



2025:KER:67562

**WP(PIL) NO. 87 OF 2025**

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**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR**

**&**

**THE HONOURABLE MR.JUSTICE BASANT BALAJI**

**THURSDAY, THE 11<sup>TH</sup> DAY OF SEPTEMBER 2025 / 20TH BHADRA, 1947**

**WP(PIL) NO. 87 OF 2025**

**PETITIONER/S:**

**SUO MOTU PROCEEDINGS INITIATED BY THE HIGH COURT  
IN WATERLOGGING OF SNDP HIGHER SECONDARY SCHOOL,  
KUTTAMANGALAM, ALAPPUZHA**

**BY ADV SUO MOTU PROCEEDINGS INITIATED BY THE HIGH  
COURT(PARTY-IN-PERSON)**

**RESPONDENT/S:**

- 1 STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY  
REPRESENTED BY GOVERNMENT PLEADER,HIGH COURT OF  
KERALA, PIN - 682031**
- 2 THE DIRECTOR OF GENERAL EDUCATION  
DIRECTORATE OF GENERAL EDUCATION, JAGATHI,  
THIRUVANANTHAPURAM, PIN - 695014**
- 3 THE DISTRICT COLLECTOR  
DISTRICT COLLECTORATE, CIVIL STATION WARD,  
ALAPPUZHA, PIN - 688001**
- 4 PRINCIPAL AGRICULTURE OFFICER  
PRINCIPAL AGRICULTURE OFFICE, CIVIL STATION,  
ALAPPUZHA, PIN - 688001**
- 5 THE SECRETARY  
KAINAKARY GRAMA PANCHAYAT, THOTTUVATHALA, KAINAKARY  
SOUTH, ALAPPUZHA, PIN - 688501**



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- 6 THE MANAGER  
SNDP HSS, KUTTAMANGALAM, KAINAKARY NORTH,  
ALAPPUZHA, PIN - 688501
- 7 THE SECRETARY  
PARUTHIVALAVU PADASHEKHARA SAMITI,  
KUTTAMANGALAM.P.O, KAINAKARY, ALAPPUZHA, PIN -  
688501
- 8 THE KERALA STATE LEGAL SERVICES AUTHORITY,  
REPRESENTED BY ITS MEMBER SECRETARY, ERNAKULAM, PIN  
682031. [ADDL.R8 IS IMPEADED AS PER ORDER DATED  
23/7/2025 IN WP(PIL)87/2025]

BY ADVS.  
SHRI.R.RAJPRADEEP  
SRI.K.K.RAJEEV  
SHRI.ABDUL KHADER KUNJU S.  
SRI.AMAL KASHA  
SHRI.SACHIN RAMESH  
SMT.SREEDEVI S.  
SHRI.A AL FAYAD  
MR.V.TEKCHAND, SR.GP  
MR.JITHIN SAJI ISSAC, AMICUS CURIAE

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING  
COME UP FOR ADMISSION ON 11.09.2025, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:

JUDGMENTC.R.Dated this the 11<sup>th</sup> day of September, 2025NITIN JAMDAR, C.J.

In May 2025, the Alappuzha district experienced incessant monsoon rains which breached an earthen embankment bordering paddy fields and flooded the area in Kainakary Grama Panchayat in Kuttanad. Two hundred students and teachers of a partially submerged school in the area wrote a letter requesting the Chief Justice of the High Court of Kerala to intervene. The letter was treated as a *suo motu* writ petition.

2. The school, SNDP Higher Secondary School, Kuttamangalam, situated in Ward No.3 of Kainakary Grama Panchayat, is located on the outer bund of Paruthivalavu paddy fields. This region follows a traditional agricultural system involving the construction of earthen bunds to prevent water ingress, followed by motorised pumping of water for cultivation in the large contiguous paddy fields called Padasekharams. The Padasekharam Committee, a collective of farmers, regulates the flow of water in these fields by maintaining pumps and earthen bunds. The collapse of these bunds during heavy monsoons or flash floods, locally known as “Madaveezhcha”, leads to the inundation of paddy fields and surrounding areas. The “Madaveezhcha” that occurred on 29 May 2025 in the Paruthivalavu paddy fields partially submerged the School. First-year students attended classes in the morning on the upper floors, in the library and computer rooms, while second-year students attended in the afternoon. The students and the teachers complained that despite the



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School making various requests to the concerned Padasekhara Samithi, no action was taken. They expressed serious concern about their ability to catch up on the loss in the studies. Many of the students' homes are also submerged, and they were barely managing to reach the School and attend classes.

3. The petition was taken up for hearing on 23 July 2025, and the District Collector, Alappuzha, was directed to convene a joint meeting of the concerned officials from the Education Department, Agriculture Department, and local authorities to ascertain the factual position, and issue necessary directions as warranted. The matter was then posted on 31 July 2025 for submission of the Action Taken report. Adv. Mr. Jithin Saji Issac was appointed as *Amicus Curiae*, and the Kerala State Legal Services Authority was joined as party Respondent to assist the Court with the factual aspects of the case.

4. The learned *Amicus Curiae* visited the place along with the Kerala State Legal Services Authority on 9 August 2025. They found that the school compound was still flooded. Sandbags were found heaped in a corner, and it was informed that those bags were placed so that children could walk into the school. They also visited the padasekharams in a country boat. They found that there were three indigenous dewatering pump systems, two of which were not functioning. As on the date of the visit, the Padasekharam and a portion of the School remained submerged.

5. The joint meeting conducted by the District Collector on 28 July 2025 was attended by the Deputy Collector (Disaster Management);



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Deputy Director of Education, Alappuzha; Principal Agricultural Officer, Alappuzha; Tahsildar, Kuttanad; President, Kainakary Grama Panchayat; Secretary, Kainakary Grama Panchayat; Secretary, Paruthivalavu Padasekhara Samithi; Agricultural Officer (i/c) Kainakary; Member, Ward No.3, Kainakary Grama Panchayat; Manager, SNDP HSS, Kuttamangalam; and the Principal, SNDP HSS, Kuttamangalam.

6. After the meeting on 28 July 2025 with the concerned district-level officials, the District Collector convened another meeting on 2 August 2025 with the district-level officials, and further measures were initiated to ensure removal of waterlogging and resumption of academic activities in the School. The District Collector submitted a report dated 13 August 2025 stating that the complaint was forwarded to the Principal Agricultural Officer, Alappuzha, on 11 June 2025, for necessary action and report. Subsequently, the District Collector, along with concerned officials, inspected the School and its surroundings and assessed the situation. Instructions were also given to drain the water in the paddy fields for the smooth functioning of the School. The District Collector placed on record that Padasekhara Samrakhshana Samithi was instructed to carry out round-the-clock pumping using the available pumps 50 HP, 60 HP, and two 12 HP submersible pumps. Additionally, two 5 HP pump sets belonging to Nedumudi Grama Panchayat were also deployed. The Secretary of the Grama Panchayat was directed to ensure that the School and its premises are cleaned after the water is removed. Based on the decision taken in the meeting held in the office on 2 August 2025,



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the Deputy Director of Education and the Tahsildar, Kuttanad, were assigned to directly inspect the School and its surroundings, and submit a report. The Collector, referring to the report of the Tahsildar, Kuttanad, stated that motors were being operated 24 hours a day to drain the water. The Assistant Executive Engineer (Agriculture), Alappuzha, was directed to inspect the breached bund areas, identify existing leakages, suggest reinforcement using sandbags, and submit a report accordingly. The Deputy Director of Education was instructed to submit a report detailing the number of academic days lost due to waterlogging in all affected and unaffected schools in the region. The Secretary, Paruthivalavu Padasekhara Samithi was further instructed to hire five additional 10 HP submersible pumps for dewatering, and to estimate and report the rental cost. The Secretary, Kainakary Grama Panchayat and the Padasekhara Samithi were directed to begin sanitation activities in the dewatered areas, reinforce the bunds, and supply the required sand to make the school and its surroundings safe and accessible. The petition was heard on 31 July 2025, 11 August 2025, and 14 August 2025. The learned *Amicus Curiae* submitted a report, and the learned Senior Government Pleader placed on record the instructions received from the District Collector along with the Action Taken Report.

7. We have heard Mr. R. Rajpradeep, the learned counsel for Respondent No.5, Mr. K. K. Rajeev, the learned counsel for Respondent No.6, Mr. Abdul Khader Kunju S., the learned counsel for Respondent No.7, Mr. Amal Kasha, the learned counsel for Respondent No.8,



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Mr. Jithin Saji Issac, the learned *Amicus Curiae*, and Mr. V. Tekchand, the learned Senior Government Pleader.

8. The subject matter can be divided into three components. The first is the remedial measures in respect of the School. The second is the statutory framework and the action to be taken thereunder. The third is the possibility of evolving a long-term solution.

9. The Kuttanad area of Alappuzha district, where the School is situated, lies below sea level. On the aspects of geography, agriculture, and hydrology, the learned *Amicus Curiae* and the learned Senior Government Pleader have submitted their written notes based on the material from official records. They point out that Kuttanad, lying across Alappuzha, Kottayam, and Pathanamthitta districts, was formed by the alluvium of the Pamba. As the fields are below sea level, irrigation is done by drawing water from the canal system through gravity flow. Rice cultivation in Kuttanad is carried out up to two metres below sea level. Large stretches of paddy fields, known as “Punja Vayals”, were reclaimed. The Food and Agriculture Organisation has recognised Kuttanad farming as a Globally Important Agricultural Heritage System for preservation of traditional practices. Padasekharams are contiguous rice fields ranging from a few hectares to over 2,500 hectares. Polder system was adopted by pumping out water and diverting river flows. Retaining walls of rubble, called *pulimuts*, are built to protect the reclaimed land. Padasekharams are owned by groups of households, with each farmer sharing the cost of maintenance according to the land held. Reclamation was done by



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marking boundaries with bamboo poles and constructing bunds. Poles were driven into the lake bed and fenced with bamboo mats, while arecanut poles and woven coconut leaves supported the structure. Bunds were filled with sand, clay, sedges and organic material. Outer bunds are essential to resist floodwaters and prevent crop loss. Dewatering was first done manually with pedal-operated wheels, but now oil and electric pumps of 30–50 HP are used for draining excess water in 15 to 20 days. Each padasekharam has pumping sheds (*motor tharas*), drain channels (*vachals*), and water inlets. Bund failures during monsoon floods often submerge fields and destroy crops. This, in short, is the position on site.

10. Firstly, as regards relief to the students of the SNDP Higher Secondary School, Kuttamangalam on whose letter the cause was taken up, the District Collector, Alappuzha had already formed the above group of officers to address the issue. This group of officers will continue as an *ad hoc* committee for the subject matter under the supervision of the District Collector. The grievances of the school authorities can be placed before this *ad hoc* committee, which is already seized of the issue referred to it. We have no doubt that the District Collector will direct necessary steps to be taken in this regard as and when pointed out by the School.

11. The reason for taking *suo motu* cognizance was the lack of an effective co-ordination mechanism to look into the grievance of the students and teachers of the School. Now that such a mechanism is put in place by the District Collector, this group of officers who have collectively taken the decisions will continue as the *ad hoc* committee referred to





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above, till further orders, under the supervision of the Collector. The School can now take up their suggestions and grievances to the District Collector, who can get it resolved through this *ad hoc* committee. The learned Senior Government Pleader submits that necessary communication will be issued to the School through the office of the District Collector in that regard.

12. Second aspect is the statutory framework and the action to be taken under the Act and the Rules. The traditional agricultural practices in the area are regulated under the Kerala Irrigation and Water Conservation Act, 2003 (Act of 2003). The Act of 2003 governs the construction of irrigation works, the conservation and distribution of water for irrigation purposes in the State of Kerala. The Act of 2003 provides for involvement of farmers in the water utilization system and for matters connected therewith. This enactment places responsibilities and also provides for planning of the traditional agricultural practices in the region.

13. Chapter VIII of the Act of 2003 deals with the concept of execution of works by joint labour. Section 31 provides that where, by local custom, any work connected with drainage of water for the purpose of agriculture is to be done by the joint labour, and where there is failure or neglect of the work, the Collector, or the Pundia Special Officer, appointed by Government will investigate the matter and pass such order as necessary, including direction to the defaulting owner to execute any portion of such work or pay any portion of the cost of the work. Under Section 32, the concept of Padasekharam has been acknowledged, with Explanation to



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Section 32 defining “padasekharam”, to mean a collection of paddy fields contiguously situated, whether owned by one or more than one person; and “committee of padasekharam” means the committee of the owners of the padasekharam constituted in such manner as may be prescribed. Section 32 provides that where the committee of a Padasekharam applies to the Collector, the Punja Special Officer, to arrange for the dewatering of that Padasekharam for the purpose of paddy cultivation, the Collector, the Punja Special Officer can arrange for the dewatering of such Padasekharam and to recover the cost of such dewatering from all the owners of such Padasekharam. Section 33 deals with the construction or repair of bund. Chapter XI of the Act of 2003 refers to the concept of participatory irrigation management.

14. The local custom of collective effort in paddy farming is more specifically regulated under the Kerala Irrigation and Water Conservation Rules, 2005 (Rules of 2005). Rule 15 of the Rules of 2005 provides for constitution of the committee specified in the Explanation to Section 32 of the Act of 2003, i.e., the “Padasekharam Committee”, and all owners of the land within a Padasekharam are members of the Committee. Under Rule 15(3), every Padasekharam Committee shall have an Executive Committee consisting of three members elected from farmers owning not more than 0.4 hectare of paddy field in the concerned padasekharam from among themselves; three members elected from farmers owning more than 0.4 hectare and not more than 2 hectares in the concerned padasekharam from among themselves; three members elected from



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farmers owning more than 2 hectare of paddy field in the concerned padasekharam from among themselves; the Agriculture Officer of the Krishi Bhavan having control of the concerned padasekharam shall be the ex-officio member; and the Assistant Engineer of the Irrigation Department in whose jurisdiction the padasekharam falls.

15. Rule 16 of the Rules of 2005 details the functions of the Executive Committee. They include, to prepare an action plan every year for the development of paddy cultivation; to closely monitor the execution of activities as envisaged in the action plan; to undertake development activities for encouraging profitable paddy cultivation; and to ensure maximum utilisation of resources in padasekharam for increasing paddy production.

16. Supervisory powers are conferred on the Collector, Punja Special Officer, or the Irrigation Officer under Rule 17 of the Rules of 2005. If any order is passed by the District Collector or the Punja Special Officer under Sections 31 or 32 of the Act of 2003, an appeal is provided under Section 35 of the Act of 2003 by any person aggrieved by such order to the Government. Under Section 36 of the Act of 2003, revision is provided.

17. The learned *Amicus Curiae* has placed on record the circular dated 3 April 2019, issued by the Directorate of Agricultural Department, State of Kerala in respect of the guidelines to be followed for implementation of the operational support to Padasekhara Samithies,



which reads as under:

*“The circular of the Government of Kerala also laid down the following guidelines to be followed in the implementation of the operation support to padasekhara samithies.*

*1. For each padasekharam an action plan should be prepared by the Agricultural Officer with the involvement of all stakeholders by integrating schemes implemented by various agencies. In the padasekhara samithy, 10-20 members should be entrusted with special tasks for collecting information from Krishibhavan, Panchayat and Karshika Vikasana Samithy and to give information to members. A representative from the local financial institution should also be invited to the padasekhara samithy. The action plan should contain details of all activities right from the arrangement of seed till production procurement / paddy as seed including their post harvest management and marketing.*

*2. The annual action plan at Krishibhavan level should be verified and approved by the concerned block level ADAs.*

*3. The assistance of subject experts from KAU and KVK institutions can be utilized in solving field problems.*

*4. The scheme will be implemented in all potential rice growing tracts with the active participation of group farming samithies. The activities should be carried out based on action plan already prepared for each samithy before the commencement each cropping of season.*

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*Agricultural officer should give the padasekharam wise detailed report (name of padasekharam, area covered, variety grown, number of farmers benefitted, assistance given to various components through various agencies*



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*etc) to the block level ADA soon after the completion of each season. The ADAS should submit a consolidated block-wise report to the DDA (WM), who in turn will submit a detailed report to the Additional Director of Agriculture (CP) along with panchayath-wise area covered under paddy cultivation and the yield obtained, soon after the completion of each season. Wide publicity and media coverage of the scheme should be ensured through FIB. Principal Agricultural officer of each district will submit monthly progress report to the Additional Director of Agriculture (CP) by 5<sup>th</sup> of every month.”*

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*(emphasis supplied)*

18. Therefore, Chapter VIII of the Act of 2003 acknowledges the practice of joint agriculture as established by local custom and seeks to regulate it by imposing the responsibility on the local committees and empowering the District Collector and Punja Special Officer to issue necessary directions. The Padasekharam Committee has to prepare an annual Action Plan for the development of paddy cultivation, monitor its execution, undertake development activities to make farming profitable, ensure optimum use of resources to enhance production, and maintain proper accounts of the Committee's funds.

19. In the counter affidavit filed by Respondent No.7, Paruthivalavu Padasekhara Samithi, it is acknowledged that the Samithi is responsible for the preparation of annual plan, however, the annual plan has not been placed on record. Respondent No.7 stated that there was shortage of funds and that efforts were underway following the collapse of the bund.



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It was also stated that an urgent general body meeting was convened on 5 June 2025, during which a decision was taken, and repairs were subsequently carried out for dewatering. It appears from the response of the Samithies that the repairs to breaches in the bunds often require immediate action and ready cash, which many of these Samithies lack. The District Collector and the Punja Special Officer will have to look into the case at hand within the ambit of the Act of 2003 and the Rules of 2005. The Collector will also have to ascertain whether annual plan is prepared, as it is an important aspect of the regulation of irrigation. If any action is taken against Respondent No.7 Samithi, then the aggrieved party, under the Act of 2003, has a remedy for appeal and revision.

20. Third aspect is the larger perspective. Apart from the steps taken for maintaining and strengthening the bunds, and ensuring the effective functioning of the Padasekhara Samithi, various measures can be explored. These include, based on the material on record, removal of obstructions to the natural flow of water in the region and providing durable protection to the bunds through the use of machinery or bio-bunding, with priority given to the bunds constructed from stiff clay and designed with appropriate slopes. Bio-protection can further be enhanced by promoting the growth of specific grass species and by planting row of coconut trees on the static side of the bunds. The Rules of 2005 aim to regulate the customary agricultural practices. However, these customary practices require further strengthening, particularly with regard to their implementation. Apart from the natural calamities that may be beyond



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human control, various measures can be implemented to reduce the frequency of such incidents and to ensure that unregulated activities do not contribute to their occurrence.

21. However, the long-term measures for preventing recurrences of incidents such as the present one will require expertise in the subject. To a query, the learned Senior Government Pleader pointed out that the appropriate expert authority in this matter would be the Chief Engineer, Kuttanad Package and Inland Navigation. A study can be carried out under the supervision of the Chief Engineer, Kuttanad Package and Inland Navigation, to examine how occurrences such as the present one can be minimised. Upon receiving the report, the State Government can take appropriate decisions regarding its implementation.

22. Therefore, on the first aspect, the District Collector, on 28 July 2025, convened a joint meeting of all concerned officers and issued necessary directions. This procedure may be continued by the District Collector till the issues raised in the letter/petition are resolved. Whenever similar issues arise concerning the educational institutions in the area, the District Collector can conduct a similar meeting and issue appropriate directions, particularly if the situation is emergent. The statutory rules place the responsibility on the Padasekharam Committee to maintain the bunds and earthen embankments, and to regulate water for the irrigation of paddy fields. This has to be done in a methodical manner and, therefore, the Rules of 2005 cast a responsibility on the committees to formulate an annual plan. Respondent No.7 has no such annual plan, and



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it is not clear whether one has ever been prepared. It is also not clear as to whether any of the committees in the area have prepared the annual plan. Without an annual plan, which is a statutory mandate, any measures taken by the committees would be *ad hoc*. The District Collector being the authority under the Rules of 2005 can call for information from the Samithies in the area to ensure that annual plans are properly maintained. It appears that some Samithies are facing financial difficulties, which is an issue the State Government will have to look into. Though the topography of the area, where a large number of agricultural fields lie below sea level, makes it susceptible to inundation during the monsoon season, the present situation has been aggravated due to the breach of agricultural bund. This cannot be attributed wholly to an act of nature. Apart from the excessive rainfall beyond expectation, various man-made factors may have contributed to the aggravation of the situation. This would require long-term measures, which need to be preceded by a study. The Chief Engineer, Kuttanad Package and Inland Navigation, can carry out such a study. If the Chief Engineer requires assistance for conducting the study, the State Government will provide the same. Thereafter, the Chief Engineer may submit a report to the State Government indicating the measures that can be taken.

23. Accordingly, we issue the following directions.

24. The *ad hoc* committee of officers formed in the meeting held on 28 July 2025 will continue to function till the issue concerning the School is resolved. The District Collector, Alappuzha, will issue the necessary





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instructions in this regard, as directed in the earlier orders passed in this petition. In the event of a similar situation arising in relation to other educational institutions in the area in future, the District Collector shall adopt the same approach by convening a meeting of the *ad hoc* committee to issue the required directions.

25. The District Collector, Alappuzha, either personally or through the concerned Punja Special Officer, will conduct an inquiry into the collapse of the bund at Paruthivalavu paddy fields, examine the role of Respondent No.7 Samithi, and appropriate steps will be taken in accordance with the Act of 2003 and the Rules of 2005. In the event, any adverse action is taken against Respondent No.7, they shall be entitled to all remedies available under law.

26. The District Collector will call for information from all the Padasekharam Committees within the jurisdiction as to whether the annual plans are being prepared and implemented, and issue necessary instructions.

27. The Chief Engineer, Kuttanad Package and Inland Navigation will examine the issues raised in this petition, study the long-term solutions, and will submit a preliminary report within four months to the State Government, followed by a detailed report thereafter. If the Chief Engineer requires any assistance for carrying out the study, in terms of logistics, infrastructure, or manpower, the State Government will provide the same.



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28. Upon receipt of the reports, the State Government will consider the feasibility of the recommendations and take necessary and appropriate action, as warranted.

29. The Writ Petition is disposed of as above.

30. The assistance rendered by the learned *Amicus Curiae*, along with the learned counsel for the Kerala State Legal Services Authority, in preparing a detailed note and visiting the site in question, is duly appreciated.

Sd/-

**NITIN JAMDAR,  
CHIEF JUSTICE**

Sd/-

**BASANT BALAJI,  
JUDGE**

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APPENDIX OF WP(PIL) 87/2025

**PETITIONER EXHIBITS**

Exhibit P1	PETITION FILED BY B.R. BINDU PRINCIPAL SNDP HSS, KUTTAMANGALAM AND ITS TRANSLATION
Exhibit P2	NEWS PAPER REPORT 1 AND ITS TRANSLATION
Exhibit P3	NEWSPAPER REPORT 2 AND ITS TRANSLATION
Exhibit P4	ORDERS OF THE HONOURABLE THE CHIEF JUSTICE

**RESPONDENT EXHIBITS**

Exhibit R7(a)	A true copy of minutes of the meeting dated 24/04/2025 with translation
Exhibit R7(b)	True copy of the minutes dated 06/06/2025 with translation
Exhibit R7(c)	True copy of the minutes dated 12/06/2025 with translation
Exhibit R7(d)	A true copy of Agreement for repairing the bund with translation

**RESPONDENT ANNEXURES**

Annexure A	Copy of the relevant pages of Circular No. TA(1)12516/19 dated 03.04.2019 of the Directorate of Agricultural Development and Farmers Welfare Department
Annexure B	Copy of the relevant pages of the Finance Accounts of Government of Kerala for the year 2022-2023
Annexure C	Copy of the relevant pages of G.O. (Rt)No.406/2024/AGRI Dated, Thiruvananthapuram dated 03-05-2024
Annexure D	Copy of the relevant pages of Annual Plan, 2024-25 of Directorate of Agriculture Development and Farmers' Welfare Department
Annexure E	Copy of the relevant pages of the Budget Estimate 2025-26 under the State Plan, the Government of Kerala