

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

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

Dated this the 14<sup>th</sup> September, 2010.

**1) H.R.M.P.No.650 of 2009**

Petitioner : V.J.Chacko, S/o Ouseph,  
Vaikathusseril,  
Arpookkara East.P.O, Kottayam.

Respondents : 1) District Collector, Kottayam.  
2) Executive Engineer, P.H.Division,  
Collectorate.P.O, Kottayam.  
3) Superintendent, Medical College Hospital,  
Gandhinagar.P.O, Kottayam.

**2) H.R.M.P.No.861 of 2009**

Petitioners : A. Ramesan Nair, Kannan Bhavan,  
House No.455, VIII the Ward,  
Arppookkara Grama Panchayat, Kottayam  
and eleven others.

Respondents: 1) District Collector, Kottayam  
2) Superintendent, Medical College Hospital,  
Gandhinagar.P.O, Kottayam  
3) Executive Engineer, P.H.Division,  
Collectorate. P.O, Kottayam

**COMMON ORDER**

The complaint of the petitioners in the above two HRMPs is against the discharge of waste water from the Medical College Hospital, Kottayam, leading to pollution of wells in the area as a result of which the residents are not able to get pure drinking water. As the complaints in both the HRMPs are similar in nature they are clubbed and the following common order is passed.

On receipt of the above HRMPs reports were called for from the District Collector, Kottayam, the Secretary, Arppookkara Grama Panchayat and the Executive Engineer, Public Health (PH) Division, Kerala Water Authority (KWA), Kottayam and the reports are filed.

The sum and substance of the report of the District Collector, Kottayam, is that some of the wells in the area were found to be contaminated , but according to the report, the said contamination of water in the wells may be on account of several other factors. It is also stated in the report that the place in question is included in the “Samagra Grameena Shudha Jala Vitharana Padhathi” and an estimate was also submitted for supplying pure drinking water to the petitioners and other residents in the area by erecting a pipe line from the treatment plant situate in the Medical College Hospital campus by including it in the local MLA’s fund and that the water will be supplied to the residents as and when the approval of the project and allotment of fund are received and the Panchayat was directed to put up a protection wall on the sides of the thodu and also enable the free flow of water. In the report it is further stated that the construction of a refinery unit for supplying pure drinking water to the residents in the areas falling within the jurisdiction of the Panchayat is completed and the construction of a pipe line to Villoonni where a tank is to be constructed within the Panchayat limits is in progress and after the completion of the above project the problems of the petitioners will be solved permanently.

In the report submitted by the Superintendent, Medical College Hospital (MCH), Kottayam, it is stated that an enquiry was conducted by the Technical

Assistant, House keeping Committee of MCH, Kottayam, who filed his report admitting that the petitioners in the above HRMPs are residing in Ward No.VIII of Arppookkara Grama Panchayat, some on the western side and some on the northern side of MCH, Kottayam, and therefore, there can be no chance of well water getting polluted on account of the waste water from the drain of MCH. According to the Superintendent, the Public Works Department had taken steps to increase the capacity of the KWA's sewage tank for collecting waste water from the hospital including Ward No.IV and concludes by stating that as and when the waste treatment plant starts functioning under the KWA at the MCH which will be equipped with modern facilities no problem will be faced by the residents in the area. It is also mentioned in the report that two wells in House No.451 and 487 were not polluted and after the reconstruction of the drain leading to the sewage plant is completed there will be no pollution in future and also requested this Commission to direct the KWA to maintain the functioning of the waste treatment plant of the KWA properly and also to solve the pollution problem permanently.

The petitioner in HRMP 650/09 and the first petitioner and the twelfth petitioner in HRMP 861/09 as well as the Secretary of Arppookkara Grama Panchayat and the Executive Engineer, PH Division, KWA, Kottayam, were asked to appear by an order passed by this Commission.

Today the matter is taken up for hearing. Ramesan Nair, P1 and Sureshkumar, P12 who is also an advocate by profession representing the petitioners in HRMP No.861/09 are present. V.J.Chacko, the petitioner in HRMP

No.650/09 is absent. The Secretary of Arppookkara Grama Panchayat and the Executive Engineer, PH Division, KWA, Kottayam, are also present.

It is admitted in the report of the District Collector in HRMP No.861/09 that waste materials including bio-medicals discharged from the MCH, Kottayam, are not only causing pollution to the water but also accumulates at places leading to health problems to the residents in the area and that the said problem was discussed several times in the Grama Sabha of the Panchayat. In the report submitted in HRMP No.650/09 the District Collector has stated that because the petitioner V.J.Chacko did not construct lavatory in a proper manner it has resulted in pollution of the well water. In any event, there is an admission in the reports filed in both the HRMPs that water in the wells in the area, falling within the jurisdiction of Arppookkara Grama Panchayat are getting polluted and to a large extent, it is also admitted, that the said pollution is on account of the discharge of the waste water from the MCH, Kottayam, though the Superintendent, MCH, Kottayam, has denied the same. According to him, if proper steps are taken and if the sewage treatment plant under the KWA at the MCH campus is properly operated and maintained there will be no pollution and that steps have to be taken by the Public Works Department to increase the capacity of the KWA's sewage tank for collecting waste water from the MCH. The said statement, by implication, admits that there is pollution and there must be an increase in the capacity of the KWA's sewage tank for collecting the waste water since it means that the sewage tank now in existence is not of sufficient capacity and therefore the entire waste water cannot be treated. The officers whom I am referred to

above admit that the residents in the area are suffering on account of not getting proper drinking water.

According to P1 and P12 in HRMP 861/09, the pollution of the well water in the area is only on account of the discharge of waste water from the MCH and all the residents in Ward NoVIII of Arppookkara Grama Panchayat are suffering on account of the waste water from the MCH flowing thorough the said area. This fact is also admitted by the officials. According to the Secretary of the Panchayat a letter was addressed to the Superintendent of the MCH, Kottayam requesting him to take steps in the matter but according to her, no action was taken. She did not produce any material before me to substantiate her statement though according to her, a copy of the said letter is in the office of the Panchayat. Similarly the Executive Engineer, PH Division, KWA, Kottayam, also submits that a letter was sent to the District Collector, Kottayam, bringing it to his notice about the problem faced by the residents in the area. According to him, if a pipe line is drawn immediately from the treatment plant to Ward No.VIII of the Panchayat, which is very adjacent to the plant, drinking water can be supplied to the residents in that ward wherein the petitioners in both HRMPs. are residing. According to the Executive Engineer, the amount required for the said work is to be sanctioned by the Panchayat and in his estimate it will be approximately cost Rupees two to three lakhs and that an estimate will be immediately prepared by his office which will be forwarded to the Secretary, Arppookkara Grama Panchayat for consideration of the said proposal of drawing a pipe line. The Secretary of the Panchayat on her part submits that if and when such a proposal is received it will

be immediately placed before the Panchayat Committee for its consideration and decision.

The above submissions of both the officers are recorded by this Commission in the presence of P1, P12 and the officers. In view of the above submissions the Executive Engineer, PH Division, KWA, Kottayam, will prepare the estimate and the proposal for drawing the pipe line from the treatment plant to Ward No.VIII of Arppookkara Grama Panchayat within a week, which is the time requested by him, and then to forward the same to the Secretary of the Panchayat who in turn will immediately place it before the Panchayat Committee for consideration and a decision keeping in mind the problems faced by the residents in not getting pure drinking water for their daily use.

The petitions are closed with the above recommendation. Send a copy of this order each to the first petitioner in HRMP 861/09, the Secretary of Arppookkara Grama Panchayat and the Executive Engineer, PH Division, Kerala water Authority, Kottayam.

Justice N. Dhinakar,  
Chairperson.