

Item No. 02

(Court No.1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 147/2022

Krishna Das K V

Applicant

Versus

State of Kerala

Respondent

Date of hearing: 28.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

ORDER

1. Grievance in this application is against failure to take remedial action for protecting Ashtamudi Wetland and Vambanad-kol wetland, a Ramsar site in Kollam district of Kerala. Wetland has become polluted drain of the city due to dumping of pharmaceutical waste, plastic waste, domestic waste, slaughter-house waste and innumerable other sources. This Kollam canal leads to National Water Highway, and Ashtamudi wetland and Vembanad kol wetlands, both are protected under Ramsar Convention. These wetlands provide habitat for a considerable number of flora and fauna and migratory birds too. The District Authorities and State Authorities have been neglecting the situation for decades. Canal

passes right through the centre of the city which is less than a kilometer from District Collectorate and other government offices.

2. The situation mentioned in the complaint, if true, shows unsatisfactory state of affairs calling for immediate remedial action on the part of the State Authorities for compliance of mandate of Water (Prevention and Control of Pollution) Act, 1974 as well as Wetland (Conservation and Management) Rules, 2017 and judgments of the Hon'ble Supreme Court inter-alia in *Paryavaran Suraksha case*¹ and *M.K. Balakrishnan & Ors. v. Union of India & Ors*². The erring officers need to be held accountable for such failure and appropriate action plan prepared and executed for protection of environment and public health and also discharge of constitutional obligations in terms of Public Trust doctrine. We have also noted an Article titled 'Environment Problems and Management Aspects of Vembanad Kol Wetlands in South West Coast of India', by K.N. Remani, P. Jayakumar and T.K. Jalaja, Centre for Water Resources Development and Management, Kunnamangalam, Kozhikode-673 571, Kerala which mentions in detail the problem and need for action. The area in question is part of critically vulnerable coastal area which calls for preparation of integrated management plan as per CRZ Notification, 2011 and 2019.

3. Accordingly, we direct the Chief Secretary, Kerala to forthwith call a meeting of concerned Departments including District Administration, State Wetland Authority and Kerala State Coastal Zone Management Authority (KSCZMA).

¹ (2017) 5 SCC 326

² (2017) 7 SCC 805

4. The National Wetland Authority may also take cognizance of the problem since the site in question is Ramsar site. The State PCB needs to enforce consents/EC conditions applicable to pharmaceutical units and boat houses as well as other authorities dumping of waste and to take appropriate action by way of prosecution and stopping polluting activity.

5. The Chief Secretary, Kerala, National Wetland Authority, State PCB, Public Health Department, Irrigation Department, Urban Development Department and Environment Department may file their respective action taken reports in the matter within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 06.07.2022 before the Principal Bench.

A copy of this order be forwarded to the Chief Secretary, Kerala, National Wetland Authority, State PCB, Public Health Department, Irrigation Department, Urban Development Department and Environment Department by email.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Prof. A. Senthil Vel, EM

Dr. Vijay Kulkarni, EM

February 28, 2022
Original Application No. 147/2022
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