

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

Present: Mr.Justice N.Dhinakar, Hon'ble Chairperson

Dated this the 10th March, 2010.

H.R.M.P.No.584 of 2009

Petitioner : Molly Joy,
Councillor, Ward No.XVI,
Municipal Council Aluva – 683 101

Respondent :

ORDER

The complaint of the petitioner, who is the Councillor of Aluva Municipality, is that the grill erected in the Periyar Valley Canal and passing through Wards X & XVI of Aluva Municipality is causing stagnation of water resulting in problems to the residents residing on the banks of the river on account of which there is every possibility of contagious diseases spreading in the area.

In the report filed by the District Collector, Ernakulam, it is stated that with a view to prevent water flowing on to the railway track a grill was put up in the canal near 'Aluva Fiendship' house and during the earlier years the waste materials which used to get accumulated at the grill were removed by the canal keepers who then used to burn the said waste materials. According to the District Collector, Ernakulam, on account of tarring of the roads on both the sides of the canal the waste materials are not burned and a contract was therefore given to a person to remove the waste materials near the grill on alternate weeks and the

contractor is now carrying the job. According to him, steps are being initiated to erect a grill on the limits of the Panchayat boundary to prevent the entry of waste materials to the Municipal area and after the erection of the said grill the problem will be solved since the Panchayat will remove the waste materials even in their boundary and that the waste materials deposited in the Municipal area can be removed by the Municipality and that directions were also issued to Aluva Municipality to take all steps to remove the waste materials from the canal falling in their jurisdiction.

In the report submitted by the Secretary, Aluva Municipality, it is stated that in Periyar Valley Irrigation Project Canal the grill was erected near 'Aluva Friendship' house and it is causing difficulties to the people. According to the report, the Irrigation Department used to remove the said waste and on spot inspection on 11.3.2009 it was found that the waste materials were removed and there is also a suggestion in the report to the effect the problem can be solved by shifting the grill to another place where the population is less from the place where it is now erected. According to the Municipality the Engineer of the Irrigation Department prepared a project for shifting the grill to some other place and since no approval was obtained for the said estimate it could not be implemented.

The reports of the District Collector as well as by the Secretary, Aluva Municipality, therefore show that waste materials get stagnated near the grill leading to pollution in the area and thereby causing problems to the residents and that a contractor was also appointed to remove the waste materials which get

accumulated near the grill. According to Mr. Satheesan, Secretary of the Municipality, who is now present before me, the contractor, who is appointed to remove the waste materials though removes the waste, is not taking it away to some other places to burn the said waste but leaves the waste on the banks which get back into the canal and causes stagnation of water leading to pollution. According to him, the Municipality will take effective steps to see that the problem is solved by initiating necessary steps and also by requesting the Periyar Valley Irrigation Project (PVIP) officials, Perumbavoor, to do the needful in the matter since the said canal is to be maintained and also to see the water will not get stagnated at any place leading to pollution. The said statement of the Secretary, Aluva Municipality, is recorded. It is also to be stated that since the PVIP canal, according to the Secretary, is to be maintained by the PVIP the officials, the said project officials will also take steps to see that there is no stagnation of water on account of any reason by initiating appropriate action.

I hope and trust that the officials of the PVIP and the Municipality will co-ordinate with each other and do the needful for preventing the stagnation of water at any place leading to pollution.

The petition is closed with the above direction.

Justice N. Dhinakar,
Chairperson.