

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN  
BENCH CHENNAI**

**ORIGINAL APPLICATION NO. 137 OF 2024 (SZ)**

**IN THE MATTER OF:**

**Tribunal on its own motion SUO MOTU based on the News Item in The Hindu, Kochi edition, Newspaper dtd: 30.04.2024, under the caption, "No respite from Faecal contamination in Kadambayar river in Ernakulam District".**

**VERSUS**

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

**..... RESPONDENTS**

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Signed and verified on this 9<sup>th</sup> day of July, 2024 at Bengaluru

*Geethy*

**Counsel for  
4<sup>th</sup> Respondent**

*J. Chandra Babu*  
9/7/2024  
**DEPONENT**

**J. Chandra Babu**  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE - BENGALURU  
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)  
BENGALURU - 560 079. MOB: 9868278903



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**REPLY ON BEHALF OF THE RESPONDENT NO. 4, THE CENTRAL  
POLLUTION CONTROL BOARD (herein after referred as CPCB)**

1. That, Hon'ble NGT vide order dated 14.05.2024 issued notice to all the Respondents. Thereby, the reply is made in succeeding paragraphs.
2. That at the outset, the answering respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, except any averment which has been expressly admitted hereinafter.



  
**J. Chandra Babu**  
**REGIONAL DIRECTOR**  
**CENTRAL POLLUTION CONTROL BOARD**  
**REGIONAL DIRECTORATE - BENGALURU**  
**(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)**  
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3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
4. That, it is humbly submitted that, the CPCB in association with the State Pollution Control Boards (hereinafter referred as SPCBs) in the States and Pollution Control Committees (hereinafter referred as PCCs) in Union Territories (hereinafter referred as UT) has established a water quality monitoring network under National Water Quality Monitoring Programme (hereinafter referred as NWMP) to assess status of water quality of water resources in the respective States/UTs to facilitate for prevention and control of pollution in the water bodies.
5. That, it is humbly submitted that CPCB had identified 351 Polluted river stretches in 31 States/ UTs during the year 2018 considering water quality data of Biochemical Oxygen Demand (BOD) parameter generated in the year 2016 and 2017.
6. That it is humbly submitted that, as per the Central Pollution Control Board's reports on **"POLLUTED RIVER STRETCHES FOR RESTORATION OF WATER QUALITY-2018 & 2022"**; the River Kadambrayar at Manckakadavu declared as one of the Polluted River Stretch identified in Kerala state. The details are as follows:



*J. Chandra Babu*  
09/09/2024

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River	River Stretch	BOD RANGE Max Value in mg/L report		Priority	
		2018	2022	2018	2022
Kadambrayar	Kadambrayar at Manckakadavu	5.9 to 6.4	4.4	P-IV	P-V

Note: The polluted river stretches (PRS) have been categorized into 5 priority classes, based on BOD levels in milligram per litre (mg/l) as Priority (P) - I (BOD>30 mg/l), P - II (20 to 30 mg/l), P - III (10 to 20mg/l), P - IV (6-10 mg/l) & P - V (3 to 6 mg/l).

From the above table, it is inferred that there is reduction in BOD range in the year 2022 as compared to 2018 and priority class has been reduced from P-IV to P-V.

7. That it is humbly submitted that, the water quality of River Kadambrayar is monitored at two locations (Brahmapuram and Manckakadavu) under the NWMP by the Kerala State Pollution Control Board. The Water Quality status of River Kadambrayar during the year 2022 and 2023 is enclosed as **Annexure**. The water quality status of River Kadambrayar at the monitoring locations reveals the following:

- a. The range of Faecal Coliform values exceeds the Primary Water Quality for Outdoor Bathing notified under The Environment (Protection) Rules, 1986 (i.e. Maximum Permissible Limit of < 2500 MPN/100mL) during 2022 & 2023 at both the locations.
- b. The range of Faecal Streptococci values exceeds Primary Water Quality for Outdoor Bathing notified under The Environment (Protection) Rules, 1986 (i.e. Maximum Permissible Limit < 500 MPN/100 ml) during 2022 & 2023 at water quality monitoring station at Manckakadavu and Brahmapuram respectively.
- c. Water quality confirms faecal contamination of River Kadambrayar at both the monitoring locations, which may be attributed to discharge of untreated sewage into the said river.



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8. That it is humbly submitted that, in compliance to the Hon'ble NGT directions in OA No. 673/2018, action plans were prepared by State Governments and UT Administrations for rejuvenation of 351 Polluted River stretches identified by CPCB including Kerala State in case of identified polluted river stretch of River Kadambayar. Concerned State/ UT Government departments are implementing the action plans approved by the Task Team constituted by CPCB and the action plans implementation progress is being reviewed periodically by the River Rejuvenation Committee (RRC) at State Level and by Central Monitoring Committee (CMC) constituted under the Chairmanship of Secretary, Ministry of Jal Shakti at Central Level.

Further, it is the responsibility of State of Kerala to ensure rejuvenation of identified polluted rivers in the State in a time bound manner.

9. The answering respondent craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.

That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

Dated at Bengaluru on this the 9<sup>th</sup> day of July 2024

*[Handwritten Signature]*

**COUNSEL FOR  
4<sup>th</sup> RESPONDENT**

*[Handwritten Signature]*  
9/7/2024

**DEPONENT**

**J. Chandra Babu**  
REGIONAL DIRECTOR  
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**AFFIDAVIT**

I, J Chandra Babu, son of late Shri. J Balaramaiah, aged 56 years, having office at the Regional Directorate (Bengaluru), Central Pollution Control Board (CPCB), 1<sup>st</sup> & 2<sup>nd</sup> Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7<sup>th</sup> D Cross, Shivanagar, Bengaluru – 560 079, Karnataka, do hereby solemnly affirm, declare on oath and state as under:

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.



*J Chandra Babu*  
**J. Chandra Babu**  
 REGIONAL DIRECTOR  
 CENTRAL POLLUTION CONTROL BOARD  
 REGIONAL DIRECTORATE - BENGALURU  
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- 2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
- 3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

*J. Chandra Babu*  
31/7/2024

**DEPONENT**

**J. Chandra Babu**  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE - BENGALURU  
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**VERIFICATION**

Verified at Bengaluru on this 9<sup>th</sup> day of July 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

*J. Chandra Babu*  
31/7/2024

**DEPONENT**

**J. Chandra Babu**  
REGIONAL DIRECTOR  
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*Prathy*

**COUNSEL FOR  
4<sup>th</sup> RESPONDENT**



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## Annexure

## WATER QUALITY DATA OF RIVER KADAMBRAYAR AT ERNAKULAM, KERALA DURING 2022 &amp; 2023

Station Code	Name of Monitoring Location	Year	Dissolved O <sub>2</sub> (mg/L)		pH		BOD (mg/L)		Fecal Coliform (MPN/100 ml)		Fecal Streptococci (MPN/100ml)	
			Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
<b>Primary Water Quality for Outdoor Bathing notified under the E(P) Rules, 1986</b>			<b>&gt;5 mg/L</b>		<b>6.5-8.5</b>		<b>&lt;3mg/L</b>		<b>&lt;2500 MPN/ 100 ml</b>		<b>&lt;500 MPN/100 ml</b>	
2337	River Kadambrayar at Brahmapuram	2022	<b>1.2</b>	5.1	<b>6.3</b>	8.3	1.7	<b>3.6</b>	84	<b>13000</b>	10	460
		2023	<b>0.8</b>	5.8	6.5	8.2	2.5	5	210	<b>41000</b>	70	<b>7000</b>
2338	River Kadambrayar at Manckakadavu	2022	<b>1.8</b>	7.3	<b>6.3</b>	7.4	1.7	<b>3.2</b>	63	<b>4300</b>	63	<b>840</b>
		2023	<b>1.2</b>	5.2	<b>6.4</b>	<b>8.9</b>	1	<b>3.4</b>	400	<b>3800</b>	70	430