nos and the house hold service is extended upto 78 percent. Quantity of waste collected per day is increased upto 0.00146 T/day. To increase the efficiency of the Haritha Karma Sena members monthly review meetings are being conducted. Notices are issued to every household to make an awareness about the requirement of Solid Waste Management system and about the punishment imposed on the violations. The Panchayat committee has decided to plant Mangrooves on the banks of the river after the cleaning process from the Minor Irrigation Department.

Minor Irrigation Department has prepared the revised detailed project report of the work Rejuvenation of Konothupuzha river from Puthenkavu in Vettuvellikadavu as per DSR 2018 rates amounting to ₹26crores and submitted to Government for getting approval under NABARD RIDF XXVII.

As per the decision in the meeting held on 15.06.2020 at District Collectorate, Ernakulam, Irrigation Department has carried out emergency restoration works for clearing and restoring flow in the most polluted stretch of Konothupuzha from Karingachira bridge to Nedungapuzha road (approx. 2km) in Trippunithura Municipality at an amount of Rs. 15 lakhs utilizing the emergency fund available under the disposal of Executive Engineer, Minor irrigation, Ernakulam. The immediate restoration work in the reach from Nedungapuzha to Vettuvellikadavu is also completed by utilizing the deposit fund from

Thrippunithura Municipality. The reach of Konothupuzha in the above work near Star homes, Trippunithura was observed to be subjected to heavy deposition of all sorts of wastes - organic, inorganic, plastic etc. The matter was brought to the notice of Trippunithura Municipality as well as Pollution Control Board authorities.

The boundary of Konothupuzha is to be demarcated and encroachments are to be evicted. The amount required for conducting boundary demarcation have been remitted by concerned local bodies as per the direction of District Collector, Ernakulam in the meeting held on 06.07.2020. Survey department has initiated steps for boundary demarcation of Konothupuzha. Irrigation department constructs temporary earthen bunds during summer season at both outlet points of Konothupuzha viz. Puthenkavu near Poothotta and at Vettuvelikadavu, Trippunithura to prevent entry of saline water so as to prevent destruction to crops and to prevent contamination of ground water sources such as wells in areas adjacent to river. The work is intended for public benefit. The entry of saline water will cause destruction to crops and will affect the agricultural output and cause great loss to farmers. The people living along the banks of puzha in various local bodies depend mainly on wells for their domestic water requirements. If saline water entry is not prevented, the ground water sources will get contaminated resulting in drinking water shortage. To avoid such situations, temporary earthen bunds are constructed using silt excavated from puzha itself and are dismantled completely before the onset of monsoon every year.



Dr. VENU.V IAS
Additional Chief Secretary
Higher Education, Environment
Archaeology, Archives & Museum Departments

5. They also produced certain photographs showing steps taken by Thrippunithura Municipality.

6. District Collector, Ernakulam also filed a report dated 14.12.2021, e-filed on 07.02.2022 which reads as follows:

ACTION TAKEN REPORT FILED BY THE 14th RESPONDENT IN COMPLIANCE WITH THE ORDER OF THE HONOURABLE NATIONAL GREEN TRIBUNAL DATED 11.11.2021.

I, Jafar Malik, IAS, aged 32 years, S/o Abrar Ahmed residing at Collectors Bungalow, Club Road, Ernakulam, Kochi-682011 do hereby solemnly affirm and state as follows:

1. I am the District Collector, Ernakulam, who is the 14th respondent in the above Original Application. I am well conversant with the facts of the case, and competent to swear to this Action Taken Report in my official capacity.
2. It is respectfully submitted that the Honourable National Green Tribunal, vide its order in OA No. 237/2017, dated 11.11.2021, had directed this joint Committee to file further progress report regarding the steps taken and the improvement made in protecting the Konothupuzha river. In compliance with the said order, action taken report for the rejuvenation of Konothupuzha River is submitted herewith.
3. As per the order of this Honourable Tribunal, an action plan for the rejuvenation of Konothupuzha River has been formulated. A Detailed Project Report for the entire stretch of the river with an estimate of Rs. 20.80 crores has also been submitted to the Government by the Irrigation Department, and the approval of the same is pending with the Government. Reminder has been sent to the Government in this regard.
4. Actions against pollution:

The Joint Committee has assigned the following responsibilities to Kerala State Pollution Control Board.

1. To monitor water quality in different reaches of the river to identify the polluting sources.
2. To monitor regularly the quality of effluent discharge to the river from various agencies/firms and to monitor the availability and proper working of STPs.
5. The first action to be initiated for the river rejuvenation is to assess the present water quality of the river before the rejuvenation works so as to verify the improvements in the water quality. The Pollution Control Board had conducted two sets of monitoring in Konothupuzha river on 26.6.2020 and 24.6.2021. The analysis report of the samples showed that the river is contaminated with organic wastes and coliforms. The analysis report shows the river is polluted with high organic loading. Based on the analysis reports, the polluted stretches are identified where the organic loading and high coliform content is detected. The details of polluting stretches have been informed to Tripunithura Municipality by the Pollution Control Board for taking urgent steps to find out all illegal outlets and close them so as to improve the water quality.
6. The various apartments/ commercial buildings/ industries etc. are inspected and action being initiated against the violators by the Pollution Control Board. The details are given below.

No.	Name of the Establishment	Action taken on 25.06.2021	Action taken on 08.09.2021	Present Status
1.	Choice Paradise Apartments, Tripunithura	Time allotted for revamping of existing of STP, Time completed on 31.07.2021	Inspection conducted 06.09.2021 STP revamping almost completed. Installation of filtration system pending. Reported to be completed within one month	The STP is made functional. The treated samples are collected. Further actions will be initiated based on analysis report
2.	Star Homes Annex Apartment Tripunithura	Direction issued and also letter issued to Tripunithura Municipality to furnish details of occupier for taking legal action against the builder	Show cause notice issued	
3.	Valey Heights Apartment Tripunithura	Notice issued due to the improper working of STP and operating without valid consent to operate	Show cause notice issued	Direction issued to make STP operation and informed that Board will initiate legal action including cancellation of occupancy and levy of Environmental compensation.
4	Service Station at Tripunithura Owned by Karthikeyan M N	Letter issued due to the unauthorised functioning of the unit	Closure Direction issued	Installed ETP

5	CAR Wash 12/76-E Refinery Road Nadama, Tripunithura 682309	Letter issued due to the unauthorised functioning of the unit	Closure Intention notice issued	Closure direction issued on 23.10.2021. Action will be taken to cancel their license issued by Tripunithura Municipality and ensure that the unit is not operated.
6	Asset City Bay Owner's Association Hill Palace Road Chathari, Tripunithura P O Ernakulam-682301	Letter issued due to the unauthorised functioning of the unit	Show cause notice issued	Direction issued to make STP operation and informed that Board will initiate legal action including cancellation of occupancy and levy of Environmental compensation
7	SFS Kingdom Near Railway Over Bridge, Choice School Road P. O. Tripunithura 682301	The STP is found operational		The STP is operational and has Board's Consent to Operate valid till 30.06.2023

7. Encroachment Removal:

Based on the decision of the Joint Committee, the river boundary has been surveyed and encroachments have been identified. On identification of encroachments, the concerned Local Self Government Institution Secretaries have taken action under the Kerala Land Conservancy Act

1957 to evict all encroachers from the banks of the river. *21 encroachments were found in Tripunithura Municipality, 14 in Udayamperoor, 3 in Mulanthuruthy and one each in Amballoor and Chottanikkara Panchayaths. Of these, 4 encroachments at Tripunithura Municipality and 1 encroachment at Chottanikkara Panchayath, have been completely evicted.* The poor families living in the puzha puramboke (Govt Land) in Udayamperoor and Mulanthuruthy panchayaths cannot be evicted without rehabilitation and this will require funding from the Government. It is learned that four encroachers of Tripunithura Municipality have filed a Writ petition in the Honourable High Court of Kerala against the eviction order of the Municipal Secretary and in two of them stay orders have been obtained. *An estimate of 50 lakhs rupees has been prepared and submitted to the Government by Trippunithura Municipality for the demolition of encroachments including flats, which is pending with the Government.*

8. The Amballoor Grama Panchayath has constituted a Ward Level Monitoring Committee with Grama Panchayath Secretary, Assistant Engineer Local Self Government Department, Village Extension Officer, Health and Welfare Standing Committee Chairman and concerned ward members as the members. The Surveillance squad performs periodic inspections to find out the illegal disposal of sewage / septage in the river side and premises. Surveillance Cameras have been installed at Chottanikkara Grama Panchayath to detect direct discharge of waste into the river and steps are being taken to install the cameras on other Local Self Government Institutions as well.

9. Municipal health wing has inspected the establishments / hotels discharging sewage / waste into the river within the limits of Tripunithura Municipality and the outlets set up for discharge of waste water have been removed by giving notice to the establishments and flats which have been found to be discharging waste / waste water into the river. The Tripunithura Municipality has



imposed a fine of Rs. 25,000/- for dumping waste into the river. It is humbly submitted that even though plans have formulated for the implementation of projects, it can be started only after the Detailed Project Report is approved and funds are allotted by the Government.

In this circumstances, it is humbly submitted that the Honourable Court may be pleased to accept the Action Taken Report of this respondent.

All the facts stated above are true to the best of knowledge, belief and information.

Dated this the 14th day of December 2021.


DEPONENT

Solemnly affirm and signed before me by the deponent who is personally known to me on this the 14th day of December 2021 at the office of the District Collector, Ernakulam.

7. It is seen from report submitted by the Additional Chief Secretary for Environment that certain steps have been taken but those steps do not appear to be sufficient to meet the requirements of Solid Waste Management Rules, 2016. It is also seen from the report that against certain violators, certain notices have been issued but what the further action taken pursuant to the show-cause notice by the Pollution Control Board is also not clear from the report.
8. In respect of diapers and sanitary pads, though it was mentioned that some steps were taken, it is not known how far it has been implemented as it was categorically admitted in the report submitted by Additional

Chief Secretary that it is not being collected. There was some arrangements that they propose to take but however, whether it is implemented is also not clear. Further large scale encroachments were found within the jurisdiction of Thripunithura Municipality which are responsible for causing pollution to Konothupuzha River and it was mentioned that they will be taking action under the Kerala Land Conservancy Act, 1957 but what is the nature of action taken is not clear. There are lot of things to be done for which DPR have been obtained and it is not known as to whether those DPR have been approved and work orders have been given.

9. District Collector's report shows only what was stated by the action taken report submitted by the Additional Chief Secretary for Environment. As regards the STP is concerned, it was found to be operational in respect of Thripunithura Municipality. As regards certain violations committed by the Apartments certain show cause notices have been issued but what is the nature of further action taken is not clear.
10. Out of 21 encroachments found in Thripunithura Municipality 14 in Udayamperoor, 3 in Mulanthuruthy one each in Amballoor and Chottanikkara Panchayat, four such in Thripunithura Municipality, one in Chottanikkara have been completely evicted. As regards other, they propose to rehabilitate those people and certain Writ Petitions have been filed before the Hon'ble High Court of Kerala by some encroachers and

stay order have been obtained and as regards others it is not clear whether any further action has been taken in this regard.

11. The Pollution Control Board and the Thripunithura Municipality have not filed their further progress report as directed by this Tribunal.
12. Learned Counsel appearing for the applicant also wanted some time to make their observations regarding the action taken.
13. Additional Chief Secretary for Environment, the District Collector, Ernakulam, and other local bodies within whose jurisdiction the Konothupuzha River flows are also directed to file their further action taken cum progress report regarding the implementation of the recommendations made by the Joint Committee appointed by the Government in this regard and the improvement in the water quality in Konothupuzha River on account of steps, if any, taken by them and if there is any gap, then Additional Chief Secretary for Environment is directed to look into the issues in consultation with Chief Secretary and take appropriate steps to implement the same in its letter and spirit to see that Konothupuzha River has become pollution free. It is also to be noted that as for the time being all over India only 122 polluted river stretches are there and they are expected to restore them and not expected to increase the number of polluted stretches. The State Governments are expected to maintain the rivers and the water bodies within their State without pollution as right to get clean environment as part of Right to Life

is a right guaranteed under Article 21 of Constitution of India.

14. Most of the recommendations are relating to the direction given by the Principal Bench in respect of polluted river stretches including the river stretches in Kerala. As far as Kerala is concerned, as per those reports severely polluted river stretches are very less. But the individual report in respect of each area coming before this Tribunal shows that they are also reaching that stage because of non-implementation of Solid Waste Management Rules, 2016 and also non-maintenance of the rivers by the authorities who are expected to take care of the safety of the rivers.
15. They are directed to submit the respective reports to this Tribunal on or before 28.04.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
16. The Registry is directed to communicate this order to the members of the Committee, State Pollution Control Board and to the Chief Secretary, Additional Chief Secretary for Environment, Irrigation, Public Works Department and Local Administration by e-mail immediately for their information and for filing their action cum progress report without delay.
17. The applicant is also at liberty to file their objections to the reports already filed, giving their suggestions for bettering the situation in that area so that can be directed to be considered by the Joint Committee appointed by the Government in this regard.

18. For consideration of further action taken cum progress report, post on
28.04.2022.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.237/2017,
2nd March, 2022. AM.

