

WP(C).18400/2024

-:1:-



2025:KER:56148

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 29TH DAY OF JULY 2025 / 7TH SRAVANA, 1947

WP(C) NO. 18400 OF 2024

PETITIONERS:

- 1 ADV.BORIS PAUL, AGED 53 YEARS,
RESIDING AT ASHTAMUDI LAW CHAMBERS,
NORTH OF CIVIL STATION, THEVALLY (P.O)
KOLLAM, PIN - 691009.
- 2 HELP FOUNDATION, REPRESENTED BY ITS CEO,
KAYAVIL JUNCTION, MAYYANAD P.O.,
KOLLAM - 691 303.

[ADDL.P2 IS IMPEADED AS PER ORDER DATED 05/12/2024
IN IA NO.2/2024 IN WP(C)]

BY ADVS. SRI.AJMAL A.
SRI.DHANUSH C.A.
SMT.PRIYANKA SHARMA M.R.
SMT.ANANYA M.G.

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD,
NEW DELHI, PIN - 110003.



- 2 STATE OF KERALA,
REPRESENTED BY ADDITIONAL CHIEF SECRETARY,
FORESTS AND WILDLIFE DEPARTMENT GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 3 WATER RESOURCES DEPARTMENT,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 4 DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION (S.O), KOLLAM, PIN - 691013.
- 5 SUB COLLECTOR & REVENUE DIVISIONAL OFFICER
COLLECTORATE, CIVIL STATION (S.O),
KOLLAM, PIN - 691013.
- 6 TAHSILDAR,
TALUK OFFICE, KOLLAM, PIN - 691001.
- 7 TAHSILDAR, TALUK OFFICE, KARUNAGAPPALLY,
KOLLAM, PIN - 690518.
- 8 KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS SECRETARY HEAD OFFICE,
PATTOM (P.O), THIRUVANANTHAPURAM, PIN - 695004.
- 9 KOLLAM MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY,
KOLLAM (P.O), PIN - 691001.
- 10 PERAYAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MULAVANA (P.O),
PARAYAM KOLLAM, PIN - 691503.
- 11 WEST KALLADA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, VILANTHARA (P.O),
WEST KALLADA, KOLLAM, PIN - 690521.
- 12 EAST KALLADA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, EAST KALLADA (P.O),
KOLLAM, PIN - 691502.



- 13 MUNDROTHURUTHU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MUNDROTHURUTHU,
KOLLAM, PIN - 691502.
- 14 PANAYAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, THANNIKKAMUKK,
PANAYAM KOLLAM, PIN - 691601.
- 15 PERINAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, CHEMMAKKAD (P.O) ,
PERINAD, KOLLAM, PIN - 691601.
- 16 THRIKKARUVA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, KANJAVELI (P.O) ,
THRIKKARUVA, KOLLAM, PIN - 691602.
- 17 THEVALAKKARA GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, THEVALAKKARA (P.O) ,
KOLLAM, PIN - 690524.
- 18 THEKKUMBHAGOM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, CHAVARA SOUTH (P.O) ,
KOLLAM, PIN - 691584.
- 19 CHAVARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, CHAVARA,
KOLLAM, PIN - 691583.
- 20 NEENDAKARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PARIMANAM,
NEENDAKARA, KOLLAM, PIN - 691584.
- 21 KUNDARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
KUNDARA (P.O) , KOLLAM, PIN - 691503.
- 22 ADDL.R22. SPECIAL SECRETARY,
ENVIRONMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.

{ADDL. R22 IS IMPEADED AS PER ORDER DATED
30/05/2025 IN WP(C) NO.18400/2024.]



23 THE STATE WETLAND AUTHORITY KERALA (SWAK)
REPRESENTED BY ITS MEMBER SECRETARY, 4TH FLOOR,
KSRTC BUS TERMINAL COMPLEX, THAMPANOOR,
THIRUVANANTHAPURAM - 695 001.

[ADDL.R23 IS SUO MOTU IMPEADED AS PER ORDER DATED
10/06/2025 IN WP(C) NO.18400/2024]

BY SENIOR GOVERNMENT PLEADER MR. V. TEKCHAND
BY ADVS. SRI. T. NAVEEN, SC, POLLUTION CONTROL
BOARD

SRI. M.R.SASITH, SC,
SRI. SIJU KAMALASANAN, SC,
SRI. VINOY VARGHESE KALLUMOOTTILL,
SRI. K.V. ANIL KUMAR
SRI. BIJITH S. KHAN, SC,
SRI. MANOJ RAMASWAMY, SC
SRI. PRAKASH M.P., SC, KCZMA
SMT. RADHIKA S. ANIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29.07.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**“C.R”****JUDGMENT**Dated this the 29th day of July, 2025.**Nitin Jamdar, C. J.**

This Public Interest Litigation is filed to highlight the depleting condition of Ashtamudi Lake and for its restoration measures.

2. Ashtamudi Wetland and estuary which flows into the Arabian Sea, a wetland of international importance, is primarily fed by the Kallada River originating in the Western Ghats. Several creeks branch out from the lake toward the coast and nearby islands, with the Munroe Island delta situated at the confluence of the river and the lake. Ashtamudi is an estuarine wetland, covering 6,140 hectares. It is the second-largest wetland in Kerala and the deepest estuary in the State, reaching up to 6.4 metres at the confluence zone. Ashtamudi Wetland is bordered by coconut groves, canals, and settlements under 12 Gram Panchayats and the Kollam Corporation.

3. Ashtamudi Lake was designated as a Ramsar Site on 19 August 2002. The Ramsar Convention, adopted in 1971 by various countries in a conference held at Ramsar in Iran, is an international treaty for the conservation and sustainable use of wetlands. It aims to protect wetlands for their role in biodiversity, flood control, water purification, and livelihood support. Member countries have to identify and designate



suitable wetlands as “Wetlands of International Importance” (Ramsar Sites) and maintain their ecological character. The Convention promotes the sustainable use of all wetlands. India joined the Convention on 1 February 1982.

4. The Ramsar Convention lists nine criteria for identifying wetlands of international importance. The Ashtamudi is recognized as a wetland of international importance under the Ramsar Convention based on four specific criteria. First, it is a representative example of a wetland with significant hydrological, biological, and ecological functions within a major coastal system. Second, it supports the endangered species listed in the Red Data Book of Indian Plants. Third, the Ashtamudi hosts rich biodiversity, including 43 species of marsh and mangrove vegetation, 57 bird species (6 migratory and 51 resident), 97 fish species, and several unique copepod species. Fourth, Ashtamudi serves as an important breeding, feeding, and migration ground for fish. Of the 97 fish species recorded, 42 are marine, 3 estuarine, 9 estuarine – riverine, and 15 marine – estuarine. It also supports 21 copepod species vital to the aquatic food chain.

5. Having designated as a Ramsar Site, Ashtamudi falls within the protection of the umbrella legislation for regulating the wetlands in the country that is the Environment (Protection) Act, 1986 (Act of 1986). The Act of 1986 was enacted to provide for protection and improvement of the environment, including the wetlands, and for the matters connected



therewith. The National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character. Having found the need to enhance the protection of wetlands as they were under the increasing threat, the Central Government decided to replace the Wetlands (Conservation and Management) Rules, 2010. After publishing the draft Wetlands (Conservation and Management) Rules, 2016, and considering the feedback from States, Union Territories, individuals, and civil society, and the Wetlands (Conservation and Management) Rules, 2017 were notified to ensure more effective management and protection of wetlands across the country.

6. The Wetlands (Conservation and Management) Rules, 2017 (Rules of 2017) contemplate framing an “integrated management plan” as a strategy document for ensuring the wise use of wetlands, including objectives, actions, monitoring, and resources. As we will emphasis later, this document is intended for the State as well as for the specific wetland. A wetland is defined under Rule 2(1)(g) to include natural or artificial water bodies with certain criteria. The Rules of 2017 apply to Ramsar Sites and wetlands notified by the Central or State Governments. Rule 4 mandates conservation of the wetlands based on the Wise Use principle, which means maintaining their ecological character through sustainable development. Rules of 2017 prohibit conversion of wetland for non-



wetland uses, industrial activity, dumping of waste (including hazardous and electronic), and construction within 50 metres of the high flood line of the wetland. Rule 5 of the Rules of 2017 provides for the establishment of State Wetlands Authority to oversee the implementation of the conservation and management of wetlands in the State.

7. The State Wetlands Authority, under Rule 5(4) of the Rules of 2017, is responsible for identifying and managing the wetlands. The Authority has to list all wetlands in the State. A digital inventory of all wetlands has to be created, uploaded to a central web portal, and updated every ten years. The Authority has to list the activities which are regulated and permitted for each notified wetlands and their zone of influence, and suggest additions to the prohibited activities wherever required. It has to review and support integrated management plans. Under Rule 5(6) of the Rules of 2017, the State Wetlands Authority has to constitute two committees. One, a technical committee to review brief documents, management plans, and provide technical advice. Second, a grievance committee comprising four members to hear and forward public grievances to the Authority. As per sub-rules (7) and (8) of Rule 5, the technical committee is required to meet at least once every quarter, and the Authority itself has to meet at least three times a year.

8. The State Wetland Authority Kerala was constituted by Government Order dated 28 December 2017, in compliance with the



Rules of 2017. The State Authority consists of *ex officio* members from relevant departments and five nominated experts in the fields, such as wetland ecology, hydrology, landscape planning, fisheries, and socio-economics. The learned standing counsel for the Authority informed that the Authority conducts regular meetings to guide and co-ordinate wetland conservation and management across Kerala.

9. The International Conventions and the elaborate statutory framework emphasize the importance of conserving the wetlands. The wetlands like Ashtamudi are a vital part of the hydrological cycle, highly productive ecosystems which support rich biodiversity, provide a wide range of ecosystem services, such as water storage, water purification, flood mitigation, and also support many social and cultural activities. The wetlands add to the region's ecological diversity, tourism value, and cultural identity. Wetlands provide crucial habitats for fish and water birds, including endangered and globally threatened species. The Ramsar Convention and the Rules of 2017 emphasize that wetlands being dynamic areas open to influence from natural and human factors, in order to maintain their biological diversity and productivity, scientific management planning process is necessary. With passage of time, increase in unregulated activities has placed Ashtamudi under a severe threat, leading to the deterioration of its water quality and ecology. The Petitioners have emphasized an indiscriminate discharge of sewage and solid waste from residential areas and commercial establishments. They



point out that that sewage and biomedical waste flowing into the Ashtamudi and encroachments on its banks have led to the destruction of mangrove forests. The assertion of the Petitioners are supported by the official material on record which itself show the gravity of the issue.

10. First document on record is the Sanitation Survey carried out by the Kerala State Pollution Control Board (KSPCB) around the Ashtamudi during the year 2020-2022. This Survey revealed serious health risks due to poor waste management. The Report emphasizes unregulated activities resulting in pollution as follows. These are the issues of open defecation around Ashtamudi which is contributing to the spread of waterborne diseases. Though toilet wastewater was meant to be treated, 18% of households discharge it directly into Ashtamudi. Septic tanks are used by 65% of the population, and 15% use soak pits. Grey water, about 60% of household wastewater, was also poorly managed – 1,275 households discharged it into Ashtamudi, while only 775 had soak pits. In some areas like Kollam Corporation and Neendakara, toilet facilities were lacking. Solid waste management was also inadequate. While several households handed over biodegradable waste to the local bodies, many others resorted to dumping or burning it and only 0.89% used composting. With respect to non-biodegradable waste, 53% of households handed it over to the local bodies, while a significant number continued to burn or dump it. About 60% of households did not segregate waste, and some disposed of mixed waste into the lake or nearby open areas. The survey identified 39 drains



flowing into the Ashtamudi Lake, 16 rainwater drains, 11 streams, and 12 canals. Wastewater was found in some drains, including from 200 homes in Chavara. The Report pointed out that on Munroe Island in the Ashtamudi Wetland, where year-round flooding prevented septic tank construction, most toilets discharged waste into nearby streams. Prefabricated toilets and advanced septic systems were recommended for such areas. This survey conducted by the Pollution Control Board depicted a situation of concern.

11. Second document which flags the deteriorating condition of the Ashtamudi Wetland is the Report of the Committee on Environment. The Fifteenth Kerala Legislative Assembly directed the Committee on Environment to carry out a study of the condition of Ashtamudi Wetland. The Committee submitted its report to the Assembly on 17 March 2023, regarding the degradation of the Wetland. We highlight the following aspects from the Report. The Committee has stated that Ashtamudi Wetland faces heavy pollution, encroachment, and siltation. The Ashtamudi has reduced from 61.40 sq. kms. to 34 sq. kms. In some coastal areas, the depth of the Ashtamudi has reduced to less than half a metre. Mangroves and crucial fish-breeding grounds have almost disappeared and fishermen dependent on this Wetland are on the verge of losing their livelihoods. Pollution from human waste, chemicals, as well as untreated hospital and commercial waste, enters the Ashtamudi through the Kollam Canal. It is further polluted by indiscriminate dumping, encroachments,



and sand mining. There is widespread destruction of swamps and mangroves for agriculture and unregulated housing. Ashtamudi faces pressure from urban expansion, such as hotels, buildings, and commercial activities along with agricultural run-off, pesticide use, and poor fishing and waste practices. Tourism-related waste and plastic accumulation in the Kollam and Neendakara backwaters have degraded the water quality. The Committee recommended revising the existing Management Action Plan under the National Plan for Conservation of Aquatic Ecosystems and that the State Wetlands Authority of Kerala shall prepare an integrated fact sheet as part of the action plan.

12. In 2023, the National Green Tribunal (NGT) imposed a penalty of ₹10 Crores on the Government for its failure to protect the Ashtamudi Lake and other wetlands. The above official Reports and survey highlight the need for urgent remedial measures. Since no concrete measures were taken, the Petitioners approached this Court by way of this Public Interest Litigation.

13. We have heard Mr. Ajmal A., learned counsel for the Petitioners, Mr. T. Naveen, learned standing counsel for the State Pollution Control Board, Mr. V. Tekchand, learned Senior Government Pleader for the State, Ms. Hasna Jabit representing Mr. M.R. Sasith, learned counsel for Respondent Nos.10, 12, 16 & 19, Mr. K.V. Anil Kumar, learned counsel for Respondent No.14, Ms. Jolima George representing Mr. Manoj



Ramaswamy, learned counsel for Respondent Nos.15 & 21, Mr. Ameer Salim representing Mr. Bijith S. Khan, learned counsel for Respondent No.17, and Mr. M.P. Prakash, learned standing counsel for Respondent No.23.

14. During the hearing of the petition, it became clear that, though the seriousness of the issue is acknowledged, the statutory authorities, namely, the Municipal Corporation, various Government agencies and departments, and the Panchayats, are working independently in respect of the various facets of Ashtamudi Wetland. Even the response to the interim orders passed are merely placing the individual measures they have taken and they propose to take. But the conservation of Ashtamudi needs to be tackled from various perspectives, such as ecology, fisheries, tourism, agriculture, urban and rural governance, and that a unified effort from all stakeholders is necessary. Two requirements are essential for the conservation of Ashtamudi Wetland. First, a dedicated authority consisting of various stakeholders and experts. Second, a site-specific, scientific, and comprehensive management plan. These are not only desirable but also legal requirements under the legislative framework. Both these requirements are not in place for Ashtamudi Wetland.

15. The Ramsar Convention emphasizes the need to have a dedicated authority for each of the wetlands of international importance and a site-specific management plan for it. The Convention postulates that one



authority should be designated to implement the management planning process for a wetland, and this authority should be clearly identified and communicated to all stakeholders. Such singular authority is particularly important in the case of a large wetland like Ashtamudi, where there is a need to take into account all the interests of the user groups and pressures on the wetland, which also has a complex ownership and management situation. The Rules of 2017 also recognize the need for focused attention on a particular wetland. The State-level Wetland Authority cannot have specific focus on each wetland. The guidelines for the implementation of the Rules of 2017, issued by the Ministry of Environment, Forest and Climate Change also stipulate that the State Wetlands Authority should establish a mechanism for the continuous monitoring and management of wetlands within its jurisdiction, and constitute a wetland management unit for each specific wetland. This suggestion was also put forth by the Committee on Environment of the State Legislative Assembly, however, it was not being implemented.

16. Taking note of this position, we had passed a detailed order on 10 June 2025 as follows:

“XXXX

2. XXXXXXXXXXXX

3. XXXXXXXXXXXX

4. *Having been notified as a Ramsar site, the wetland falls within the ambit of the Wetlands (Conservation*



and Management) Rules, 2017 (Rules of 2017) framed under Sections 3 and 5 of the Environment (Protection) Act, 1986 (Act 29 of 1986). Rule 3(a) of the Rules of 2017 makes the rules applicable to wetlands recognized under the Ramsar Convention. The Ramsar Convention emphasizes that wetlands being dynamic areas open to influence from natural and human factors, in order to maintain their biological diversity and productivity, management planning process is necessary. The management plan has to be part of a continuing management planning process. The plan should be reviewed periodically and adjusted to take into account the monitoring process, changing priorities, and emerging issues. The Ramsar Convention emphasizes that an authority should be designated to implement the management planning process, and this authority should be clearly identified and communicated to all stakeholders. Such an authority is particularly important in the case of a large wetland (such as Ashtamudi), where there is a need to take into account all interests, user groups, and pressures on the wetland, in a complex ownership and management situation. Thus, the Ramsar Convention emphasizes site specific management plan and an authority to oversee its implementation.

5. Apart from the Convention, the statutory Rules of 2017 also recognize the need for focused attention on a particular wetland and the formulation of management plan. Under Rule 2(e) of Rules of 2017, an 'integrated management plan' is defined to mean a document which describes strategies and actions for achieving wise use of the wetland. This plan will include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for



detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation. The State Wetland Authority, constituted under Rule 5 of Rules of 2017, is entrusted with the supervision in respect of wetlands within the State and is also responsible for developing an integrated management plan for each of the notified wetlands and identified mechanism for implementation of the management plan and for coordinating the implementation of the integrated management plan.

6. The State Wetland Authority under Rule 5(4) of the Rules of 2017 apart from preparing a list of wetlands in the State, must also review the integrated management plan for each notified wetland and identify mechanisms for its implementation.

7. Further, the condition of Ashtamudi land is admittedly a matter of concern. This wetland is under threat from pollution and degradation. The Petitioner has brought to our notice the indiscriminate discharge of sewage and solid waste from residential areas and commercial establishments. It is stated that sewage and biomedical waste are flowing into the lake and that encroachments have led to the destruction of mangrove forests and in the year 2023, the National Green Tribunal (NGT) had imposed penalty of ₹10 Crores on the Government for failing to protect the Ashtamudi lake and others. Thus, considering that both, Ramsar Convention and the Rules of 2017 emphasize the importance of a management plan for large wetland such as Ashtamudi wetland, for the effective implementation of such management plan, it would be appropriate that a specific authority/committee is



constituted. Apart from general supervision by the State Wetland Authority, specific attention through an authority/committee for Ashtamudi wetland is necessary. This Ashtamudi committee/authority could function under the supervision of the State Wetland Authority and comprise representatives from various departments and domain experts on the similar lines as State Wetland Authority, but with a specific focus on the Ashtamudi lake.

8. However, before we proceed further, certain factual information arising from the statutory provisions needs to be placed before us by the State and the State Wetland Authority. The notification constituting the State Wetland Authority, dated 28 December 2017, includes ex officio members and states that experts in each field of wetland ecology, hydrology, fisheries, landscape planning and socio-economics by the State Government and two members from the field of wetland management are to be nominated. The Respondent – State will inform as to whether this was done and whether the State Wetland Authority is fully functional with all the ex officio and nominated members. Secondly, whether any integrated management plan has been prepared for Ashtamudi wetland, as envisaged under the Rules of 2017, and the guidelines of the Ramsar Convention. If yes, copy thereof will be placed on record. Thirdly, whether the integrated management plan has been prepared by the technical committee as per the Rules of 2017.

9. Considering the necessity of a specific agency for the implementation of the management plan for Ashtamudi lake, we propose to constitute Ashtamudi Local Wetland Authority/sub-committee for the



protection and conservation of Ashtamudi wetland to work under the supervision of the State Wetland Authority. The members of the Ashtamudi Wetland Authority/sub-committee can be drawn from different departments, on similar lines as indicated in the notification dated 28 December 2017, i.e., Department of Environment, Department of Forests, Department of Urban Development, Department of Rural Development, Department of Water Resources, Department of Fisheries, Department of Irrigation and Flood Control, Department of Tourism, and Department of Revenue. As regards the representatives for the Ashtamudi Wetland Authority/sub-committee, the Collector can be in-charge of the Ashtamudi Wetland Authority/Committee, which can include the Secretary of the Municipal Corporation; Joint Director of the Local Self Government Department; Executive Engineer, Irrigation Department, Kollam; Deputy Director, Department of Fisheries, Kollam; Executive Engineer, Inland Navigation Division, Kollam; Deputy Director, District Tourism, Department of Tourism, Kollam; Environment Engineer, Kerala State Pollution Control Board, Kollam; Member Secretary of the State Biodiversity Board; Director, Kerala State Remote Sensing & Environment Centre, Vikas Bhavan, Thiruvananthapuram; Chief Conservator of Forests, Southern Circle, Kollam; and one expert from the field of State Wetland Authority.

10. The Principal Secretary, Environment Department can finalize the composition of the Committee and also recommend one expert each from wetland ecology, hydrology, fisheries, landscape planning and socioeconomics, and two experts from wetland management, preferably having expertise relating to the



Ashtamudi wetland. The Principal Secretary will also indicate in the affidavit to be filed the procedure by which the Authority/sub-committee will function, the manner in which it will report to the State Wetland Authority.

Thus, the State and Wetland Authority were called upon to constitute a dedicated authority or committee for the effective implementation of the conservation and management measures for the Ashtamudi Wetland. It was suggested that such Ashtamudi wetland unit could function under the supervision of the State Wetlands Authority and comprise of representatives from various departments and domain experts on similar lines as the State Wetlands Authority, but with a specific focus on the Ashtamudi Lake. It was suggested that the members of the Ashtamudi Wetland Committee/Unit could be drawn from different departments, on similar lines as indicated in the notification dated 28 December 2017. The Principal Secretary, Environment was directed to finalize the composition of the Committee/Unit and also recommend one expert.

17. Pursuant to the direction in the order dated 10 June 2025, the State Wetlands Authority has placed a statement on record proposing the composition of Ashtamudi Wetland Management Unit as under:

<i>Sl. No.</i>	<i>Members</i>	<i>Role</i>
<i>1</i>	<i>District Collector, Kollam</i>	<i>Chairperson</i>
<i>2</i>	<i>Secretary, Municipal Corporation, Kollam</i>	<i>Member</i>



3	Secretary, Chavara Grama Panchayat	Member
4	Secretary, East Kallada Grama Panchayat	Member
5	Secretary, West Kallada Grama Panchayat	Member
6	Secretary, Munroethuruth Grama Panchayat	Member
7	Secretary, Panayam Grama Panchayat	Member
8	Secretary, Peryam Grama Panchayat	Member
9	Secretary, Perinad Grama Panchayat	Member
10	Secretary, Thekkumbhagam Grama Panchayat	Member
11	Secretary, Thevalakkara Grama Panchayat	Member
12	Secretary, Thrikkaruva Grama Panchayat	Member
13	Secretary, Neendakara Grama Panchayat	Member
14	Joint Director of the Local Self Government Department, Kollam	Member
15	District Town Planner, Kollam	Member
16	Executive Engineer, Irrigation Department, Kollam	Member
17	Executive Engineer, Inland Navigation Division, Kollam	Member
18	Deputy Director, Tourism, Kollam	Member
19	Secretary, District Tourism Promotion Council (DTPC), Kollam	Member
20	Deputy Director, Fisheries, Kollam	Member
21	District Environmental Engineer, Kerala State Pollution Control Board, Kollam	Member
22	District Coordinator, Kerala State Biodiversity Board, Kollam	Member
23	Director, Kerala State Remote Sensing and Environment Centre (KSREC), Vikas Bhavan, Thiruvananthapuram or his Nominee	Member



24	<i>Assistant Conservator of Forests, Social Forestry, Kollam</i>	<i>Member</i>
25	<i>One nominated Expert from Kerala Coastal Zone Management Authority (KCZMA)</i>	<i>Member</i>
26	<i>One nominated Expert from the SWAK</i>	<i>Member</i>
27	<i>One Representative of the Ashtamudi Houseboat Owners Association</i>	<i>Member</i>
28	<i>One Representative of the Fisherman and Clam Collectors Society</i>	<i>Member</i>
29	<i>One Representative of NGOs working in the wetland for Wetland Conservation and Management</i>	<i>Member</i>
30	<i>Chief Executive Officer (CEO)</i>	<i>Member Secretary/ Convenor</i>

It is suggested that a Chief Executive Officer, who is full-time salaried professional, will lead the day-to-day activities of the Ashtamudi Wetland Management Unit and also act as the Member Secretary/Convenor of the Unit. A technical/professional team will operate under the Chief Executive Officer to ensure the smooth functioning of the Unit. This team will comprise of the following personnel:

<i>Division</i>	<i>Designation of contract full time Professionals of AWMU</i>	<i>Number of Positions</i>
<i>Institution head</i>	<i>Chief Executive Officer</i>	<i>1</i>
<i>Research, monitoring and Evaluation</i>	<i>Wetland Hydrologist</i>	<i>1</i>
	<i>Wetland Ecologist</i>	<i>1</i>
	<i>GIS Specialist</i>	<i>1</i>



<i>Participation and networking</i>	<i>Networking Officer</i>	<i>1</i>
<i>Communication and outreach</i>	<i>Capacity Development Officer</i>	<i>1</i>
<i>General Administration</i>	<i>Accounts Officer</i>	<i>1</i>

18. The learned Government Pleader by way of memo dated 1 July 2025, has placed the communication issued by the Special Secretary, Environment Department, to the office of the Advocate General stating that two months' time would be required for constitution of this Unit. Therefore, the State and the Wetlands Authority have acknowledged the need to have a singular committee. At present, we are not scrutinising or commenting on the adequacy or necessity of the representation of members in this Unit as that issue has not arisen before us.

19. Now, we turn to the second aspect, that is, the need for a comprehensive management plan. Apart from constituting a dedicated Authority, it is equally important that an integrated management plan for Ashtamudi Lake is put in place. The learned standing counsel for the State Wetland Authority also accepted that as per the legal position, an integrated management plan is necessary for Ashtamudi Wetland. But, as of today, it does not exist.

20. Under Rule 2(1)(e) of the Rules of 2017, an "integrated management plan" is defined to mean a document which describes strategies and actions for achieving wise use of the wetland. This plan



includes objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation. The State Wetlands Authority, constituted under Rule 5 of Rules of 2017, is entrusted with the task of developing an integrated management plan for each of the notified wetlands. The State Wetlands Authority under Rule 5(4) of the Rules of 2017 has to also review the integrated management plan for each of the notified wetlands.

21. The position as of today as pointed out by the learned standing counsel for the State Wetland Authority is that the earlier Integrated Management Plan has expired, and a plan for Ashtamudi Wetland is being prepared under the updated Guidelines for National Plan for Conservation of Aquatic Ecosystems (NPCA). It is submitted that the first six chapters, which emphasis conservation, wise use, and regulatory compliance under the Rules of 2017 are almost finalized. The Plan is being prepared with funding from different agencies, in partnership with Wetlands International South Asia, and experts and inputs from various fields, including hydrology, ecology, watershed management, forestry, sociology, and economics are involved. Upon its completion, the revised Integrated Management Plan for Ashtamudi Lake will be submitted for approval.



22. The statutory provisions also mandate an integrated management plan for Ashtamudi Wetland. Apart from the Rules of 2017, under Clause VI of the NPCA Guidelines, an Integrated Management Plan will have to be prepared for the Ashtamudi Wetland. The necessity of a robust integrated management plan for Ashtamudi Lake cannot be stressed enough. This Plan is not only desirable but also a mandatory requirement. Without the plan in place, steps taken for the conservation of Ashtamudi Lake could be only ad hoc and haphazard. The plan has to identify and address the specific ecological and hydrological conditions of the site, assess threats, propose conservation and restoration actions, and include timelines, budgets, and performance indicators. The NPCA Guidelines state that where there are constraints of data or capacity, a Framework Management Plan has to be prepared as an interim measure, based on the existing knowledge and limited consultations, with a firm commitment to upgrade to a full Integrated Management Plan within one year. Both the Integrated Management Plan and Framework Management Plan have to provide specific conservation goals for regular monitoring and evaluation.

23. It is clear that the effectiveness of conservation efforts for Ashtamudi Lake will depend not only on the creation of a dedicated unit, but also through a specific management plan aimed at ensuring the long-term ecological security of this wetland. One of the primary challenges in the management of Ashtamudi Lake as we have noted is the absence of effective co-ordination among various departments and authorities.



Despite these statutory requirements, they have so far not been implemented by the Respondent – State.

24. Therefore, the position is that the survey carried out by the State Pollution Control Board, the report of the Committee on Environment submitted to the Legislative Assembly, and the facts placed on record by the Petitioners establish that the Ashtamudi Lake, a wetland of international importance in Kerala, faces serious threats from pollution, encroachment, unregulated activities, and various other factors. Ashtamudi, a Ramsar Site, has a statutory status being regulated under the Rules of 2017. Rules of 2017 prescribe the methodology for its conservation. The first and foremost requirement for the conservation and effective management of Ashtamudi Wetland is that a dedicated multi-member unit has to be constituted. Second is the Integrated Management Plan for Ashtamudi which will be implemented by this Unit. Each wetland would have different requirements for its conservation and may face different sets of problems. Despite being a statutory requirement, the dedicated Unit was not set up. Even the management plan has expired and the framing of a new plan is still in process, which, as informed, would take some time. If the plan was to expire, efforts should have been made in advance to replace it. If the final plan is under preparation, an interim plan could always have been put in place. As of today, therefore, Ashtamudi lacks both a dedicated unit and a specific management plan. The absence of these two crucial components has resulted in haphazard and disjointed



efforts, leading to the resultant situation.

25. Our endeavour in this petition through the interim orders and by this judgment, is to ensure that these two primary requirements, a dedicated authority and a specific management plan, are first put in place. Both the State Government and the State Wetland Authority have given commitments. In view of the delay that has occurred, it is necessary to mandate specific timelines for the constitution of a dedicated authority and the preparation of a management plan.

26. Accordingly, we dispose of the Petition with the following directions:

- (a) The State Government and the State Wetland Authority as per the Wetlands (Conservation and Management) Rules, 2017 shall constitute a specific Unit for the Ashtamudi Wetland – Ashtamudi Wetland Management Unit, as stated in the remarks placed on record by way of memo dated 7 July 2025 by the State Wetlands Authority, within a period of two months from today by issuing an official notification in that regard.
- (b) The first meeting of the Ashtamudi Wetland Management Unit shall be convened within two months from the date of the said notification, to finalize the procedural formalities for regulating its business.
- (c) A Standard Operating Procedure shall be formulated by the Ashtamudi Wetland Management Unit to govern its functioning, specifying modalities, such as the venue and frequency of its



meetings, and the mechanism for co-ordination among stakeholders, etc.

- (d) The State Government will ensure that the Ashtamudi Wetland Management Unit is provided with the necessary office infrastructure, support staff, and funding for its functioning.
- (e) The Ashtamudi Wetland Management Unit shall have its own website or, at the minimum a dedicated web page hosted on the official website of the State Wetlands Authority with a feedback mechanism with public access. The website will have all the necessary information, including the management plan – final and interim, the composition of the Authority, and various other such materials that would be relevant to be placed in public domain regarding conservation of Ashtamudi Wetland. The State Wetland Authority will also develop an effective digital feedback mechanism (web/social media) for the general public to bring to its notice the matters of concern by enabling them to upload/share audio-visual material.
- (f) The Integrated Management Plan for the Ashtamudi Wetland shall be finalized within a period of six months from the date of this judgment, in accordance with the governing regulations. The preparation of the Integrated Management Plan will follow the procedure laid down in the applicable Guidelines and the orders issued under the Wetlands (Conservation and Management) Rules, 2017.
- (g) Till the final Integrated Management Plan is put in place, the State Wetland Authority will consider developing an interim Management Plan for the guidance of the Ashtamudi Wetland Management Unit as per the governing procedure and regulations.



- (h) All Government departments and statutory agencies will act in aid of the Ashtamudi Wetland Management Unit/Committee and extend full co-operation to it in the discharge of its functions.

27. The Writ Petition is disposed of in the above terms.

28. The Secretary of the Ashtamudi Wetland Management Unit will be at liberty to take out an application in the present disposed of Public Interest Litigation, in case any further directions are required, especially regarding the adequacy of infrastructure or co-operation by other departments and agencies.

29. Pending interlocutory applications, if any, shall stand closed.

Sd/-
NITIN JAMDAR,
CHIEF JUSTICE

Sd/-
BASANT BALAJI,
JUDGE

krj/-

//TRUE COPY//

P.A. TO C.J.



APPENDIX OF WP(C) 18400/2024

PETITIONERS' EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE REPORT OF SANITATION SURVEY OF ASHTAMUDI LAKE PUBLISHED BY THE KERALA STATE POLLUTION CONTROL BOARD IN 2022.
- EXHIBIT P2 TRUE COPY OF THE 8TH REPORT OF THE ENVIRONMENT COMMITTEE OF THE 15TH KERALA LEGISLATIVE ASSEMBLY DATED 17/03/2023.
- EXHIBIT P2 (A) ENGLISH TRANSLATION OF EXHIBIT - P2.
- EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED 24/04/2024 SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS.

RESPONDENTS' EXHIBITS/ANNEXURES:-

- EXHIBIT R9 (A) THE TRUE COPY OF THE ORDER NO. 1780526/24 DATED 31.07.2024.
- EXHIBIT R9 (B) THE TRUE COPY OF THE ORDER NO. H1/14296/22 DATED 04.01.2023.
- EXHIBIT R5 (A) A TRUE COPY OF THE NOTICE ISSUED BY THE SECRETARY, PAKAYAM GRAMA PANCHAYAT DATED 28/12/2024 WITH ENGLISH TRANSLATION.
- EXHIBIT R5 (B) A TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, PERINAD DATED 06.11.2024 WITH ENGLISH TRANSLATION.
- EXHIBIT R5 (C) TRUE COPY OF THE COMMUNICATION DATED 07.11.2024 FROM THE PRESIDENT/SECRETARY, THEKKUMBHAGOM VILLAGE TO THE TAHSILDAR (LR), KARUNAGAPPALLY WITH ENGLISH TRANSLATION.
- ANNEXURE R8 (A) TRUE COPY OF LETTER NO. PCB/KO/G/35/06 DATED 31-1-2023 ISSUED BY THE POLLUTION CONTROL BOARD TO THE KOLLAM MUNICIPAL CORPORATION



SECRETARY, ALONG WITH ENGLISH TRANSLATION.

- ANNEXURE R8 (B) TRUE COPY OF THE LETTER NO. PCB/HO/GIS/01/2023 DATED 7-8-2023 ISSUED BY THE POLLUTION CONTROL BOARD TO THE SECRETARY, KOLLAM CORPORATION.
- ANNEXURE R8 (C) TRUE COPY OF THE LETTER NO. PCB/KO/GEN/135/06 DATED 5-8-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE SECRETARY, KOLLAM CORPORATION.
- ANNEXURE R8 (D) TRUE COPY OF THE LETTER NO. PCB/KO/GEN/14/2024 DATED 9-8-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE DISTRICT COLLECTOR, KOLLAM.
- ANNEXURE R8 (E) TRUE COPY OF THE LETTER NO. KSPCB/198/2023-AE-10 DATED 27-8-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE SECRETARY, KOLLAM CORPORATION.
- ANNEXURE R8 (F) TRUE COPY OF THE LETTER NO PCB/KO/GEN/35/06 DATED 3-9-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE NEENDAKARA FISHING HARBOUR.
- ANNEXURE R8 (G) TRUE COPY OF THE LETTER NO PCB/KO/GEN/35/06 DATED 3-9-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE SAKTHIKULANGARA FISHING HARBOUR.
- ANNEXURE R8 (H) TRUE COPY OF THE MINUTES OF THE HEARING CONDUCTED ON 4-9-2024.
- ANNEXURE R8 (I) TRUE COPY OF THE TABULATED REPORT RECEIVED FROM CLEAN KERALA COMPANY, ALONG WITH ENGLISH TRANSLATION.
- ANNEXURE R8 (J) TRUE COPY OF THE LETTER NO. KSPCB/198/2023-AE-10 DATED 5-9-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE KERALA WATER AUTHORITY.



- ANNEXURE R8 (K) TRUE COPY OF THE REPLY LETTER NO. KWA/JB/LS4/OA/147/2022 DATED 2-11-2024 RECEIVED FROM THE MANAGING DIRECTOR, KERALA WATER AUTHORITY.
- ANNEXURE R8 (L) TRUE COPY OF THE LETTER NO. KSPCB/198/2023-AE-10 DATED 29-12-2024 ISSUED BY THE POLLUTION CONTROL BOARD TO THE KERALA WATER AUTHORITY.
- ANNEXURE R8 (M) TRUE COPY OF THE REPLY LETTER NO. N6-230/24 DATED 31-8-2024 SUBMITTED BY NEENDAKARA GRAMA PANCHAYAT TO THE POLLUTION CONTROL BOARD. ALONG WITH ENGLISH TRANSLATION.
- ANNEXURE R8 (N) TRUE COPY OF THE TABULATED REPORT OF THE PRESENT STATUS OF SOLID AND LIQUID WASTE DISPOSAL FACILITIES IMPLEMENTED BY LOCAL BODIES SURROUNDING ASHTAMUDI LAKE.
- ANNEXURE R8 (O) TRUE COPY OF THE TABULATED DETAILS OF DOOR TO DOOR COLLECTION OF PLASTIC WASTE MATERIALS AND OTHER NON-BIODEGRADABLE WASTE MATERIALS IN 12 GRAMA PANCHAYATS SURROUNDING ASHTAMUDI LAKE.
- ANNEXURE R8 (P) TRUE COPY OF THE RESULTS OF THE PARAMETERS OF THE SAMPLES TAKEN ON 27TH AND 28TH OCTOBER, 2024 IN CONNECTION WITH THE FISH KILL.
- ANNEXURE R8 (Q) TRUE COPY OF THE CONSOLIDATED COPY OF THE ANALYSIS REPORTS FROM JANUARY TO DECEMBER, 2024 FROM 6 SAMPLING POINTS.
- ANNEXURE R23 (1) COPY OF THE LETTER DATED 18.05.2024 OF THE ADDITIONAL 23RD RESPONDENT ADDRESSED TO THE SECRETARY, ENVIRONMENT DEPARTMENT WITH TRANSLATION.
- ANNEXURE-R23 (2) REMARKS OF THE ADDITIONAL 23RD RESPONDENT FORWARDED TO THE STATE GOVERNMENT.

//TRUE COPY//

P.A. TO C.J.