

**FINAL REPORT
OF
EVALUATION STUDY**

**SUBMITTED TO
KERALA STATE PLANNING BOARD**

**Identifying the Trends in Environmental Litigation and Gaps in
Environmental Governance through an Analysis of Reported Judgments of
Supreme Court, High Court of Kerala and National Green Tribunal: A Study
with Special Reference to State of Kerala**

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INTRODUCTION

Environmental law is the foundation for environmental sustainability. Since the 1970s an extensive network of environmental legislation has grown in India. The Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986 and the Biological Diversity Act, 2002 are the prominent among them.

The Environment (Protection) Act, 1986 [hereinafter referred to as EPA] was enacted to provide for the protection and improvement of the quality of environment and preventing, controlling and abating environmental pollution. The Act is an 'umbrella' legislation designed to provide a framework for coordination of the activities of various Central and State authorities established under previous laws. Most importantly, the Act empowers the Central Government to make rules for the purpose of protecting and improving the quality of the environment. An updated list of Rules made and notified by the Central Government under the EPA is given below:

1. Environment (Protection) Rules, 1986.
2. Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.
3. Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms / Genetically Engineered Organisms or Cells, 1989.
4. Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996.
5. Noise Pollution (Regulation and Control) Rules, 2000.
6. Ozone Depleting Substances (Regulation and Control) Rules, 2000.
7. Batteries (Management and Handling) Rules, 2001.
8. Wetlands (Conservation and Management) Rules, 2017.
9. Construction and Demolition Waste Management Rules, 2016.
10. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
11. E-Waste (Management) Rules, 2016.
12. Biomedical Waste Management Rules, 2016.
13. Plastic Waste Management Rules, 2016.
14. Solid Waste Management Rules, 2016

Besides the above rules the Central Government has till date issued the following two major Notifications under the EPA: (1) Environment Impact Assessment (EIA) Notification, 2006.; (2) Coastal Regulation Zone (CRZ) Notification, 2011

ENVIRONMENTAL GOVERNANCE AND THE AGENCIES INVOLVED IN ENVIRONMENTAL GOVERNANCE

Environmental governance can be viewed as the interplay of environmental law i.e., legal instruments (which includes the Constitution of India, various Acts, Rules, Regulations, Notifications and Orders pertaining to environmental protection), decisions, policies, institutions and processes which exist for the protection and improvement of the environment.

The primary responsibility of implementing the EPA (including the Rules and Notifications made under EPA), Water Act and Air Act at the ground level is vested with the SPCB and other agencies constituted at the state level. The efficiency of these agencies is therefore vital when it comes to the quality of environmental governance. The State Pollution Control Board (hereinafter referred to as SPCB) is the main agency that is involved in matters relating to prevention, control and abatement of pollution in the State of Kerala. The SPCB was originally constituted under section 4 of the Water Act. The SPCB constituted under section 4 of the Water Act is deemed to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Air Act. The EPA, enacted in 1986, does not directly confer any duties, powers or responsibilities on the SPCB. However, SPCB has been vested with various duties, powers and responsibilities through the various rules adopted and notified under the EPA. That apart, the SPCB has been conferred with certain other powers through Statutory Gazette Notifications issued by the Central Government.

Section 3 of the EPA empowers the Central Government to constitute authorities for the purpose of exercising and performing the powers of the Central Government under the EPA. In exercise of this power the Central Government has constituted the following authorities which are relevant to the State of Kerala:

- (i) State Environment Impact Assessment Authority (SEIAA)
- (ii) State Expert Appraisal Committee (SEAC)
- (iii) State Coastal Zone Management Authority (SCZMA)

While the SEIAA and SEAC are primarily involved in the implementation of the EIA Notification, 2006 the SCZMA is primarily involved in the implementation of CRZ Notification, 2011. These authorities have been empowered by the respective notifications to make necessary interventions in the context of environmental governance.

The Wetlands (Conservation and Management) Rules, 2017 provides for the establishment of a State Wetlands Authority at the State Level.

The Kerala State Biodiversity Board constituted under the Biological Diversity Act, 2002 is the statutory authority entrusted with the responsibility of conservation and sustainable use of biological diversity in the State of Kerala.

From the administrative viewpoint all the above-mentioned legislations (Acts, Rules and Notifications) fall within the purview of the Department of Environment and Climate Change.

OBJECTIVES OF THE STUDY

Through an evaluation of the reported judgments of the Supreme Court of India, Kerala High Court as well as the National Green Tribunal (Principal Bench as well as Southern Bench) the study aims to identify the patterns and trends in environmental litigations in which State of Kerala or one or more of the state agencies involved in environmental governance was a party. The study also seeks to list out the primary factors which have contributed to the institution of the litigation before the appropriate forums, the entities which have initiated judicial proceedings (original / appellate / revisional) the patterns in the litigation strategy adopted by private individuals / organizations / State / Other agencies involved in environmental governance. against the State (including the agencies involved in environmental governance). After closely scrutinizing the judgments the deficiencies in environmental governance, if any, highlighted by the courts / tribunal will be listed out and categorized.

LIMITATION OF THE STUDY

The study has the following limitations:

- (1) Study is limited to judgments of the Supreme Court of India, Kerala High Court and National Green Tribunal delivered in the context of litigations involving State of Kerala and / or any of its agencies and also involving issues relating to the Water Act, Air Act, Environment (Protection) Act, Biological Diversity Act and Rules and Notifications issued under the said Acts.

- (2) Study is limited to judgments of the Supreme Court of India, Kerala High Court and National Green Tribunal delivered in the context of involving issues relating to the Water Act, Air Act, Environment (Protection) Act, Biological Diversity Act and Rules and Notifications issued under the said Acts. The study has been limited to these legislations since these are the legislations which fall within the administrative domain of the Department of Environment and Climate Change, Government of Kerala.
- (3) The study is limited to the period 1986 – 2017, 1986 being the year in which the Environment (Protection) was enacted.
- (4) Only judgments / order delivered in litigations which have been finally disposed of by the Supreme Court, Kerala High Court and National Green Tribunal will be evaluated in the study. This is because only the final judgment delivered in a litigation will give a complete picture of the scope and implication of the finding of the Court.
- (5) The study is limited to an evaluation of judgments reported in the major law reports as well as online legal databases published in India. It may be noted that all judgments and orders delivered by the Supreme Court of India, Kerala High Court and National Green Tribunal are not reported in law reports. Judgments which are marked as reportable by the judges as well as judgments which bring about a significant change in legal position are the ones that are mainly published by law reports. Judgments identified in this study have been located using the following major law reports:
 - Indian Law Reports (ILR)
 - Supreme Court Cases (SCC)
 - All India Reporter (AIR)
 - Judgment Today (JT)
 - Kerala Law Times (KLT)
 - Complete Kerala High Court Cases (KHC)
 - Kerala Law Journal
 - SCC Online (Online database)
 - Manupatra (Online database)
 - Westlaw India (Online database)

The study has been limited to reported judgments due to the following reasons:

- (c) All judgments of Supreme Court and Kerala High Court are not published in print by the courts.
- (e) The judgments of the Kerala High Court are now available online. However, systematic uploading of judgments of Kerala High Court was put in place only post 2010.
- (f) Most of the environment related litigations are instituted in Kerala High Court as Writ Petitions / Original Petitions. On an average around 35,000 – 35,000 writ petitions are filed annually Kerala High Court. The website of High Court of Kerala does not provide an option of identifying the case number of a matter relating to an environmental statute. Given the fact that the period of the study extends from 1986 – 2017 it is not feasible to locate specifically the writ petitions involving issues related to any of the statutes falling within the scope of this study.
- (g) Though the judgments and order of the Supreme Court of India are available online the website does not provide accurate results for searches made for statute specific judgments.

METHODOLOGY

The reported judgments of Supreme Court of India, High Court of Kerala and National Green Tribunal delivered during 1986 – 2017 period and involving issues relating to the statutes falling within the scope of the study have been identified and analysed by manually inspecting all issues of the following major law reports published in India.

- Indian Law Reports (ILR)
- Supreme Court Cases (SCC)
- All India Reporter (AIR)
- Judgment Today (JT)
- Kerala Law Times (KLT)
- Complete Kerala High Court Cases (KHC)
- Kerala Law Journal

In order to avoid omissions, the SCC Online, Westlaw India and Manupatra online legal databases were also utilised for the purpose of locating the reported judgments.

After identifying the judgments, each judgment was examined in detail to understand

(a) Court / Tribunal which delivered the judgment; (b) Parties to the legal proceeding (State/ Regulatory Agency/Project Proponent/Individual/s, Group of Individual/, Association/ Non-Governmental Organization); (c) Nature of the proceeding initiated (whether it is a writ proceeding / public interest litigation, criminal revision petition, or an appellate proceeding); (d) the statute involved (e) nature of the impugned order (nature of the order that was challenged); (f) in how many judgments the regulatory interventions of the State were upheld by the court / tribunal; (g) as regards those judgments which did not uphold the regulatory interventions the reasons given for the same; (h) the reliefs provided by the court / tribunal and (i) also the gaps in environmental governance highlighted by the courts in various judgments.

CONSTITUTIONAL AND STATUTORY SCHEME RELATING TO ENVIRONMENTAL LITIGATIONS

Violations of environmental law undermine the achievement of all dimensions of sustainable development and environmental sustainability. Violation of environmental law results from three broad situations: (a) failure of the State or its instrumentalities in fulfilling obligations or discharging responsibilities laid down in the legal instruments; (b) failure of operators/ enterprises in complying with the obligations and legal norms as laid down in the relevant legal instruments; (c) failure of citizens/ persons in complying with the obligations and legal norms as laid down in the relevant legal instruments.

It may be noted that litigations in the context of environmental laws broadly arise under the following scenarios:

- (1) Where an operator / industry / individual is aggrieved by refusal of statutory authorities to grant certain permissions (including environmental clearances) or where the operator is aggrieved by the conditions imposed while granting permissions.
- (2) Where the statutory authorities require the operator / industry / individual to stop the operation of the industry or activity for violation of environmental norms.
- (3) Where the authorities or agencies in exercise of their statutory powers issue certain directions to an operator / industry / individual.
- (4) Where an individual or member of public approaches the court highlighting instances of pollution caused by an operator / industry / individual.
- (5) Where an individual or member of public approaches the court highlighting the failure of authorities to exercise the powers conferred by law.
- (6) Where an individual / operator / industry is aggrieved by the launch of criminal prosecution for violation of environmental norms.

Many a time violations of environmental law result in litigations initiated in judicial forums. Loretta Feris¹ argues that ‘these challenges to environmental decision-making have the potential to contribute to ‘good governance imperatives such as transparency and accountability, as they highlight not only the substance of decisions, but also the process and procedures followed, especially the issue of consultation of interested and affected parties.

¹ Loretta Feris, The Role of Good Environmental Governance in the Sustainable Development of South Africa, http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S172737812010000100003#back4 (last visited on 1/10/2018)

In order to appreciate the findings of the study it is essential to understand the constitutional and statutory scheme relating to environmental litigation in India. Since the study is confined to Water Act, Air Act, EPA and BDA the scheme discussed below is only confined to the said legislations. The scheme is presented by focusing on the judicial forums rather than individual legislations.

SUPREME COURT OF INDIA

Part III of the Constitution of India guarantees fundamental rights to citizens/persons. The Constitution of India does not explicitly guarantee 'right to healthy environment' as a fundamental right. In India, judicial activism has been instrumental in addressing the environmental cause. The Indian judiciary has demonstrated exemplary activism and treated the '*right to healthy environment*' as a part of the fundamental right to life guaranteed under Article 21 of the Constitution of India. Article 32 (1) of the Constitution of India guarantees the right to approach the Supreme Court by appropriate proceedings for the enforcement of the said fundamental rights. Article 32 (2) empowers the Supreme Court to issue directions or orders or writs including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto*, *certiorari*, whichever may be appropriate for the enforcement of fundamental rights.

Over the years, 'public interest litigation'² has triggered Indian judicial engagement with environmental issues. Traditionally, a petition under Article 32 could be filed only by a person who has suffered infraction of his rights and was thus an 'aggrieved person'. The emergence of *pro bono publico* litigation, that is litigation at the instance of a public-spirited person or body espousing the cause of others, also known as 'public interest litigation' or 'social action litigation' has relaxed the traditional rule considerably. Today 'any member of the public having sufficient interest can maintain an action for judicial redress for public injury arising from breach of public duty or from violation of some provision of the

² The basic aim of public interest litigation is the protection of public interest which lies in the interest of the society or the community or class of people as distinguished from individual interest or private interest. In public interest litigation any member of the public having sufficient interest can maintain an action for judicial redress for public injury arising from breach of a public duty or from violation of some provision of the Constitution or the law and seek enforcement of such public duty and observance of such Constitutional or legal provision. Traditional litigation is bipolar and adversarial in nature and, therefore, the traditional concept of *locus standi* (standing) is based on the doctrine of 'aggrieved person'. Public interest litigation is not strictly adversarial and the petitioner seeks to champion a public cause for the benefit of the society.

Constitution or the law and seek enforcement of such public duty and observance of such constitutional or legal provision'.³

The interventions made by the State or its instrumentalities in the context of environmental governance as well as the failure of the State or its instrumentalities to make effective interventions are challenged by persons /associations / operators are challenged

Article 13 (2) prohibits the State from making any law⁴ which takes away or abridges the fundamental rights guaranteed by Part III of the Constitution. The *vires* of a law which takes away or abridges the fundamental rights can be challenged through proceedings initiated under Article 32 of the Constitution.

Article 132 of the Constitution of India empowers the Supreme Court to consider appeals from any judgment, decree or final order of the High Court in any civil, criminal or other proceedings, if the High Court certifies under Article 134-A that the case involves a substantial question of law relating to the interpretation of the Constitution.

In exercise of the power conferred on it by Article 136 of the Constitution of India, 'the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal within the territory of India'. Appeals filed before the Supreme Court under Article 136, are initially numbered as SLPs. Once the special leave petitions are allowed, the appeals are renumbered depending on the subject matter. Appeals relating to the subject matter of environment are numbered as Civil Appeals.

Any person aggrieved by any decision, award or order of the NGT can prefer an appeal to the Supreme Court within ninety days of the communication of the decision, award or order of the NGT to him.⁵

Article 137 of the Constitution of India confers on the Supreme Court the power to review the judgments and orders made by it. This power is exercisable in accordance with and subject to the rules made by the Supreme Court of India under Article 145 of the Constitution of India. The Supreme Court Rules of Practice, 2003 permit the review of a judgment or order made

³ *S.P. Gupta v. Union of India*, AIR 1982 SC 149, P. 216.

⁴ Article 13 (3) defines the term 'law' for the purposes of Article 13. It defines 'law' to include any ordinance, order, bye law, rule, regulation, notification, custom or usages having in the territory of India the force of law.

⁵ Section 22, National Green Tribunal Act, 2010.

by the Supreme Court on the grounds mentioned in Order 47, Rule 1 of the Code of Civil Procedure. Thus, a review under Article 137 will lie on the following three grounds: (a) discovery of new and important matters or evidence; (b) mistake or error apparent on the face of the record; (c) any other sufficient reason.

HIGH COURT OF KERALA

Article 226 of the Constitution of India empowers the High Courts to issue to any person or authority, including in appropriate cases any government, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto*, and *certiorari* for the enforcement of fundamental rights and also for the enforcement of any other legal right. The scope of the jurisdiction of the High Court under Article 226 is said to be wider since the Court is empowered to issue orders, directions or writs not only for the enforcement of fundamental rights but also for the enforcement of any other legal right. Thus, the jurisdiction of the High Court under Article 226, may be invoked for the enforcement of the right to healthy environment. In the light of the liberalised rules of *locus standi* this jurisdiction can also be invoked by any member of the public or a group of individuals or even an association which has sufficient interest in the matter.

As in the case of the Supreme Court of India the constitutional validity (*vires*) of any law relating to the environment can also be challenged before the High Court in the light of Article 13 (2) of the Constitution of India. Such challenges are raised by filing petitions under Article 226 of the Constitution of India.

Article 227 of the Constitution of India confers on the High Courts the power of superintendence over the courts and tribunals in the territories in relation to which it exercises jurisdiction. The power of superintendence conferred by Article 227 is in addition to the power conferred upon the High Courts to control subordinate courts or tribunals through writs under Article 226. The power under Article 227 can be exercised even in those cases in which no appeal or revision lies to the High Court. The power shall not ordinarily be exercised if any other remedy is available to the aggrieved party, even if though pursuing of that remedy may involve some inconvenience or delay. The power is to be exercised most sparingly and only in appropriate cases in order to keep the subordinate courts within the bounds of their authority. The principal grounds of interference are: (a) want or excess of jurisdiction; (b) failure to exercise jurisdiction; (c) violation of procedure or disregard of

principles of natural justice. Petitions filed under Article 227 are presently numbered as ‘Original Petitions’. It may however be noted that during a particular period the petitions filed under Article 227 were also numbered as ‘Writ Petitions’.

Section 397 of the Code of Criminal Procedure, 1973 confers revisional jurisdiction on the High Court (in addition to Sessions Court). The High Court is empowered by section 397 to call for and examine the record of any proceedings before any inferior criminal court and satisfy itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed by the said court. The regularity of the proceedings before such inferior criminal court can also be examined while exercising the revisional jurisdiction. If any defect, irregularity or illegality is found on the examination of the records, the revisional court can pass suitable orders to remove the miscarriage of justice. The revisional jurisdiction conferred by section 397 is not to be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceedings. Revision petitions filed under section 397 Cr.P.C. are numbered as ‘Criminal Miscellaneous Petitions’.

According to section 5 of the Kerala High Court Act, 1958 ‘an appeal shall lie to a Bench of two judges from a judgment or order of a single Judge in exercise of original jurisdiction’. Thus, a writ appeal would lie to a Bench of two Judges of the Kerala High Court against a judgment or order passed by a single Judge in the exercise of the writ jurisdiction.

Section 482 of the Code of Criminal Procedure (Cr.P.C.) relates to the inherent power of the High Courts. In the exercise of such inherent power the High Court can make such orders as may be necessary to give effect to any order under the Cr.P.C. or to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. The criminal prosecutions initiated in the subordinate courts are very often challenged by invoking the inherent power of the High Court. Such cases are usually numbered as ‘Criminal Miscellaneous Cases’.

NATIONAL GREEN TRIBUNAL

The National Green Tribunal [hereinafter referred to as ‘NGT’] was established on October 18, 2010 under the National Green Tribunal Act, 2010, for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources, including enforcement of any legal right relating to environment and giving relief and compensation for damage to persons and property and for matters connected therewith or incidental thereto.

Original Jurisdiction of National Green Tribunal

The NGT has original jurisdiction over all civil cases where a substantial question relating to environment is involved. This includes cases where any legal right relating to the environment is sought to be enforced. The application for adjudication of disputes have to be filed within six months from the date on which the cause of action for such dispute first arose. It is also essential that such question arises out of the implementation of various enactments specified in Schedule I of the National Green Tribunal Act, 2010. The Water Act, Air Act, EPA and Biological Diversity Act have been included in Schedule I of the NGT Act. A ‘substantial question relating to environment’ is said to exist where “there is a direct violation of specific statutory obligation by a person” and “the environmental consequences relate to a specific activity or a point source of pollution”. The ‘direct violation of the specific statutory obligation’ should be one which results in either one of the following three outcomes:

- (1) It affects the community at large;
- (2) the gravity of the damage to the environment or property is substantial;
- (3) the damage to public health is broadly measurable.

The original jurisdiction of the NGT also extends to the domain of granting specific remedies in situations involving pollution and other environmental damage.

On the establishment of the National Green Tribunal a number of petitions pending in Kerala High Court were transferred to the NGT.

Appellate Jurisdiction of NGT

The NGT has also been conferred with appellate jurisdiction and is empowered to entertain, hear and adjudicate upon appeals preferred by any person who is aggrieved by orders passed under Sections 28, 29, 33A of the Water (Prevention and Control of Pollution) Act, 1974; Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 5 of the Environment (Protection) Act, 1986. Persons who are aggrieved by orders granting or refusing to grant environmental clearance under the Environment (Protection) Act, 1986 as well as persons who are aggrieved by determination of benefit sharing or other orders made under the provisions of the Biological Diversity Act, 2002 are also entitled to prefer appeals to the NGT.

Review Jurisdiction of NGT

The NGT has also got the power to review its own orders.⁶

Locus standi before the National Green Tribunal

As per the scheme of the National Green Tribunal Act, 2010 the following entities are eligible to make an application for settlement of dispute or for the grant of relief or compensation:

- (a) the person who has sustained the injury or his duly authorised agent; or
- (b) the owner of the property to which damage has been caused or his duly authorised agent; or
- (c) all or any of the legal representatives of the deceased, where death has resulted from the environmental damage or their duly authorised agent; or
- (d) any aggrieved person, including ant representative body or organisation; or
- (e) the Central Government or a State Government or a Union Territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority or any environmental authority constituted or established under the Environment (Protection) Act, 1986 or any other law for the time being in force.

Reliefs That May be Granted by the Tribunal.

The NGT is empowered to order relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. It is also empowered to order for (1) restitution of property damaged; and (2) restitution of the environment. The heads under which a person is permitted to claim relief or compensation from the NGT are worth considering. The heads inter alia include (1) Damages to private property; (2) Loss and destruction of any property other than private property; (3) Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including compensation for environmental degradation and restoration of the quality of the environment; (4) claims on account of any harm, damage or destruction to the

⁶ Under rule 22 of the NGT Rules, 2011 there is a provision for seeking a review of a decision or order of the NGT. If this fails, an NGT order may be challenged before the Supreme Court within 90 days.

fauna including milch and draught animals and aquatic fauna; (5) claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, tress and orchards; (6) claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and ecosystems and (7) loss of business or employment or both. After having regard to the damage to public health, property and environment, the NGT may divide the compensation or relief payable under the separate heads so as to provide compensation or relief to the claimants as well as to provide for the restitution of the damaged property or environment. If the death, injury or damage caused by an accident or the adverse impact is the combined or resultant effect of several activities, operations and processes and cannot be attributed to any single activity or operation or process the NGT is to apportion the liability among those responsible on an equitable basis.

ORDINARY CRIMINAL COURTS

Avenue for criminal prosecutions are available under the Water Act, Air Act, EPA and Biological Diversity Act. These criminal prosecutions are initiated in the ordinary criminal courts particularly at the level of Judicial Magistrate of First Class / Chief Judicial Magistrate. (It may be noted that the Judgments or Orders passed by these courts are not reported in the 'Law Reports'. Hence the Judgments of these courts are not reflected in this study. However, the judicial proceedings pending before these criminal courts can be challenged before the High Court by way of proceedings initiated under Article 227 of the Constitution of India or by way of proceedings initiated under section 482 of the Cr.P.C. The Judgments delivered by the High Court while considering these petitions are reported in the 'Law Reports' depending on the legal significance of the said judgments.)

Water (Prevention and Control of Pollution) Act, 1974

Section 41 (1) provides that the conviction of a person for failure to comply with the directions of the State Board issued under section 20 shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs.10,000 or with both. In case failure continues, an additional fine which may extend to Rs.5,000/- for every day during which the failure continues after conviction for the first such failure shall be imposed. Offences committed by way of non-compliance with the orders of the State Board or the court under sections 32, 33 and 33-A are much graver in comparison to offences committed by way of non-compliance of the orders of the State Board issued under section

20 of the Water Act. The punishment prescribed for such offences is imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.⁷

According to section 42 (1) a person who commits any of the acts listed out in clauses (a) to (g) of section 42 (1) shall on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both. Any person who knowingly or wilfully alters or interferes with any meter or gauge or measuring or monitoring device which is required to be used for obtaining consent from the State Board under section 25 or 26 shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both.⁸

Section 24 of the Water Act prohibits a person from knowingly causing or permitting any polluting matter in excess of the standards laid down by the State Board from entering into any stream or well or sewer or land or impeding the proper flow of water in the stream. Any act which contravenes section 24 shall be punished with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.⁹ Section 25 deals with the grant of consent by the State Board for establishing an industry and section 26 deals with the grant of consent by the State Board to an industry existing at the time of coming into force of the Water Act. Any person who violates sections 25 and 26 of the Water Act shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.¹⁰

Section 45 of the Water Act provides that if any person who has been convicted of any offence under section 24 or 25 or 26 is again found guilty of an offence involving a contravention of the same provision, he shall, on the second and on every subsequent conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

⁷ Section 41 (2) of Water Act, 1974

⁸ Section 42 (2) of Water Act, 1974

⁹ Section 43 of Water Act, 1974

¹⁰ Section 44 of the Water Act, 1974

Air (Prevention and Control of Pollution) Act, 1981

Non-compliance with the directions issued by the State Board with regard to the grant or refusal of consent by the State Board under section 21, or prohibition of emission of any air pollutant in air pollution control area under section 22, or directions issued by the State Board under section 31-A of the Air Act are treated as grave offences punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine. Section 38 of the Air Act prescribes penalty for the commission of certain acts which are listed therein. If any person commits any of the acts listed out in clauses (a) to (g) of section 38 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both. According to section 39 of the Air Act any person who contravenes the provisions of the Act or any order or direction issued thereunder and for which no specific penalty has been provided under the Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both.

Environment (Protection) Act, 1986

Section 15 of the Environment (Protection) Act provides for penalties for contravention of the provisions of the Act, and the rules, orders and directions issued under the Act. A person who contravenes the provisions of the Environment (Protection) Act or any rules, orders or directions made under the Act shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both.

Biological Diversity Act, 2002

Contravention of the provisions of sections 3, 4 or 6 of Biological Diversity is punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten lakh rupees. Where the damage caused exceeds rupees ten lakh, the fine imposed shall be commensurate with the damage caused.¹¹ Contravention of section 7 or an order made under section 24 (2) is punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees.¹² Contravention of any direction given or order made by the Central Government / State Government / National Biodiversity

¹¹ Section 55 (1) of Biological Diversity Act, 2002

¹² Section 55 (2) of Biological Diversity Act, 2002

Authority / State Biodiversity Board for which no separate punishment has been provided in the Biological Diversity Act is punishable with fine which may extend to one lakh rupees.¹³

Scheme for Prosecution of Offences under the Water Act, Air Act and Environment (Protection) Act.

Prosecution for offences under the Water Act and Air Act are to be initiated by way of a ‘complaint’ filed by the State Board or any officer authorised by the State Board.¹⁴ Prosecution for offences under the EPA and the BDA are to be initiated by way of a ‘complaint’ filed by the Central Government or any officer or authority authorised by the Central Government.¹⁵ The Water Act, the Air Act and EPA gives “any person” the right to move a criminal court complaining of an offence under the respective legislation provided that a notice of not less than 60 days is given to the Board / Central Government of his intention to file a complaint. The BDA gives the “benefit claimer” the right to move a criminal court complaining of an offence under the respective legislation provided that a notice of not less than 30 days is given to the Central Government or any authorised officer / authority of his intention to file a complaint.

The less serious offences¹⁶ under the Water Act and Air Act are triable by the Judicial Magistrates of the First Class and the more serious offences¹⁷ under the Water Act and Air Act as well as offences under the EPA¹⁸ are triable by the Chief Justice Magistrate.

Depending on the punishment provided the offences under the Biological Diversity Act are either tried by the Judicial Magistrate of First Class or the Chief Judicial Magistrate.

If an accused is convicted on a trial held by the magistrate, he can prefer an appeal to the Session Court under section 374 (3) Cr.P.C. If an accused is acquitted on a trial held by the magistrate the prosecuting agency (Board / Central Government / officer or authority authorised by the Board or Central Government) may prefer an appeal to the Session Court under section 378 (1) (a) Cr.P.C.

¹³ Section 56 of Biological Diversity Act, 2002

¹⁴ Section 49 of Water Act, 1974 and section 43 of Air Act, 1981

¹⁵ Section 19 of EPA, 1986

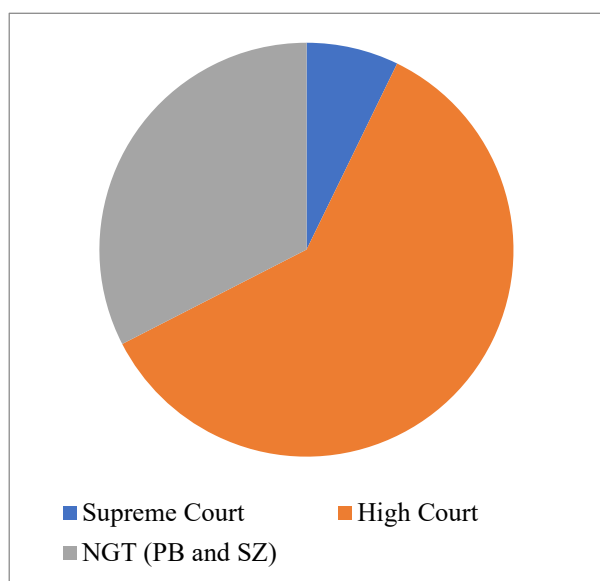
¹⁶ Offences punishable with imprisonment for a term of up to three months or fine up to rupees ten thousand.

¹⁷ Offences punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

¹⁸ Punishable with imprisonment for a term of up to five years or fine of up to one lakh or both.

TRENDS IN ENVIRONMENTAL LITIGATION

Trends in litigations relating to Water Act, Air Act, EPA and BDA from State of Kerala is assessed based on the judgments of the Supreme Court, Kerala High Court and National Green Tribunal reported in the prominent law reports published in the country. The study covers the period 1986 – 2018 (October). Total number of 83 reported judgments have been identified during the period 1986-2018. Out of the period stated, 83 judgments are identified. Among these, 50 judgments are of the Kerala High Court, 27 of the National Green Tribunal (Principal Bench [hereinafter PB] and Southern Zone [hereinafter SZ]) and 6 of the Supreme Court of India.

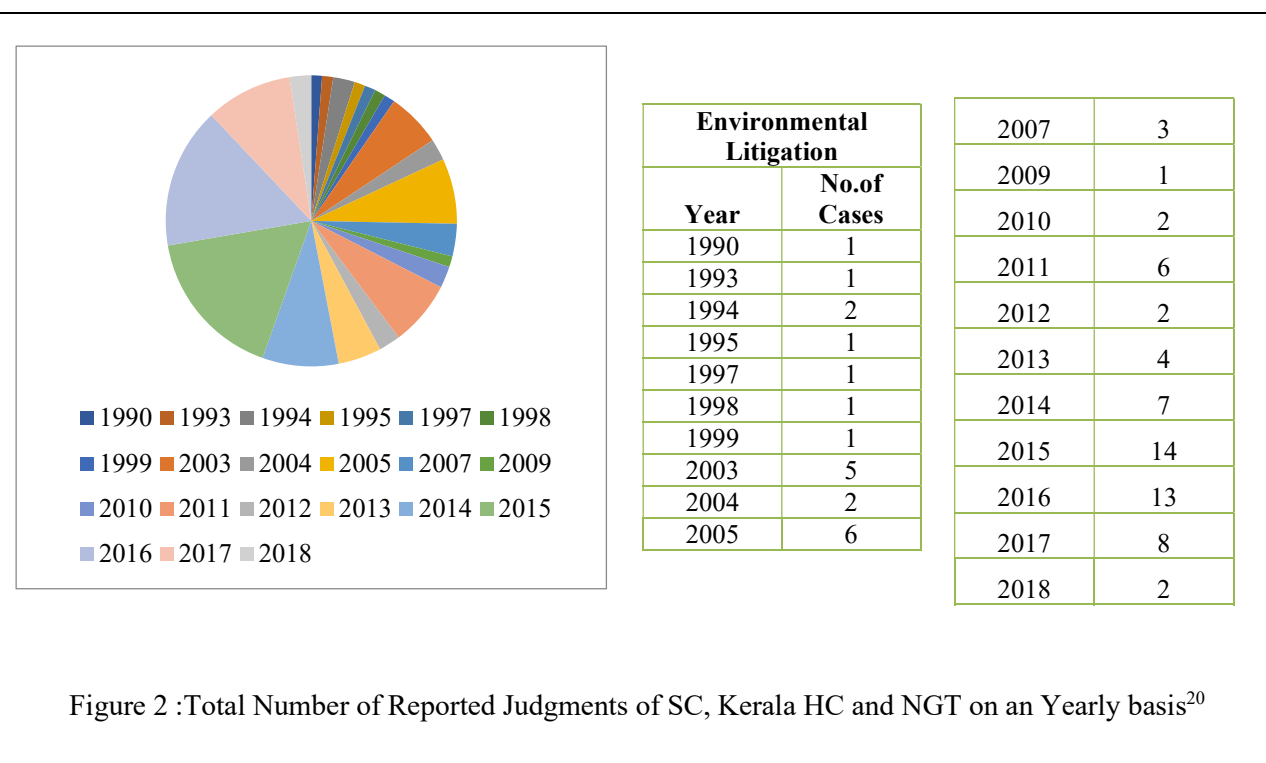


Forum	No. of Cases
Supreme Court	6
High Court	50
NGT (PB and SZ)	27

Figure 1 : Total Number of reported judgments of SC, Kerala HC and NGT¹⁹

¹⁹ Annexure I

Maximum number of judgments i.e., 14 are found to be reported in the year 2015. 2016 is the only other year in which more than 10 judgments (13 judgments to be precise) are found to be reported. Only a single judgment is found to have reported in the following years: 1990, 1993, 1995, 1997, 1998, 1999 and 2009.



Out of 50 reported judgments of Kerala High Court, 25 are writ petitions, 13 are original petition and 8 are writ appeal, 3 criminal miscellaneous cases and only 1 criminal revision petition.

The National Green Tribunal, which was established by the National Green Tribunal Act, 2010, became functional only from 18th October 2010. 27 reported judgments / orders of the National Green Tribunal have been identified during this short span of 8 years. Out of the 27 reported judgments /orders of National Green Tribunal, the maximum number (i.e., 21) have been delivered while disposing of Original Applications followed by 3 judgments /orders delivered while disposing of Appeals. The least number of reported judgments / orders of National Green Tribunal i.e., 1 was delivered while disposing of a Review Application.

²⁰ Annexure II

Out of the 6 reported judgments of Supreme Court of India, the maximum number (i.e., 3) have been delivered while disposing of Civil Appeals followed by 2 judgments delivered while disposing of Writ Petitions. Only 1 judgment of Supreme Court of India was delivered while disposing of a Special Leave Petition.

Petitioners in writ petitions filed before the Supreme Court under Art. 32 of the Constitution of India, are of two categories such as filed by association and the other is a *suo motu* case. In both these categories only one case each was filed.

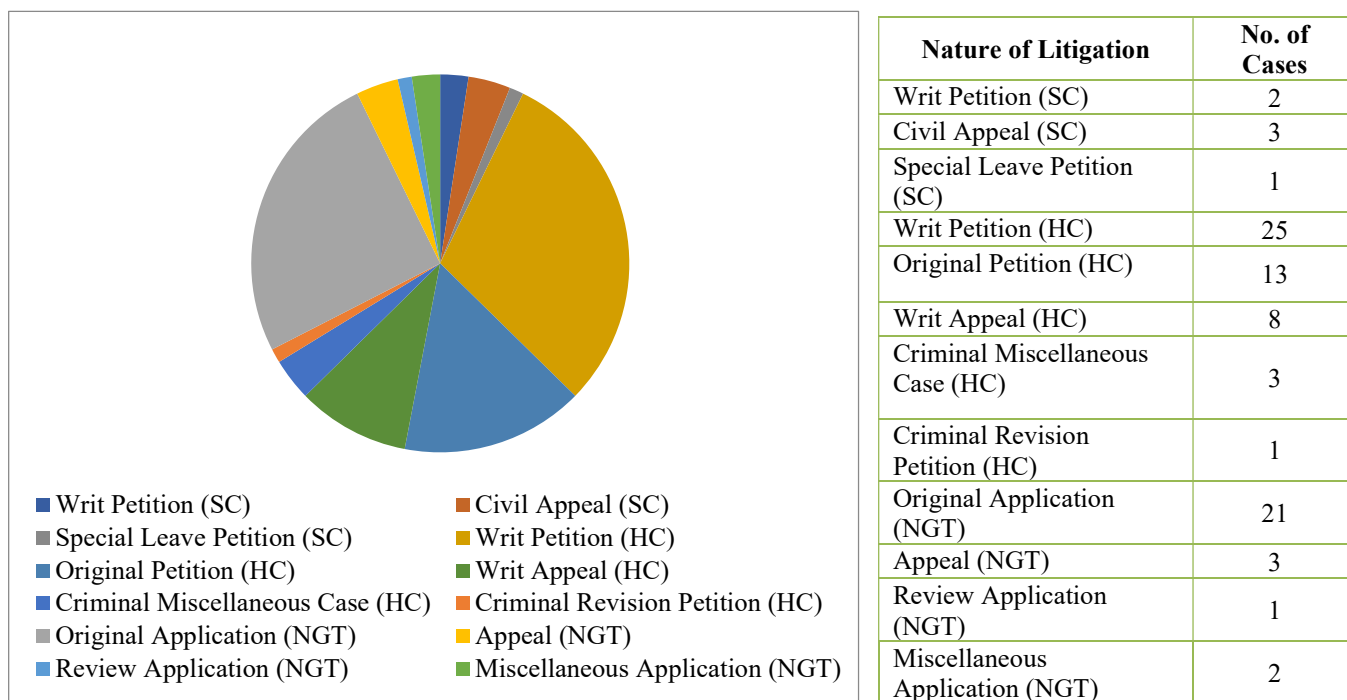
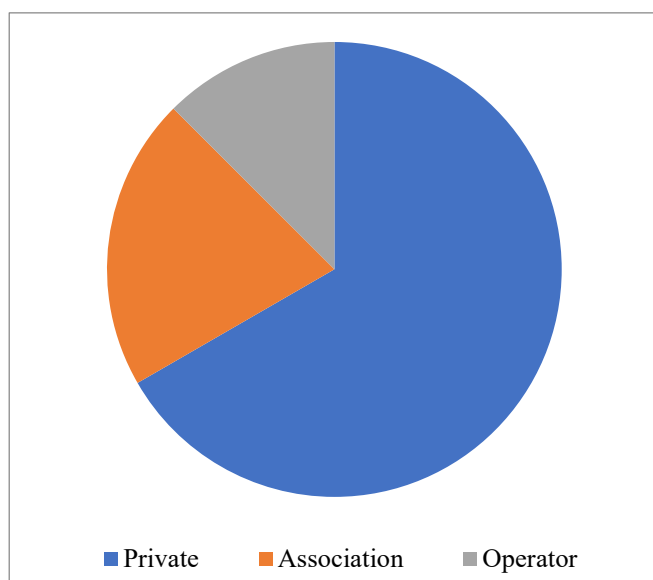


Figure 3 : Reported judgments of SC, Kerala HC and NGT - Nature of litigation²¹

²¹ Annexure III

Writ petitions filed before the Kerala High Court have been put into three categories i.e., private parties, associations and operators. 17 cases were filed by private parties, 5 cases filed by associations and 3 cases by operators. Out of 17 cases filed by the private parties only one party is against operator.



Category of Petitioners against State	No: of cases
Private	16
Association	5
Operator	3

Figure 4: Reported judgments of Kerala HC in Writ Petition- Category of Petitioners against State²²

The category ‘private party’ refers to situations where the petitions have been preferred by individuals who were personally aggrieved by some action or inaction on the part of the state or any of its agencies involved in environmental governance or any activity of a person establishing /operating any industry, operation or process which resulted in water pollution / air pollution / degradation of the environment. On certain occasions these ‘private parties’ rather than ventilating their individual grievance have espoused the cause of a group of people or the community. The category ‘association’ refers to situations where the petitions have been preferred by associations / organisations who have challenged some action or inaction on the part of the state or any of its agencies involved in environmental governance or requested the court to intervene in the context of any activity of a person running any industry, operation or process which resulted in water pollution / air pollution / degradation of the environment. On most occasions these ‘associations’ have espoused the cause of a group of people or the community who have been victims of pollution or degradation of the environment.

²² Annexure IV

The category ‘operator’ refers to situations where the petitions have been preferred by persons / entities establishing or operating any industry, operation or processes have challenged some action or inaction on the part of the state or any of its agencies involved in environmental governance.

Writ Petitions are generally filed against the State or its instrumentalities. In this study we have also analysed as to which instrumentalities of the State have figured as ‘respondents’ in writ petitions filed in the Supreme Court of India as well as Kerala High Court. An examination of the reported judgments of the Kerala High Court delivered while disposing of writ petitions reveal the following trend. 24 has been arraigned as a respondent in most number of cases and only 1 was that of the operator. The other instrumentalities of the State arraigned as respondents are Pollution Control Board , Cochin Port Trust, State Government, Corporation of Kochi, Coastal Zone Management Authority, District Collector, Panchayat and Police, Kerala State Bio- Diversity Board, corporation, Commissioner of Customs, Ministry of Environment and Forest (MoEF), State Expert Appraisal Committee and State Environment Impact Assessment Authority .

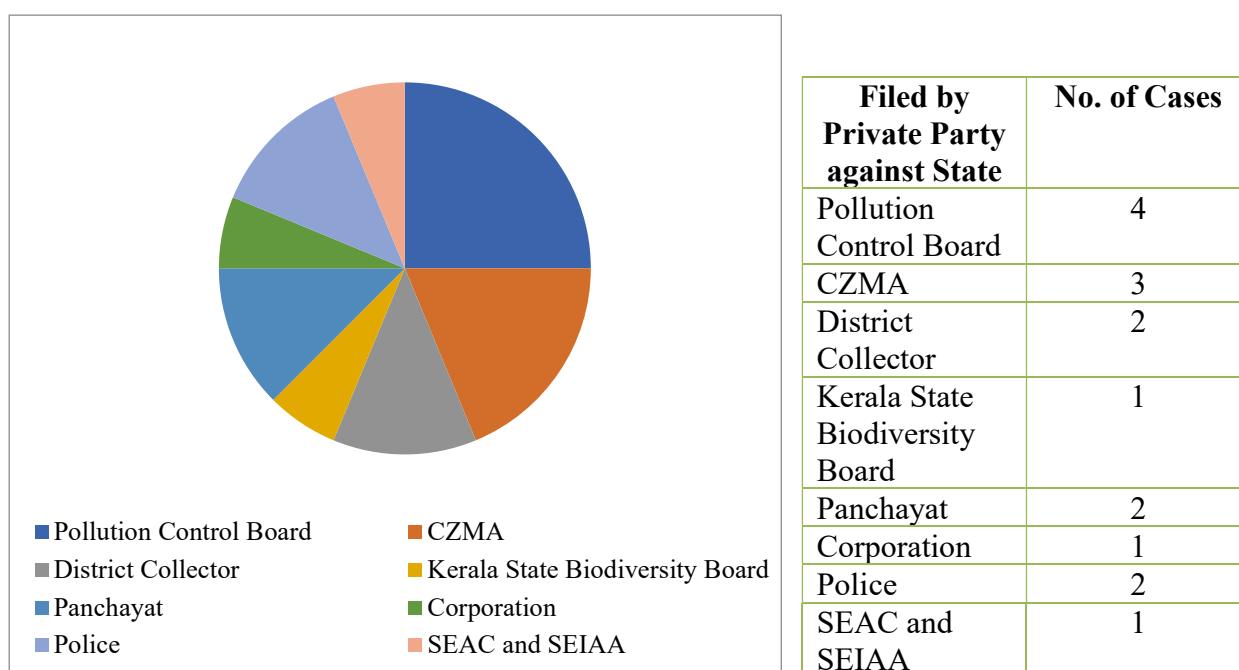
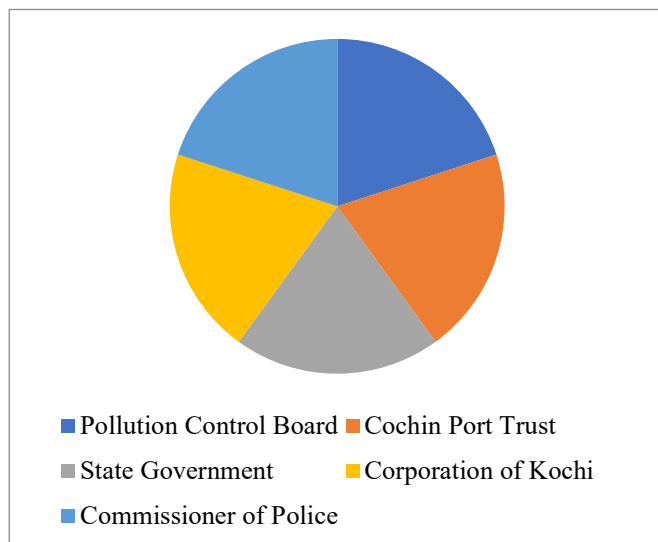


Figure 5: Reported judgments of Kerala HC in Writ Petition filed by Private Party against State²³

²³ Annexure V

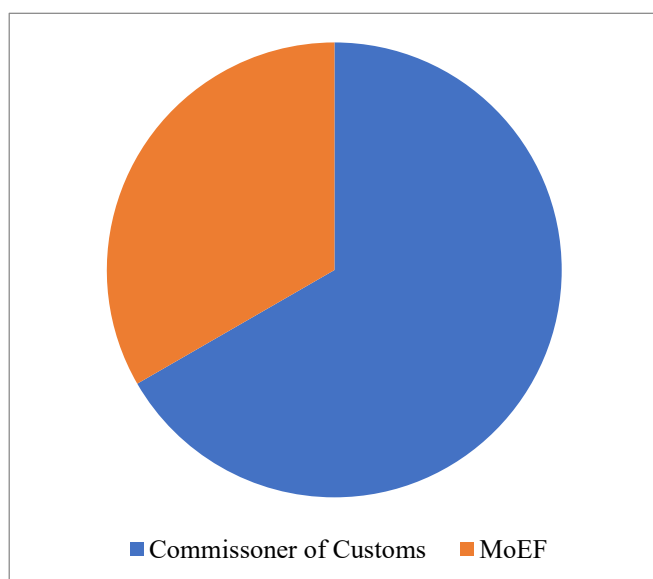
Out of 5 reported judgements filed by association against state agencies, one each is filed against Pollution Control Board, Cochin Port Trust, State Government, Corporation of Kochi and Commissioner of Police.



State Agencies (Filed by Association)	No. of Cases
Pollution Control Board	1
Cochin Port Trust	1
State Government	1
Corporation of Kochi	1
Commissioner of Police	1

Figure 6: Reported judgements of Kerala HC in Writ Petition filed by Association against State²⁴

Only 3 cases have been filed by Operators out of which 2 are against Commissioner of Customs and only 1 against Ministry of Environment and Forest (MoEF).

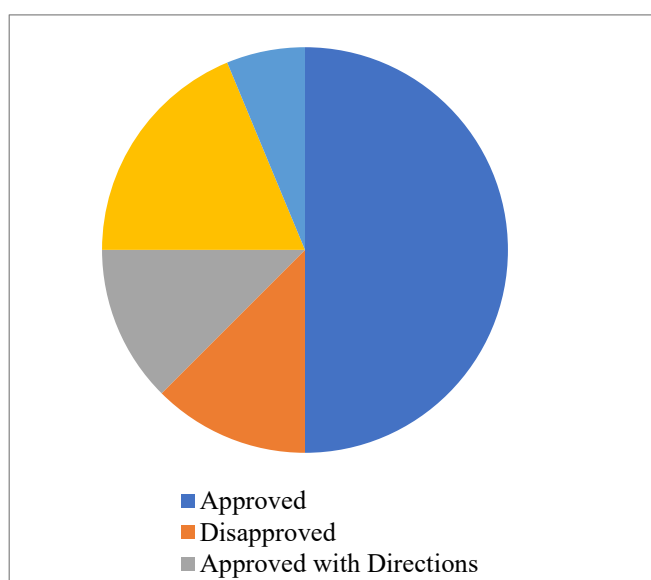


State Agencies (Filed by Operators)	No. of Cases
Commissioner of Customs	2
MoEF	1

Figure 7 : Reported judgements of Kerala HC in Writ Petition filed by Operators against State²⁵

²⁴ Annexure VI

An evaluation of the reported judgments delivered by the Kerala High Court while disposing of Writ Petitions reveal that out of a total number of 24 cases in which the State or its instrumentalities were arraigned as respondents. The action of the State or its instrumentalities was approved by the court in 12 cases. Out of the said 12 cases, the action of the State or its instrumentality was approved with directions in 2 cases. The action of the State or its instrumentality was disapproved by the court in 4 cases. Out of the said 4 cases, the action of the State or its instrumentality was disapproved with directions in 3 cases. In 3 cases the court neither explicitly approved nor disapproved the action of State or its instrumentality by which the matter was disposed of by issuing certain general directions.



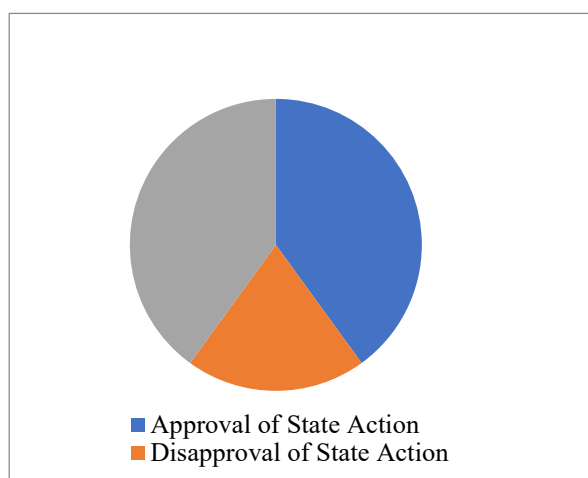
Filed by Private Party against State- Outcome	No. of cases
Approved	8
Disapproved	2
Approved with Directions	2
Disapproved with Directions	3
Only directions issued	1

Figure 8 : Reported judgments of Kerala HC in Writ Petition filed by Private Party against State- Outcome²⁶

²⁵ Annexure VII

²⁶ Annexure VIII

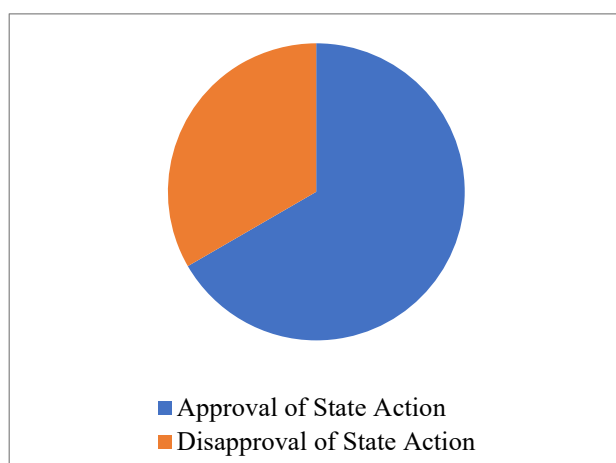
Out of 5 cases filed by association against state, in 2 cases the state action was approved, in another 2 cases direction were issued and in only 1 case the state action was disapproved.



Filed by Association against State - Outcome	No. of Cases
Approval of State Action	2
Disapproval of State Action	1
Directions issued	2

Figure 9 : Reported judgements of Kerala HC in Writ Petition filed by Association against State- Outcome²⁷

Out of 3 reported cases filed by operator, in 2 cases the state action were approved and in only one case it was disapproved



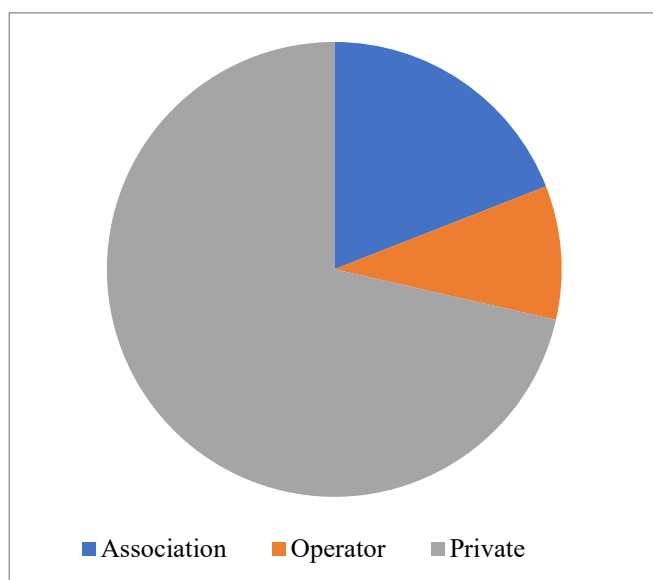
Filed by Operator against State	No of Cases
Approval of State Action	2
Disapproval of State Action	1

Figure 10: Reported judgements of Kerala HC in Writ Petitions filed by Operators against State- Outcome²⁸

²⁷ Annexure IX

²⁸ Annexure X

While analysing the reported judgments of the National Green Tribunal which were delivered while disposing of Original Applications it becomes evident that the maximum number of Original Applications i.e 15 were filed by private, 4 were filed by associations, 2 filed by operators.

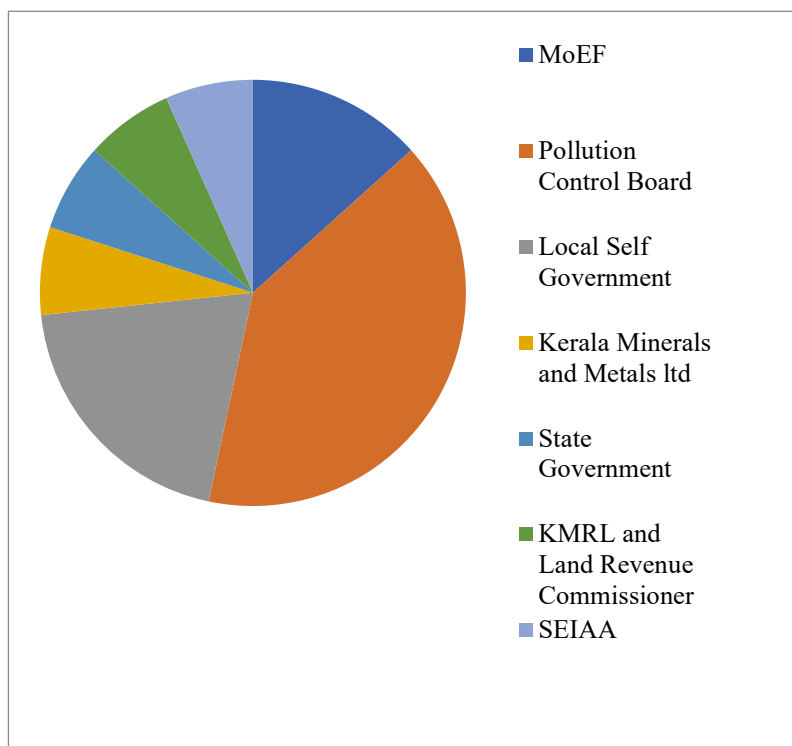


Nature of Applicant-Original Application	No. of Cases
Association	4
Operator	2
Private	15

Figure 11: Reported judgement of the NGT in Original Application – Nature of Applicant²⁹

²⁹ Annexure XI

In this study we have also analysed as to which instrumentalities of the State have figured as ‘respondents’ in Original Applications filed in the National Green Tribunal. When we examine the reported judgments of the National Green Tribunal which were delivered while disposing of Original Applications MoEF, Pollution Control Board, local self govt, Kerala Minerals and Metals ltd, State Government, KMRL and Land Revenue Commissioner, SEIAA and CZMA.

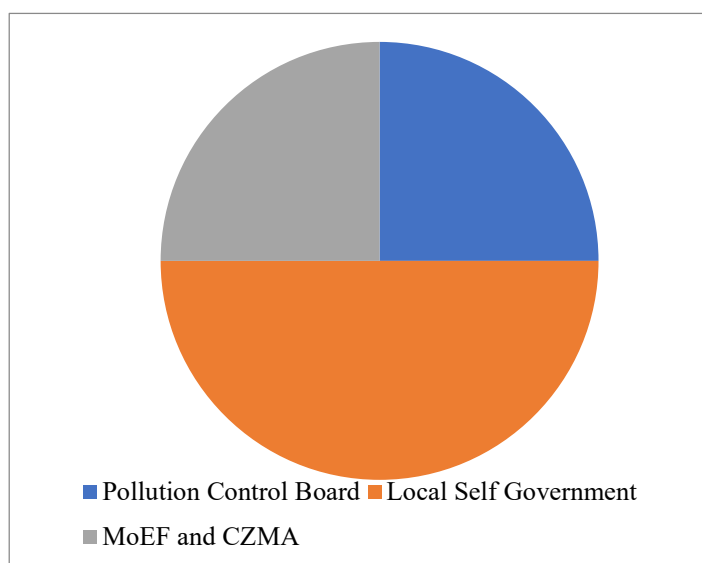


Private- State Agencies	No. of Cases
MoEF	2
Pollution Control Board	6
Local Self Government	3
Kerala Minerals and Metals Ltd	1
State Government	1
KMRL and Land Revenue Commissioner	1
SEIAA	1

Figure 12: Reported judgments of NGT in Original Application filed by Private Party against State³⁰

³⁰ Annexure XII

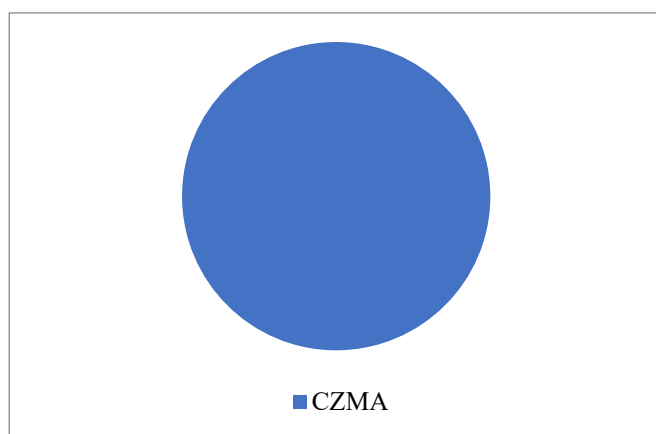
Totally 4 cases were filed by private parties out of which 2 are against local self government and 1 each against Pollution Control Board, Local Self Government and MoEF and CZMA.



State Agencies (Filed by Private Parties)	No. of Cases
Pollution Control Board	1
Local Self Government	2
MoEF and CZMA	1

Figure 13 : Reported judgments of NGT in Original Application filed by Association against State³¹

Only two cases have been filed by operators and both cases are filed against Coastal Zone Management Authority(CZMA)



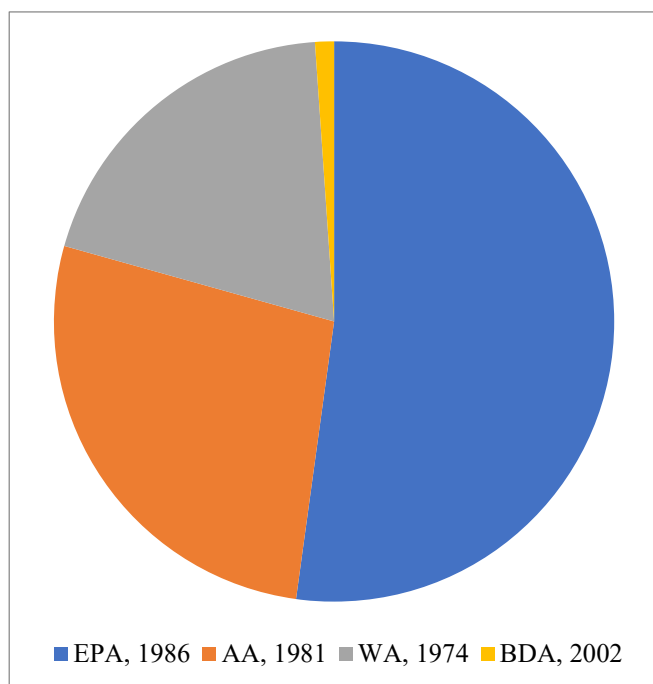
State Agencies (Filed by Operators)	No. of Cases
CZMA	2

Figure 14 : Reported judgments of NGT in Original Application filed by Operator against State³²

³¹ Annexure XIII

³² Annexure XIV

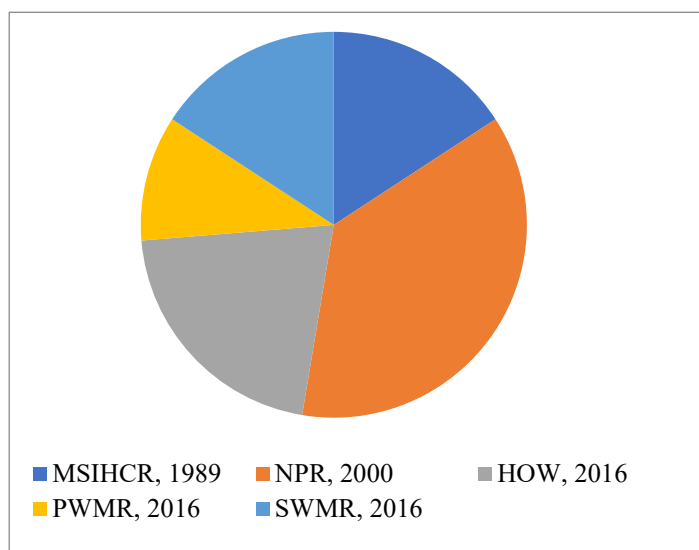
Out of 83 reported judgments identified, 48 judgments involved interpretation and application of the provisions of the Environment (Protection) Act, 18 judgments involved interpretation and application of the provisions of the Water Act, 25 judgments involved the interpretation and application of the provisions of the Air Act and only 1 judgment involved interpretation and application of the provisions of the Biological Diversity Act..



Statutes	No. of Cases
EPA, 1986	48
AA, 1981	25
WA, 1974	18
BDA, 2002	1

Figure 15: Reported judgements of SC, Kerala HC and NGT under EPA, AA, WA and BDA.³³

As regards the rules notified under the Environment (Protection) Act the maximum of reported judgments involved interpretation and application of Noise Pollution rules, 2000 (7 cases), Hazardous and Other Waste Rules, 2016 (4 cases), Solid Waste Management Rules, 2016 and Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (3 each) and Plastic Waste Management Rules, 2016 (2 cases).

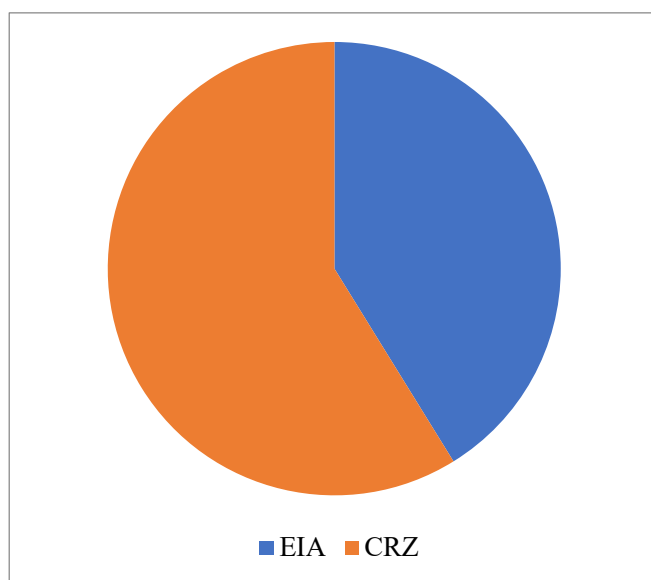


Rules under EPA	No. of Cases
MSIHCR, 1989	3
NPR, 2000	7
HOW, 2016	4
PWMR, 2016	2
SWMR, 2016	3

Figure 16: Total number of reported judgements of SC, Kerala HC and NGT listed under Various Rules of EPA³⁴

³⁴ Annexure XVI

Among the notifications made under the Environment (Protection) Act. 10 reported judgments involved interpretation and application of the provisions of the Coastal Regulation Zone Notification and 7 reported judgments involved interpretation and application of the provisions of the Environment Impact Assessment Notification.



Notifications	No. of Cases
EIA	7
CRZ	10

Figure 17: Total number of reported judgements of SC, Kerala HC and NGT under EIA and CRZ Notifications³⁵

³⁵ Annexure XVII

IMPORTANT JUDGMENTS / ORDERS IN WHICH THE COURTS / NATIONAL GREEN TRIBUNAL EXPRESSLY UPHELD THE CORRECTNESS OF THE REGULATORY INTERVENTION MADE BY STATE AGENCIES

- **In Citizen Interest Agency v. Cochin Port Trust and others**³⁶ the Kerala High Court refused to interfere with the environmental clearance granted by the Ministry of Environment and Forests of Government of India and the Consent to Establish granted by the State Pollution Control Board.
- **In Gopalakrishnan Nair v. Kerala State Pollution Control Board and others**³⁷ the South Zone Bench of National Green Tribunal refused to set aside the permissions granted to a company by the State Pollution Control Board and Grama Panchayat as it was done in accordance with the prevailing legal norms.
- **In Indian Rare Earths v. State of Kerala and others**³⁸ the Kerala High Court upheld the direction issued by the Kerala State Pollution Control Board to the Indian Rare Earths to pay Rs. 1.25 Lakhs per month as their share of the recurring charges for the Eloor Drinking Water Supply Scheme (which scheme was evolved in pursuance of the recommendations of the Supreme Court Monitoring Committee on Hazardous Wastes).
- In **Jacob George v. Union of India**³⁹, the South Zone Bench of National Green Tribunal rejected the prayer of the applicant to declare the execution of the Tiruvalla Bypass along Chengannur -Ettumanur Road Highway project as arbitrary and illegal since the project in question did not require an environmental clearance.
- In **Jolly v. Pallipuram Grama Panchayat**⁴⁰ the Kerala High Court upheld the validity of the approval granted to a saw mill by the Green Channel Committee of the government. The validity Consent to Establish granted by the State Pollution Control Board was also upheld in this judgment.

³⁶ WP(C). No. 12156 of 2008(S) – Decided by Kerala High Court on 23-05-2009.

³⁷ Original Application No.56 of 2015 (SZ) – Decided by South Zone Bench of National Green Tribunal on 2-08-2016.

³⁸ W.A. No. 2884 of 2009 – Decided by Kerala High Court on 11-10-2017

³⁹ Original Application No. 263 of 2013 (SZ) – Decided on 3-11-2014 by South Zone Bench of National Green Tribunal.

⁴⁰ O.P. No. 11723 of 2003 – Decided on 30-05-2003 by Kerala High Court.

- In **Kamburan Dharma Paripalana Araya Samajam**⁴¹, a litigation in the context of the Coastal Regulation Zone Notification, the South Zone Bench of National Green Tribunal refused to interfere with the orders passed by the competent authorities as they were found to be issued in accordance with law.
- In **Neelakantan C.R. v. Union of India and others**⁴², while dismissing a public interest litigation the Kerala High Court gave its stamp of approval to the procedure followed and decision taken by the state in the matter of constitution and appointment of members of the Kerala State Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) under the Environment Impact Assessment Notification.
- **Nobert Lawrence and others v. Kottukal Grama Panchayat and others**⁴³, the Kerala High Court upheld an order issued by the competent authorities for demolition of buildings which were constructed in violation of Coastal Regulation Zone norms.
- In **Pandan Krishnan and another v. Assistant Engineer, Kerala State Pollution Control Board Regional Office and another**⁴⁴, the Kerala High Court refused to exercise its jurisdiction under section 482 of Code of Criminal Procedure, 1973 and quash a criminal prosecution instituted by the State Pollution Control Board in respect of contravention of certain provisions of the Water (Prevention and Control of Pollution) Act, 1974.
- In **Pappinisseri Eco Tourism Society State of Kerala and others**⁴⁵ and **Ansari Kannothe v. State of Kerala and other**⁴⁶, while dismissing a writ petition filed by the society the Kerala High Court refused to interfere with various orders passed by the state agencies in order to ensure that the theme park established by the Pappinisseri Eco Tourism Society was functioning in accordance with Coastal Regulation Zone norms.
- In **Bhaskaran V.A. v The State Environment Impact Assessment Authority and others**⁴⁷, the South Zone Bench of National Green Tribunal refused to set aside an

⁴¹ Application No. 331 of 2013 (SZ) (THC) – Decided on 22-09-2015 by South Zone Bench of National Green Tribunal.

⁴² W.P. (C) No. 12356 of 2015 – Decided on 5-04-2016 by Kerala High Court.

⁴³ WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012 – Decided on 8-11-2016 by Kerala High Court.

⁴⁴ Crl. M.C. No. 763 of 1992 – Decided by Kerala High Court on 22-12-1994.

⁴⁵ W.P. (C) Nos. 12623 and 22707 of 2010 – Decided on 24-01-2011 by Kerala High Court.

⁴⁶ W.P. (C) Nos. 12623 and 22707 of 2010 – Decided on 24-01-2011 by Kerala High Court.

⁴⁷ Appeal No. 136 of 2016 (SZ) – Decided by South Zone Bench of National Green Tribunal on 9-02-2017

environmental clearance granted by the State Environment Impact Assessment Authority in respect of proposed expansion of a building stone quarry.

THE EVALUATION OF THE REPORTED JUDGMENTS OF THE SUPREME COURT, KERALA HIGH COURT AND NATIONAL GREEN TRIBUNAL REVEAL VARIOUS GAPS THAT EXIST IN THE ENVIRONMENTAL GOVERNANCE IN THE STATE OF KERALA. SOME OF THE MAJOR GAPS AS EVIDENCED BY THE REPORTED JUDGMENTS ARE GIVEN BELOW

IMPORTANT JUDGMENTS / ORDERS IN WHICH THE COURTS / NATIONAL GREEN TRIBUNAL EXPRESSLY MADE ADVERSE REMARKS AGAINST VARIOUS AGENCIES OF THE STATE

In **Abraham Thomas v. Union of India**⁴⁸, the South Zone Bench of National Green Tribunal made the following adverse remarks against the State Pollution Control Board after noticing its failure in enforcing the provisions of the Air and Water Act in their letter and spirit.

[Para 9] After hearing the arguments for both these sides, a startling point revealed in this case is that the Board has not followed the procedure as prescribed under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. The said Acts contemplate that the project proponent makes an application at initial stage for "Consent to Establish" and after satisfying the citing criteria and other initial requirements, the project proponent shall be allowed to proceed and the Board gives "Consent to Establish" subject to fulfilment of certain conditions. Thereafter, after the conditions are complied with by the project proponent, the project proponent makes an application for "Consent to Operate" and after such application is received, inspection once again shall be carried out by the Board to find out as to whether the conditions of "Consent to Establish" have been fulfilled. It is only after the satisfaction of the Board that the conditions are complied with, the Board passes orders in the "Consent to Operate" application. It is only after granting "Consent to Operate" the project proponent is permitted to proceed with its activities. Therefore, it is clear that without obtaining "Consent to Establish" no project proponent shall proceed with any part of the function of the project, including putting up any construction.

[Para 10] In the present case, much against the provisions of law, the 5th respondent has put up construction and thereafter makes an application for "Consent to Establish" on 21.11.2014 for the purpose of putting up of ETP plant. It is unfortunate

⁴⁸ Original Application No. 146 of 2015 (SZ) – Decided on 12-12-2005 by Southern Zone Bench of National Green Tribunal

that even after the Board came to know that the building has been constructed by the 5th respondent without "Consent to Establish", the Board has not taken any strict action against 5th respondent either pulling down the construction or to resort to any other remedy available under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. It is informed that the Board has taken action under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and imposed a penalty of Rs. 50,000/- on the 5th respondent and the same has been paid.

In **Antony A.V. v. Corporation of Cochin**⁴⁹, the Kerala High Court criticised the lethargy on the part of the local body in the following terms:

[Para 25] The matters now placed on record would abundantly tend to indicate that the 3rd respondent (Coastal Zone Management Authority)⁵⁰ has independently considered the matter and they have filed a counter affidavit stating that they have not granted CRZ clearance to the 4th respondent. There had been complete lethargy on the part of the 1st respondent (Corporation of Kochi)⁵¹ in ascertaining whether the 4th respondent has obtained proper clearance before they have issued building permit. Building permits were issued in violation of the CRZ Notification, 1991 and the 1st respondent has violated the law of the land by issuing building permits in CRZ area. Any constructions made in violation of CRZ Notification cannot be regularised.

In **Kunjoonjamma Jose v. Kerala State Pollution Control Board and others**⁵², the South Zone Bench of National Green Tribunal adversely commented on the failure of the Board to discharge its statutory responsibility:

[Para 46] We have carefully considered the above said reports filed by the District Environment Engineer of SPCB Kerala dated 22nd April 2015 and 7th May 2015. It is our observation that even though the unit in question is in existence and operation from 2002 admittedly it belongs to red category with high potential to cause environmental damage, and there have been complaints regarding its environmental

⁴⁹ WP(C). No. 27248 of 2012 (E) – Decided on 8-12-2004.

⁵⁰ Matter added by the author for clarity.

⁵¹ Matter added by the author for clarity.

⁵² Application No. 141 of 2013 (SZ) (THC) – Decided on 17-12-2015 decided by Southern Zone Bench of National Green

performance from different corners. On number of occasions the SPCB has failed to impose corrective measures with any seriousness. Though a number of inspections were made by the SPCB and directions were given in piecemeal manner, no comprehensive follow up action seems to have been taken by the SPCB. It is only after specific direction from this Tribunal a detailed report dated 22-04-2015 highlighting the current status and proper directions for addressing the environmental issues was prepared and submitted. It is our considered view that if only the SPCB had taken up this exercise at the earliest point in time much of the environmental damage caused by the unit could have been averted. We therefore direct the SPCB to be vigilant in future, especially in case of industries with high potential to cause environmental damage and prescribe and follow up the measures to prevent the environmental damage by such industries. After all, as the age-old adage goes "prevention is always better than cure".

In **P.H. Rukhiya Beevi v. State of Kerala and others**⁵³ while exposing the arbitrariness and unjustifiability of the deterrent measures adopted by the Pollution Control Board the Kerala High Court made the following observations:

[Para 25] Though it may not be strictly necessary, in view of my earlier finding, I may clarify one aspect. The Pollution Control Board has stated that as the industry had commenced after 1993 notification, seeking of consent was a prerequisite, and in its absence, offence is committed, and there cannot be any ratification or consent ever thereafter. This approach may be too rigid. Though the relevant sections do not deal with this aspect, I do not think, consent in appropriate cases, even after the unit has become functional is impossible or that there is no jurisdictional power for examining the issue at all. This may affect the workability of the statute itself. In appropriate cases, request for consent, at any stage, could be entertained, and the direction of the Board of remittance of consent fee itself indicates that this was the practise which was being followed.

[Para 26] The statement filed by the Pollution Control Board, and the proceedings issued by it as Exts. R1, P8 and P12 are therefore pedestrian in style and content, and cannot be considered as issued by an expert body constituted under the Act. The above proceedings cannot be sustained. The second respondent should consider the

⁵³ W.P. (C) No. 9517 of 2004-G – Decided on 30-06-2004

application for licence submitted by the petitioner in its own merit, notwithstanding Ext. P5, as a unit cleared by the Industries Department. It is the fundamental right of the petitioner to claim equal protection of laws, and for engagement in trade and business of her choice. The restrictions, if imposed, definitely have to stand the test of constitutionality. It is to be noticed that in the earliest enactment itself, viz., Environment (Protection) Act, 1986, under Section 7, the prohibition is against a person carrying on an industry, or a process, discharging pollutant in excess of such standards as may be prescribed. Under Schedule I, emissions from small boilers could be 1500 mg/m³ per hour. The petitioner's operational time is stated as 10 to 15 minutes. The powers have obviously been misused, a sledge hammer is employed for killing a mosquito.

In **Ramesh J. Tharakan v. State of Kerala and other**⁵⁴ while disposing a writ petition alleging indiscriminate and illegal reclamation and encroachment of kayal land in Maradu Panchayat the Kerala High Court made the following observations on the callous approach of the local body:

[Para 20] But surely that is not the case with regard to the additional reclamations made and brought to our notice by photographs produced as Ext.P5 series. The decision of the Supreme Court, referred to earlier, squarely have application, as private enterprise should not be at public peril. It is strange to note that when prohibitory orders had been there even in respect of reclamation work carried at the instance of the State Government private persons have been able to stampede into area and do whatever they wished. It is equivalent to a situation where the watchful eye was constrained to confess that very pupil has been plundered away. Clause (4) of the Regulations provides that the State Government and such authorities, as may be designated for the purpose shall be responsible for monitoring the enforcement of the provisions of the notification in their respective jurisdiction. But interestingly it has turned out that the State authorities are ignorant of the provisions of the statute. They themselves have proceeded, as if a reclamation was normal and possible to be carried out, at their discretion without any proper consultation, authorisation or consent. An educative process ought to have been there and we leave it at that.

⁵⁴ WP(C) No. 21006 of 2003(S) – Decided on 9-01-2007 by Kerala High Court

[Para 21] It might be essential that all reclamations after the notification of 1991 requires a proper accounting and scrutiny, especially done at the instance of private individuals. Supreme Court has come to comment upon such conduct, condemning this as against public interest. The notified authorities, as among the respondents, are to ensure that reclaimed properties, as referred to in Ext.P5, at the instance of private individuals, are to be taken possession of and appropriately dealt with, after publishing a general notice. Nice principles of audi alteram partem may not be available to blatant violations of law, when public interest is at threat. No person will be entitled to enjoy or retain illgotten fruits obtained by violating the law of the land. The authorities also are to monitor activities of unauthorised constructions, encroachment or reclamation as required under the statute and come to prevent it by employing appropriate service as the situation might demand.

In **Ratheesh and others v. State of Kerala and others**⁵⁵ while criticising the total indifference and non-application of mind by the authorities and particularly the local bodies a Division Bench of Kerala High Court made the following remarks:

[Para 134] We further direct the Government of India/Authority to consider taking action in regard to the unnumbered buildings found on Vettala Thuruthu Island as per law as against the island owners. We are constrained to make certain observations which we consider highly essential in the interest of justice. The cases which we are disposing of by this Judgment characterise the total indifference and non-application of mind by the authorities and particularly the local bodies. The Notifications issued are intended to protect the coasts, the environment in general and to achieve the sustainable development, particularly of the fisher folk and other local population. The Notifications are meant to be enforced with full vigour. Circulars have been issued to the local bodies. We notice, however, that only lip service is being paid if at all to the terms of the Notifications. By such callous indifference and consequent blatant violation of the Notifications, a law which is meant to address serious environmental issues which adversely affect the present and future generations, is being completely undermined. If only the local body was vigilant and had conformed to the law, the matters would not have come to the sorry state of affairs the parties find themselves in. The non-preparation of the cadastral survey, though specifically directed to be done by the local bodies, is indefensible. The action of the Assistant

⁵⁵ W.P. (C) No. 19564 of 2011 – Decided on 25-07-2013 by Kerala High Court.

Engineer in incorporating the conditions in the permit issued to the company is to say the least, most intriguing and unsupportable. We would hope that all the authorities including the Governments, both Central and State, will put their heads together and bring about not only dissemination of clear information regarding the Notification, but also implement its terms in an effective manner.

In **Sreeranganathan K.P. v. Union of India and other**⁵⁶, while setting aside the environmental clearance granted in respect of the Aranmula airport project, the South Zone Bench of National Green Tribunal highlighted the infirmities in the environmental clearance process in the following terms:

[Para 182] It is not in controversy that at the time of public hearing many objections and concerns were raised and the same were also recorded in the minutes of the public hearing. As rightly pointed out by the learned counsel for the appellants, all issues raised at the time of public hearing were not even stated in the above recordings of the minutes. The detailed scrutiny as required by the notification in order to make an evaluation of the project has not been done since there is nothing to indicate in the minutes of the meeting that in respect of the issues raised at the time of public hearing in respect of each issue i.e., objections raised at the public hearing and what was the correspondence and clarification made by Project Proponent thereon and why and for what reasons those objections were negated and the clarifications of the project proponent were accepted. Thus, the Tribunal is able to notice a thorough failure on the part of the EAC in performing its duty of proper consideration and evaluation of the project by making a detailed scrutiny before approving the same. The contentions put forth by the learned counsel for the respondents that number of specific conditions were stipulated by the EAC at the time of recommendation and without proper consideration of both objections and concerns at the time of providing and proper responses made by the Project Proponent, those conditions could not have been stipulated cannot be countenanced. It is true that the EAC while recommending the project for the grant of EC has stipulated conditions. Mere stipulation of specific conditions ipso facto cannot be an answer, while the minutes recorded above clearly indicate that there was no appraisal wherein an evaluation by detailed scrutiny of the project is required as per the mandatory

⁵⁶ Appeal Nos. 172, 173, 174 of 2013 (SZ) and Appeal Nos. 1 and 19 of 2014 (SZ) Appeal No. 172 of 2013 (SZ) – Decided on 28-05-2014 by South Zone Bench of National Green Tribunal.

provisions of EIA Notification, 2006. The Central Government, in its wisdom thought it fit and necessary and circumstances also warranted issuance of the EIA Notification, 2006 superseding the earlier Notification, 1990 whereby EAC has been constituted for all projects in Category A and SEAC for Category B for the purpose of screening, scoping and appraisal of the projects. The EAC is constituted consisting of a Chairman and number of members who are experts from different fields only with the sole objective of national interest in order to ensure establishment of new projects or expansion of already existing activity without affecting the ecological and environmental conditions. Thus, a duty is cast upon the EAC or SEAC as the case may be to apply the cardinal and Principle of Sustainable Development and Principle of Precaution while screening, scoping and appraisal of the projects or activities. While so, it is evident in the instant case that the EAC has miserably failed in the performance of its duty not only as mandated by the EIA Notification, 2006, but has also disappointed the legal expectations from the same. For a huge project as the one in the instant case, the consideration for approval has been done in such a cursory and arbitrary manner even without taking note of the implication and importance of environmental issues. On the same day the EAC took for appraisal not only the airport project in question, but also other projects which would be indicative of the haste and speedy exercise of its function of appraisal of the project. It casts a doubt that whether the EAC would have accepted the response made by the Project Proponent in respect of the objections and concerns raised at the time of public hearing as a Gospel Truth. Thus, the EAC has not conducted itself as mandated by the EIA Notification, 2006 since it has not made proper appraisal by considering the available materials and objections in order to make proper evaluation of the project before making a recommendation for grant of EC.

[Para 183] The EAC is a High-Level Committee entrusted with the task of evaluating the projects, which exercise it has to do with its wisdom, experience and expertise of the members. Needless to say, while doing that exercise for such evaluation, the Committee should keep wider interest of the nation as paramount in its mind. A duty is cast upon the EAC to strike a balance between the development on one side and ecology and environment on the other, thereby ensuring larger interest of the society of the State. While such vital and indispensable task is entrusted with the fervent hope and expectation, shirking of responsibility in a hasty or evasive

manner would not only be against the objective of its constitution, but also defeats the purpose for which the Committee is functioning. Where a particular point is not decided unanimously, specific noting should be prepared and scientific reasons for accepting the majority view should be recorded and maintained for future reference. It should not be forgotten by the EAC that either the acceptance or rejection of a proposal should be the result of a proper and purposeful exercise on the recommendations of which the regulatory authority can safely act and take a correct decision thereon.

In **Sarika and others v. State of Kerala and others**⁵⁷ the South Zone Bench of National Green Tribunal made the following remarks:

[Para 22] Before parting with the case, we find it necessary to remind the 1st respondent of the duties and responsibilities provided under Rule 15 of the Solid Waste Management Rules 2016. We deem it necessary to remind the Secretaries-in-charge of the Village Panchayat or Rural Development Department in the State of Kerala, the District Magistrates and District Collectors of their duties as provided under Rule 12 of the Solid Waste Management Rules 2016 and the Secretary-in-charge of Urban Development in the State of Kerala regarding the duties provided under Rule 11 of the Solid Waste Management Rules, 2016. It is pointed out at the Bar that the Solid Waste Management Rules 2016 are not being properly implemented in the State of Kerala. It is not a happy situation. It was also pointed out at the Bar that experience show that Thumkar (Alzppuzha) model of Solid Waste disposal is very effective and friendly, and it could be followed by all the Corporations, Municipalities and Panchayats of the Kerala State. It is for the authorities, including the Secretary-in charge of the Urban Development in the State of Kerala, the Secretary-in-charge of the Village Panchayats or Rural Development Departments in the State and the authorities of the Village Panchayats, the Municipalities and the Corporation of Kerala to consider and decide that aspect. But all should scrupulously follow the Solid Waste Management Rules 2016 and make Kerala the Gods on country, in the true sense. To achieve the same, we direct the Chief Secretary of the State of Kerala may convene a meeting of all the concerned Secretaries and officials of the Departments, including the State Pollution Control Board, Grama Panchayat, Municipalities and Corporations to decide the implementation of the Solid Waste Management Rules 2016.

⁵⁷ Original Application No. 301 of 2013 (SZ) – Decided on 13-12-2016 by South Zone Bench of National Green Tribunal.

In the meeting, the question of following the Alappuzha model of Solid Waste Disposal may also be considered. Forward a copy of judgment to the Chief Secretary, State of Kerala.

OTHER IMPORTANT JUDGMENTS / ORDERS IN WHICH THE COURTS / NATIONAL GREEN TRIBUNAL DISAPPROVED THE ACTIONS TAKEN BY STATE AGENCIES IN EXERCISE OF THEIR STATUTORY POWERS

Apart from the judgments in which the courts and the tribunal made strong adverse remarks against state agencies the actions taken by the state agencies were disapproved in a number of judgments. The important judgments wherein the actions of the state agencies were disapproved are listed below:

In **Dr. V.S. Gopalan v. State of Kerala and others**⁵⁸ the Kerala High Court set aside an Order issued in the context of the Coastal Regulation Zone notification as it was a Government Order issued by the Principal Secretary to Government of Kerala, Science and Technology Department. According to the court the order ought to have been issued by the Kerala Coastal Zone Management Authority in exercise of its powers under the CRZ Notification.

In **Fair Log warehousing and Trading (P) Ltd. v. Kerala Coastal Zone Management Authority**⁵⁹ the South Zone Bench of National Green Tribunal expressed its disapproval of the action of the Kerala Coastal Zone Management Authority in realigning the High Tide Line that was already approved through prescribed procedures.

In **M/S Kizhakkethalackal Rocks v. Kerala State Level Environment Impact Assessment Authority**⁶⁰ while allowing an appeal filed against the order of SEIAA refusing to grant environmental clearance for a quarrying project the Principal Bench of National Green Tribunal highlighted the failure of the SEIAA and SEAC in exercising the statutory responsibilities under the EIA Notification.

In **Premchand v. Pattanakkad Grama Panchayat and others**⁶¹ an order for demolition of a building issued by the Grama Panchayat was set aside by the South Zone Bench of National Green Tribunal on the ground that the Grama Panchayat was not the competent authority to issue such an order under the CRZ Notification.

⁵⁸ W.P. (C) No. 19970 of 2008(B) – Decided by Kerala High Court on 4 – 06 – 2010.

⁵⁹ Original Application No. 286 of 2014 – Decided on 15-09-2015 by South Zone Bench of National Green Tribunal.

⁶⁰ Appeal No. 29 of 2013 – Decided on 13-02-2014 by Principal Bench of National Green Tribunal.

⁶¹ Original Application No. 13 of 2014 (SZ) – Decided by South Zone Bench of National Green Tribunal on 20-09-2016.

In **Alphonsa Streeder v. Pallipuram Grama Panchayat**⁶² an order issued by the Grama Panchayat in the context of the CRZ Notification was set aside by the Division Bench of Kerala High Court as it was not in accordance with law.

⁶² W.A. No. 419 of 2011 – Decided by Kerala High Court on 24-05-2011

JUDGMENTS / ORDERS IN WHICH THE PARTIES WERE DIRECTED TO DEMOLISH STRUCTURES / DEPOSIT AMOUNTS

- In **Association for Environment Protection v. State of Kerala and others**⁶³ the Supreme Court of India while allowing the Civil Appeal filed by the association found that the construction of a restaurant on Aluva Manalpuram by the District Tourism Promotion Council without referring the matter to the Committee on Environmental Planning and Co-ordination to be illegal. The Court directed the authorities to demolish the structure within a period of three months from the date of the judgment.
- In **Antony A.V. v. Corporation of Cochin**⁶⁴, a case pertaining to construction of a multi storeyed building within a distance of 100 metres from the High Tide Line (HTL) of Chilavannur lake in violation of Coastal Regulation Zone Notification (CRZ Notification), the Kerala High Court directed the competent authorities to demolish the buildings constructed in violation of the CRZ norms.
- In **Joy Kaitharnath v. The Managing Director, Kerala Minerals and Metals Ltd. and others**⁶⁵ the South Zone Bench of National Green Tribunal directed the Kerala Minerals and Metals Ltd to deposit a sum of Rs. 1,00,00,000/- (Rupees One Crore only) under "polluter pays" principle in favour of "Chairman, Kerala State Pollution Control Board". The Chairman of SPCB was directed to keep the said amount in a separate account named as "Environment relief fund for remediation of Chavara Region due to pollution caused by KMML". The said amount was to be managed by the Chief Secretary, Government of Kerala and Chairman, Kerala State Pollution Control Board jointly, and utilised for remediation and/or for distribution to affected persons either as per the direction of the National Green Tribunal or as per the decision of the State Government.
- In **Kunjoonjamma Jose v. Kerala State Pollution Control Board and others**⁶⁶ the South Zone Bench of National Green Tribunal directed an industrial unit engaged in recycling of lead from used acid batteries which was operating in violation of

⁶³ Civil Appeal No. 4941 of 2013 (Arising out of SLP (C) No. 18837 of 2006) – Decided on 2-07-2013

⁶⁴ WP(C). No. 27248 of 2012 (E) – Decided on 8-12-2004.

⁶⁵ Application Nos. 142, 290 and 453 of 2013 (SZ) – Decided on 31-08-2017 by Southern Zone Bench of National Green

⁶⁶ Application No. 141 of 2013 (SZ) (THC) – Decided on 17-12-2015 decided by Southern Zone Bench of National Green

environmental norms to deposit an amount equal to 10% of the annual income with effect from 2002-03 to 2013-14 for a period of 12 years. The said amount to be paid under the "Polluter Pays" Principle was required to be credited in the account of Kerala State Pollution Control Board (SPCB) in a separate account as "Environmental Protection Fund, Chengannoor", to be used for further remediation including providing of potable drinking water to the people living in the surrounding areas till the recommendations and suggestions of SPCB were implemented completely.

- In **Abraham Thomas v. Union of India**⁶⁷, a party who had proceeded with the construction of a building without following the provisions of law was directed by the National Green Tribunal (South Zone Bench) to deposit an amount of Rs. 1,00,000/- (Rupees One Lakh) with the Kerala State Pollution Control Board. It was further directed that the amount should be specifically kept in an account called Environment Protection Fund to be maintained by the Chairman of the Kerala State Pollution Control Board and to be used for environment protection in the Idukki as per the decision taken by the Chairman of the Board.
- In **P.H. Rukhiya Beevi v. State of Kerala and others**⁶⁸ finding that that a small scale industrial unit had been put to considerable difficulties in the matter of its functioning and coercive methods were being employed by the authorities to see that it was closed down the High Court of Kerala directed the Kerala State Pollution Control Board to pay Rs.500 (Rupees five hundred) as costs (as a token only) to the petitioner.

⁶⁷ Original Application No. 146 of 2015 (SZ) – Decided on 12-12-2005 by Southern Zone Bench of National Green Tribunal

⁶⁸ W.P. (C) No. 9517 of 2004-G – Decided on 30-06-2004

JUDGMENTS / ORDERS IN WHICH SPECIFIC DIRECTIONS WERE ISSUED TO PARTIES AND STATE AGENCIES INCLUDING THE STATE POLLUTION CONTROL BOARD.

- In **Gopalakrishnan Nair v. The Kerala State Pollution Control Board**⁶⁹ the South Zone Bench of National Green Tribunal while dismissing an original application and allowing the industrial operations to continue directed the Kerala State Pollution Control Board to continuously monitor the operation of the industrial unit (see paragraph 7 of the order).
- In **Joy Kaitharnath v. The Managing Director, Kerala Minerals and Metals Ltd. and others**⁷⁰ the South Zone Bench of National Green Tribunal directed the Kerala Minerals and Metals Ltd to prepare a scientific scheme for soil remediation and ground water remediation. The KMML was also directed to prepare design of short term and long-term measures for Environment Management Plan regarding solid waste generated by the company. The Kerala State Pollution Control Board was required to verify and approve the scheme and management plan. The KMML and KSPCB was also directed to file periodic compliance reports with the NGT Registry.
- In **Kerala Federation of Women Lawyers v. Corporation of Cochin**⁷¹ the Kerala High Court issued certain directions to the Government, Police Department and Local Authorities in a Public Interest Litigation filed to prevent all kinds of health hazards caused by solid waste being thrown by people on road sides and in public places.
- In **K.G. Gangadharan v. State of Kerala and others**⁷² the Kerala High Court directed the District Collector (in his capacity as Chairperson of District Disaster Management Authority) to conduct a survey of the property in which a quarry was being operated. The Kerala State Biodiversity Board was also directed to make an assessment of the biodiversity of the said area. (See paragraph 14 of the judgment).

⁶⁹ Original Application No. 56 of 2015 9SZ) – Decided on 2-08-2016 by South Zone Bench of National Green Tribunal.

⁷⁰ Application Nos. 142, 290 and 453 of 2013 (SZ) – Decided on 31-08-2017 by Southern Zone Bench of National Green

⁷¹ W.P. (C) No. 27052 of 2011 – Decided on 21-11-2011 by Kerala High Court.

⁷² W.P.(C) No. 13769 of 2016 (U) – Decided on 17-08-2016 by Kerala High Court.

- In **K.N. Neelakandan Namboodiri and others v. State of Kerala and others**⁷³, the Kerala High Court directed the State Government to take appropriate necessary action to implement the mandates contained in the Noise Pollution (Regulation and Control) Rules, 2000. The Police and Transport authorities were also directed to ensure that effective and appropriate action is taken forthwith to abate noise pollution that is being caused by use of air horns.
- In **Kunjoonjamma Jose v. Kerala State Pollution Control Board and others**⁷⁴, while partly allowing an original application, the South Zone Bench of National Green Tribunal directed an industrial establishment to comply with certain directions (see points 1 to 4 in paragraph 49 of the order). The Kerala State Pollution Control Board was directed by the NGT to ensure strict compliance of the said said directions and file annual report to the registry of National Green Tribunal, Southern Zone on or before 31st March of every year commencing from 31- 03-2016.
- In **Mathew Luckose v. Kerala State Pollution control Board and others**⁷⁵ the Kerala High Court granted three months to an industrial undertaking to take measures to bring down pollution to tolerance limits. The Kerala State Pollution Control Board and State of Kerala was further directed to ensure that undertaking complies with the said direction within the stipulated time and close down the undertaking if it fails to do so.
- In **Ratheesh and others v. State of Kerala and others**⁷⁶ a Division Bench of Kerala High Court issued directions to the Government of India and other competent authorities under the CRZ Notification to ensure that the constructions made by Kapico Kerala Resorts (Pvt.) Ltd in Nedyathuruthu Island are removed within a period of three months from the date of receipt of a copy of the judgment. [It may be noted that this judgment was appealed to the Supreme Court of India and the Supreme Court in the matter of vide Order dated 8-08-2013⁷⁷ refused to interfere with the order of the Kerala High Court.]

⁷³ O.P. Nos. 1936, 1959 and 2335 of 1999 – Decided on 22-08-2003 by Kerala High Court

⁷⁴ Original Application No. 141 of 2013 (SZ) (THC) – Decided by South Zone of National Green Tribunal on 17-12-2015.

⁷⁵ O.P. No. 3473 and 4622/88 – Decided by Kerala High Court on 27-09-1990.

⁷⁶ W.P. (C) No. 19564 of 2011 – Decided on 25-07-2013 by Kerala High Court.

⁷⁷ See Vaamika Island (Green Lagoon Resort) v. Union of India and others, S.L.P. (Civil) Nos. 24390-24391 of 2013

- In **Sarika and others v. State of Kerala and others**⁷⁸ the South Zone Bench of National Green Tribunal directed the Chief Secretary of the State of Kerala to convene a meeting of all the concerned Secretaries and officials of the Departments, including the State Pollution Control Board, Grama Panchayat, Municipalities and Corporations to decide the implementation of the Solid Waste Management Rules 2016.
- In **Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.**⁷⁹ while disposing of a public interest litigation alleging unauthorised and illegal mining operations resulting in rampant damage to environment the Kerala High Court issued certain specific directions to various agencies of the State (see paragraph 20 of the judgment).
- In **Varkey Ouseph v. State of Kerala and others**⁸⁰, the Kerala High Court directed the State Pollution Control Board to take effective steps to monitor the crushing unit and take effective steps as provided in the Air Act / Water Act if the crusher unit causes any air, noise or water pollution.
- In **P. Abdul Rahiman and others v. State of Kerala and others**⁸¹, the South Zone Bench of National Green Tribunal took serious note of the stand taken by the State Pollution Control Board that it is grossly under staffed. The NGT issued directions to the state government to immediately sanction the required strength to the Malappuram District office of the State Pollution Control Board so as to enable the Board to function effectively.
- In **Vilappilsala Samyuktha Samara Samithi v. State of Kerala**⁸², the South Zone Bench of National Green Tribunal while allowing an original application filed by the residents of Vilappilsala for shifting a solid waste treatment plant at Vilappilsala to another location issued around 10 directions to be complied with by the Thiruvananthapuram Corporation. The State Pollution Control Board was directed to monitor the progress of implementation of the said directions.

⁷⁸ Original Application No. 301 of 2013 (SZ) – Decided on 13-12-2016 by South Zone Bench of National Green Tribunal.

⁷⁹ W.P. (C) No. 10694 of 2015 (S) – Decided on 30-09-2015 by Kerala High Court.

⁸⁰ WA No. 2283 of 2007 – Decided on 12-11-2007 by Kerala High Court.

⁸¹ Original Application No. 458 of 2013(SZ) – Decided on 19-10-2015 by South Zone Bench of National Green Tribunal.

⁸² Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013 – Decided on 30-09-2015 by South Zone Bench of National Green Tribunal

CONCLUSIONS AND RECOMMENDATIONS

The evaluation study reveals that though the actions taken by the state agencies have been upheld in many litigations the Courts and the Tribunal have adversely commented on the callous approach of the state agencies in the enforcement of environmental laws. The interventions made by the statutory authorities and other state agencies in many situations have been held to be bad in law. The lack of vigilance on the part of the statutory authorities have been highlighted in many judgments. In this report we have highlighted various judgments in which specific directions were issued to the various agencies. Whether these directions were complied with and whether they were implemented in the right spirit is beyond the scope of this study. The same can only be ascertained through a field assessment. The lethargy exposed by the statutory authorities and state agencies have resulted in situations where buildings constructed in violation of norms have been directed to be pulled down – which again is something that results in wastage of valuable resources which could have been utilised for common good. Criminal prosecutions launched by the state are generally challenged by the accused in the Kerala High Court by instituting petitions under section 482 of Code of Criminal Procedure. While surveying the reported judgments only one judgment is found to have been delivered while disposing such a petition (The judgment in Pandan Krishnan v. Assistant Engineer, Kerala State Pollution Control Board – decided on 22-12-1994 by Kerala High Court). Though this cannot be a definite indicator it is a possible indicator of the low level of criminal prosecutions instituted under the provisions of the Water Act, Air Act, Environment Protection Act and Biological Diversity Act. Judgments relating to Biological Diversity Act are also negligible.

In the light of the evaluation of the judgments delivered by the courts and National Green Tribunal the study makes the following recommendation for improving the quality of environmental governance in the State of Kerala:

- (1) There is an urgent need for building the capacity of the officials of Pollution Control Board, members of various bodies constituted under EIA and CRZ Notifications, Secretaries and members of local bodies and other officers involved in the implementation of environmental laws with respect to the various environmental laws in force in the State.

Special attention should also be given to train the scientists involved in decision making processes on the nuances of the laws under which they take decisions.

(2) Whenever a new law is enacted by Parliament or State Legislature or Statutory Rules are notified under an Act or whenever a new notification is issued under the EPA the Department of Environment of Government of Kerala should take the initiative to immediately organise training programme on the said laws for all officials who have a role to play in the implementation of the law (Though the officials may fall within the administrative jurisdiction of different departments the Department of Environment should take the initiative to organise regular training programmes on all aspects).

(3) The Department of Environment and Climate Change shall launch an online portal (which shall be linked to its website) wherein updated versions of all environment related Acts, Rules, Regulations, Notifications and Statutory Orders are published and updated in a timely manner. This will enable the statutory officers and other agencies take informed decisions while exercising their statutory powers. The said portal shall also provide information on the status of various litigations to which the Department or various authorities falling within the administrative control of the Department are parties. In line with the law of the land the Department can take decision on which information shall be made accessible to public and what information shall be restricted to various officials of the Department.

(4) Whenever a new law is enacted by Parliament or State Legislature or Statutory Rules are notified under an Act or whenever a new notification is issued under the EPA the Department of Environment of Government of Kerala should take the initiative to put in place the institutional mechanism for the effective implementation of the said laws. Bodies / Authorities, if any, to be constituted under the new law shall be constituted without further delay and documents and materials, if any, to be prepared under the new law shall be prepared without further delay.

(5) The Department of Environment of Government of Kerala should periodically come out with a e-newsletter in which a summary of the major legal developments in realm of environmental law during the period (in the form of legislations, court orders whether it pertains to Kerala or not) are incorporated and the same shall be made available by e-mail or other electronic processes to all officials involved in the implementation of environmental laws.

- (6) Urgent steps should be taken to strengthen the manpower of the various agencies involved in the implementation of environmental laws.
- (7) The gaps in criminal enforcement of environmental norms should be identified and agencies should focus on initiating criminal prosecutions where violations are found to exist.
- (8) The enforcement agencies should be more vigilant in monitoring the functioning of industries and other establishments and inspections should be conducted periodically.
- (9) Institutional mechanism should be present to bring the directions issued by the courts and tribunal to the notice of the specific officer responsible for implementing it in a timely manner. There should also be an institutional mechanism to oversee whether the said officer is complying with the said directions.
- (10) Effective mechanisms can be put in place to clarify in a timely manner the legal ambiguities and doubts faced by the enforcement agencies and other officials involved in the implementation and enforcement of environmental laws.
- (11) Periodic reports to be submitted to courts and tribunal shall be submitted in a timely manner and there should be effective co-ordination between different departments and also the lawyers representing the agency in the matter concerned.

The findings of the study, it is hoped, will help the state and various agencies involved in environmental governance to make a self-assessment of the quality of their implementation and enforcement strategies as well as regulatory interventions. It is also hoped that the trends observed with respect to deficiencies in regulatory interventions and the recommendations made in this study will enable the State to take appropriate steps for plugging the loopholes and strengthening the environmental governance architecture in Kerala.

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ANNEXURES

Annexure I - Total Number of reported judgments of SC, Kerala HC and NGT

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure I.1 - SUPREME COURT								
1	In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems	Writ Petition (C) No. 72 of 1998 with civil Appeal No. 3735 of 2005 [Arising out of SLP (C) No. 21851/2003]	SC	1998	18.07.2005	suo motu	suo motu	NPR, 2000 CrPC, 1973 COI IPC, 1860 AA, 1981 EPA, 1986
2	Forum, Prevention of Envtn. and Sound Pollution vs. Union of India (UOI) and Ors.	Civil Appeal No. 3735 of 2005	SC	2005	28.10.2005	Association	State	NPR,2000 COI EPA, 1986
3	Association for Environment Protection vs. State of Kerala and Ors.	Civil Appeal No. 4941 of 2013 (Arising out of SLP (C) No. 18837 of 2006	SC	2006	02.07.2013	Association	State	KPRSA 2001, COI
4	Vaamika Island (Green Lagoon Resort) Vs. Union of India and Ors.	S.L.P. (Civil) Nos. 24390-24391 of 2013	SC	2013	08.08.2013	operator	State	CRZ Ramsar Convention EPA,1986
5	Nature Lovers' Forum v. State of Kerala and Ors	W.P. (C) Nos. 34463 of 2015 (G), 33463 and 8531 of 2015	SC (PIL)	2015	07.12.2015	Association	State	COI EPA, 1986 KPRA, 1994 MMA, 1957
6	The Secretary, Kerala State Coastal Management Authority Vs. DLF Universal Limited and Ors.	Civil Appeal Nos. 117-120 of 2018	SC	11/15/2012	10.01.2018	State	Operator	EPA, 1986 EPR 1986 KBR, 1984 SEIAA Notification dated 19.12.2011

Annexure I.2 - HIGH COURT

1	Mathew Lukose and Ors. vs. The Kerala State Pollution Control Board and Ors.	O.P Nos. 3473 and 4922 of 1986	HC	1986	27.09.1990	Private Party and Association	State	COI AA, 1981 WA, 1974 WR EPA, 1986 CPC, 1908
2	M. Krishna Panicker and others vs. M. Appukuttan Nair and others	CrI. M. C. No. 1610 of 1992	HC	1992	30.03.1993	Private	Private	CrPC, 1973 WA, 1974
3	Law Society of India Vs. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.2.1994	Association	operator	EPA, 1986 AA, 1981 WA, 1974 MSIHCR, 1989
4	Pandan Krishnan and Anr. Vs. Asst. Engineer, Kerala State Pollution Control Board Regional Office and Anr	CrI. M.C. No. 763 of 1992	HC	1992	22.12.1994	Private	State	WA, 1974 AA, 1981 CrPC, 1973
5	V.S. Damodaran Nair and Anr. Vs. State of Kerala and Ors.	O.P. Nos. 6041 of 1981-M and 10702 of 1984	HC (PIL)	1984	07.04.1995	Private (Public Spirited Person)	State	EPA, 1986 AA, 1981
6	M.R. Pillai Vs. Executive Officer, Pathiyoor Panchayat, Kayamkulam and Ors	O.P. No. 3520 of 1993	HC	1993	31.1.1997	Private	Operator	EPA, 1986 AA, 1981 WA, 1974
7	Jacob Vadakkancherry and etc v. State of Kerala and Ors	O.P. Nos. 10185 of 1996(K) and 926 of 1997(S)	HC	1998	08.01.1998	Private	State	EPA, 1986 CRZ, 1991
8	Anand Parthasarathy vs. State of Kerala and Ors.	O.P. No. 11016/98	HC (PIL)	1998	01.12.1999	Private (PIL)	State	EPA, 1986 COI CrPC, 1973 WA, 1974 AA, 1981
9	Citizens Interest Agency Vs. Lakeshore Hospital and Research Centre Pvt. Ltd	O.P. Nos. 33089 and 34936 of 2001	HC (PIL)	2001	19.02.2003	Association	operator	EPA, 1986 EIA, 1991
10	Kottayam Nature Society Vs. Union of India	O.P. Nos. 26884 of 2000, 6832, 7104, of 2002	HC (PIL)	2002	05.03.2003	Association	State	EPA, 1986 COI

11	Forum for the Prevention of Environmental and Sound Pollution Vs. Union of India	O.P. No. 38066/2002	HC	2002	14.03.2003	Association	State	NPR, 2000 EPA, 1986
12	Jolly v. Pallipuram Grama Panchayat	O.P. No. 11723 of 2003	HC	2003	30.05.2003	Private	State	AA,1981
13	K.N. Neelakandan Namboodiri and Others Vs. State of Kerala and Others	O.P. Nos. 1936, 1959 and 2335 of 1999	HC	1999	22.08.2003	Association	State	NPR,2000 COI EPA, 1986
14	Sumit T.P. vs. State of Kerala	...	HC	2004	01.01.2004	Association	State	PWMR, 2016 EPA, 1986
15	P.H. Rukhiya Beevi vs. State of Kerala &Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA,1981 EPA, 1986
16	K.V. Pavithran v. The District Superintendent of Police and Ors.	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR,2000 COI
17	Trichur District Private Bus Operators' Association v. State of Kerala and Ors.	W.A. Nos. 2062 of 2003 and 76/2004	HC	2003	06.04.2005	operator	State	EPA, 1986 COI NPR, 2000
18	Hindustan Coca-Cola Beverages (P) Ltd. Vs.Perumatty Grama Panchayat	W.A. No. 2125 of 2003	HC	2003	07.04.2005	operator	State(LSG)	HWMR, 2008 COI
19	A.C. Parthan & Ors. Vs. Nayarambalam Grama Panchayath & Ors.	O.P. Nos. 34321/2002, WPC Nos. 10282, 15589 etc of 2005	HC	2005	16.12.2005	Private	State	EPA, 1986 COI CZR
20	Ramesh J. Tharkan and vs. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
21	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
22	Varkey Ouseph S/o. Varkey Varkery, Skana Ouseph and Santhosh P.K. Vs. The State of Kerala and Ors	WA No. 2283 of 2007	HC	2007	12.11.2007	Private	State	WA,1974 AA,1981
23	Citizen Interest Agency, A	WP(C). No.	HC	2008	23.05.2009	Association	State	EPA, 1986 COI

	Registered vs. Cochin Port Trust and Ors.	12156 of 2008(S)	(PIL)					MSIHCR, 1989
24	Dr. V.S. Gopalan Vs. State of Kerala and Others	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2005	Private	state	COI EPA, 1986
25	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA, 1974 AA, 1981 CrPC, 1973 COI IPC, 1860
26	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
27	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
28	Alphonso Streeder v. Pallipuram Grama Panchayath and Anr.	W.A No. 419 of 2011	HC	2011	24.05.2011	Private	State	CRZ
29	All Kerala Plastic Dealers Vs. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016
30	Philip Carbon Black Ltd. & Ors. Vs. Sabu Thozhupadan & Anr.	CrI. R.P. No. 1817 of 2011	HC	2011	3.11.2011	Operator	Private	AA, 1981 CrPC, 1973
31	Kerala Federation of Women Lawyers vs. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016
32	Prasad v. State of Kerala	Cri. M.C. No. 3469 of 2011	HC	2011	4.1.2012	Private	State	WA, 1974 EPA, 1986 COI IPC, 1860 CrPC, 1973 WA, 1974
33	Deccan Enterprises Vs. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016
34	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
35	Ratheesh and Others vs. State of	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ, 1991 and 2011

	Kerala and Others							EPA,1986
36	Sukumaran Vs. Padmalochanan	W.P. (C) No. 22385 of 2012	HC	2012	26.03.2014	Private	Operator	AA,1981 WA,1974 NGTA,2010 COI
37	Palakkal Martin v. Ansar C	W.A. No. 1130 of 2013	HC	2013	08.07.2014	Private	Private	AA, 1981 EPA, 1986 COI
38	Suresh Kunnath vs. Commissioner of Police	W.P. (C) Nos. 8672, 11729, 14206 and 13617 of 2014	HC	2014	22.08.2014	Association	State	EPA,1986 KPA,2011
39	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012 €	HC	2012	8.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
40	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
41	Najeeb Vs. Shoukath Ali	W.A. No. 1514 of 2015	HC	2015	15.07.2015	Private	Private	KMMCR,2015 EPA,1986
42	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt. Order, 18-02-2012
43	State of Kerala and Ors. vs. J and J Minerals Private Limited and Ors	W.A. No. 2011 of 2014	HC	2014	20.11.2015	State	operator	EPA, 1986 COI PCPR,1999
44	Somarajan and Ors. Vs.District Collector, Kollam and Ors.	W.P.(C) No. 37344 of 2015	HC	2015	21.12.2015	Private	State	CPLWA, 2008 KLUO, 1967
45	Neelakandan C.R. Vs. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA,1986 IPC, 1860
46	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA,1986

47	Nobert Lawrence and Ors. Vs.Kottukal Grama Panchayath and Ors	WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012	HC	2012	08.11.2016	Private	State(LSG)	KMBR, 1999 COI NGTA,2010 NEAAA,1997
48	Joby Vs. District Collector	W.P.(C) No. 20960 of 2016	HC	2016	29.11.2016	Private	State	KCPWA, 2008 MMA, 1957 COI
49	Atul Automations Pvt. Ltd. Vs. Commissioner of Customs, Cochin	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016
50	Indian Rare Earths Ltd.Vs. State of Kerala and Ors.	W.A. No. 2884 of 2009	HC	2009	11.10.2017	Operator (GOI undertaking)	State	EPA, 1986 AA,1981 COI HOW, 2008
Annexure I.3 - NGT								
1	M/S. Kizhakethalackel Rocks Vs. Kerala State Level Environment Impact Assessment Authority and State of Kerala	Appeal No. 29 of 2013	NGT (PB)	2013	13.02.2014	operator	State	ECR, 2006 EIA, 2006 AA, 1981 EPA,1986
2	Sreeranganathan v. Union of India	Appeal Nos. 172, 173, 174 of 2013 (SZ) and Appeal Nos. 1 and 19 of 2014 (SZ) Appeal No. 172 of 2013 (SZ)	NGT	2013	28.05.2014	Private	State	WCMR 2010
3	Jacob George Vs. Union of India	Application No. 263 of 2013 (SZ)	NGT (SZ)	2013	03.11.2014	Private Party	State	EIA, 2006 KHPA, 1999
4	Quilon Educational Trust Vs. State of Kerala and Ors	Application No. 262 of 2014 (SZ)	NGT (SZ)	2014	01.04.2015	Association	State	CZR Notification
5	K. Savad Vs. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT (SZ)	2015	31.08.2015	Private	State	EIA, 2006 KFMVA, 2003 EPA,1986 NGTA,2010
6	Fair Log Warehousing and Trading (P.) Ltd.Vs.Kerala Coastal Zone	Application No. 286 of 2014	NGT (SZ)	2014	15.09.2015	operator	State	CRZ, 2011

	Management Authority, Science and Technology (A) Department and Ors.							
7	Kamburam Dharma Paripalana Araya Samajam vs. Kozhikode Corporation and Ors.	Application No. 331 of 2013 (SZ) (THC)	NGT	2013	22.09.2015	Association	state	COI EPA, 1986
8	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR, 2000
9	P. Abdul Rahiman and Ors. Vs. State of Kerala and Ors.	Application No. 458 of 2013(SZ)	NGT (SZ)	2013	19.10.2015	Private	State	EPA,1986
10	Abhraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.1.2.2015	Private	State	WA,1974 AA,1981
11	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989
12	P.N. Anoop Vs. Union of India and Ors.	M.A. No. 216 of 2015 (SZ)	NGT (SZ)	2015	06.01.2016	Private	State	others
13	G.D. Martin vs. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974
14	Yasoraminfra Developers Pvt. Ltd. vs. Kerala Coastal Zone Management Authority and Ors.	Application No. 35 of 2015 (SZ)	NGT (SZ)	2015	12.05.2016	Operator	State	CRZ, 1991
15	Lawyers Environmental Awareness Forum Vs. State of Kerala	Application No. 137 of 2016 (SZ)	NGT (SZ)	2016	23.05.2016	Association	State	EPA,1986

	and Ors.							
16	Muhammed. O v. Kerala State Pollution Control Board	Application No.108 of 2015 (SZ)	NGT (SZ)	2015	13.7.2016	Private	State	EPA, 1986
17	Gopalakrishnan Nair v. The Kerala State Pollution Control Board	Application No.56 of 2015 (SZ)	NGT (SZ)	2015	2.8.2016	Private	State	AA, 1981
18	Premchand Vs. Pattanakkad Grama Panchayat and Ors.	Application No. 13 of 2014 (SZ)	NGT (SZ)	2014	20.09.2016	Private	State (LSG)	NGTA, 2010 CRZ, 2011 KPBR, 2011 COI
19	K.K. Babu and Ors. Vs. Union of India and Ors	Application No. 310 of 2013 (SZ) (W.P.(C) 26283 of 2012)	NGT (SZ)	2012	20.09.2016	Private	State	CZR Notification
20	Sarika and Ors. Vs. The State of Kerala and Ors.	Application No. 301 of 2013 (SZ)	NGT (SZ)	2013	13.12.2016	Private	state	SWMR, 2000 SWMR, 2016 COI
21	Bhaskaran V.A. vs. The State Environment Impact Assessment Authority and Ors.	Appeal No. 136 of 2016 (SZ)	NGT (SZ)	2016	09.02.2017	Private Party	State	COI EPA, 1986 NGTA, 2010
22	Thressiamma Mathew and Ors.Vs. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	2/27/2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
23	Souhardha Charitable Club and Ors. Vs. The State Environment Impact Assessment Authority and Ors.	M.A Nos. 7 of 2017 (SZ) in un-numbered Appeal Diary No. 20 of 2017 and M.A. No. 8 of 2017 in un-numbered Appeal Diary No. 22 of 2017	NGT (SZ)	2017	04.07.2017	Association	State	others
24	Joy Kaitharnath and Ors. vs. The Managing Director, The Kerala Minerals and Metals Ltd. and	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA,1986

	Ors.							
25	Nitta Gelatin India Ltd. V. Thressiamma Mathew and Ors.	Review Application Nos. 6 of 2017 in Application No. 305 of 2013, 7 of 2017 in Application No. 309 of 2013 and 8 of 2017 in Application No. 149 of 2015 (SZ)	NGT (SZ)	2017	8.11.2017	Operator	Private	WA, 1974 CPC,1908 NGTA,2010
26	M.S. Thankappan and Ors. Vs. Union of India ,Ministry of Environment and Forests, Forest Conservation Division Government of India, New Delhi and Ors	Application Nos. 89 and 212 of 2014 (SZ)	NGT(SZ)	2014	15.11.2017	Private	State	IFA,1927 FCA,1980 EPA,1986 WCMR,2017
27	Jith Kumar, Muthedathu Vs. The State of Kerala & Ors., Abdul Bhasheer Vs. Kochi Municipal Corporation & Ors., Lawyers Environmental Awareness Forum Vs. State Level Environmental Impact Assessment Authority, Trivandrum & Ors.	Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ)	NGT	2012	22.10.2018	Private	State	SWMR, 2016

Annexure II - Total Number of Reported Judgments of SC, Kerala HC and NGT on an Yearly basis

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure II.1 - 1990								
1	Mathew Lukose and Ors. v. The Kerala State Pollution Control Board and Ors.	O.P Nos. 3473 and 4922 of 1986	HC	1986	27.09.1990	Private Party and Association	State	COI AA, 1981 WA, 1974 WR EPA, 1986 CPC, 1908
Annexure II.2- 1993								
1	M. Krishna Panicker and others v. M. Appukuttan Nair and others	CrI. M. C. No. 1610 of 1992	HC	1992	30.03.1993	Private	Private	CrPC, 1973 WA, 1974
Annexure II.3 - 1994								
1	Law Society of India v. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.2.1994	Association	operator	EPA, 1986 AA, 1981 WA, 1974 MSIHCR, 1989
2	Pandan Krishnan and Anr. v. Asst. Engineer, Kerala State Pollution Control Board Regional Office and Anr	CrI. M.C. No. 763 of 1992	HC	1992	22.12.1994	Private	State	WA, 1974 AA, 1981 CrPC, 1973
Annexure II.4 - 1995								
1	V.S. Damodaran Nair and Anr. v. State of Kerala and Ors.	O.P. Nos. 6041 of 1981-M and 10702 of 1984	HC (PIL)	1984	07.04.1995	Private (Public Spirited Person)	State	EPA, 1986 AA, 1981
Annexure II.5 - 1997								
1	M.R. Pillai v. Executive Officer, Pathiyoor Panchayat, Kayamkulam and Ors	O.P. No. 3520 of 1993	HC	1993	31.1.1997	Private	Operator	EPA, 1986 AA, 1981 WA, 1974

Annexure II.6 - 1998								
1	Jacob Vadakkancherry and etc v. State of	O.P. Nos. 10185 of 1996(K) and	HC	1998	08.01.1998	Private	State	EPA, 1986 CRZ, 1991

	Kerala and Ors	926 of 1997(S)						
Annexure II.7 - 1999								
1	Anand Parthasarathy v. State of Kerala and Ors.	O.P. No. 11016/98	HC (PIL)	1998	01.12.1999	Private (PIL)	State	EPA, 1986 COI CrPC, 1973 WA, 1974 AA, 1981
Annexure II.8 - 2003								
1	Citizens Interest Agency v. Lakeshore Hospital and Research Centre Pvt. Ltd	O.P. Nos. 33089 and 34936 of 2001	HC (PIL)	2001	19.02.2003	Association	operator	EPA, 1986 EIA, 1991
2	Kottayam Nature Society v. Union of India	O.P. Nos. 26884 of 2000, 6832, 7104, of 2002	HC (PIL)	2002	05.03.2003	Association	State	EPA, 1986 COI
3	Forum for the Prevention of Environmental and Sound Pollution v. Union of India	O.P. No. 38066/2002	HC	2002	14.03.2003	Association	State	NPR, 2000 EPA, 1986
4	Jolly v. Pallipuram Grama Panchayat	O.P. No. 11723 of 2003	HC	2003	30.05.2003	Private	State	AA, 1981
5	K.N. Neelakandan Namboodiri and Others v. State of Kerala and Others	O.P. Nos. 1936, 1959 and 2335 of 1999	HC	1999	22.08.2003	Association	State	NPR, 2000 COI EPA, 1986
Annexure II.9 - 2004								
1	Sumit T.P. v. State of Kerala	OP	HC	2004	01.01.2004	Association	State	PWMR, 2016 EPA, 1986
2	P.H. Rukhiya Beevi v. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986

Annexure II.10- 2005								
1	K.V. Pavithran v. The District Superintendent of	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR, 2000 COI

	Police and Ors.							
2	Trichur District Private Bus Operators' Association v. State of Kerala and Ors.	W.A. Nos. 2062 of 2003 and 76/2004	HC	2003	06.04.2005	operator	State	EPA, 1986 COI NPR, 2000
3	Hindustan Coca-Cola Beverages (P) Ltd. v. Perumatty Grama Panchayat	W.A. No. 2125 of 2003	HC	2003	07.04.2005	operator	State(LSG)	HWMR, 2008 COI
4	In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems	Writ Petition (C) No. 72 of 1998 with civil Appeal No. 3735 of 2005 [Arising out of SLP (C) No. 21851/2003]	SC	1998	18.07.2005	suo motu	suo motu	NPR, 2000 CrPC, 1973 COI IPC, 1860 AA, 1981 EPA, 1986
5	Forum, Prevention of Env'n. and Sound Pollution v. Union of India (UOI) and Ors.	Civil Appeal No. 3735 of 2005	SC	2005	28.10.2005	Association	State	NPR, 2000 COI EPA, 1986
6	A.C. Parthan & Ors. v. Nayarambalam Grama Panchayath & Ors.	O.P. Nos. 34321/2002, WPC Nos. 10282, 15589 etc of 2005	HC	2005	16.12.2005	Private	State	EPA, 1986 COI CZR

Annexure II.11 - 2007

1	Ramesh J. Tharkan and v. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
2	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
3	Varkey Ouseph S/o. Varkey Varkery, Skana Ouseph and Santhosh P.K. v. The State of Kerala and Ors	WA No. 2283 of 2007	HC	2007	12.11.2007	Private	State	WA, 1974 AA, 1981

Annexure II.12 - 2009

1	Citizen Interest Agency, A Registered v.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR,
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	Cochin Port Trust and Ors.							1989
Annexure II.13 - 2010								
1	Dr. V.S. Gopalan v. State of Kerala and Others	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2010	Private	state	COI EPA, 1986
2	Jeyaprasad S.D. v. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA, 1974 AA, 1981 CrPC, 1973 COI IPC, 1860
Annexure II.14 - 2011								
1	Pappinisseri Eco Tourism Society v. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
2	Ansari Kannothe v. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
3	Alphonso Streeder v. Pallipuram Grama Panchayath and Anr.	W.A No. 419 of 2011	HC	2011	24.05.2011	Private	State	CRZ
4	All Kerala Plastic Dealers v. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016
5	Philip Carbon Black Ltd. & Ors. v. Sabu Thozhupadan & Anr.	Crl. R.P. No. 1817 of 2011	HC	2011	3.11.2011	Operator	Private	AA, 1981 CrPC, 1973
6	Kerala Federation of Women Lawyers v. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016

Annexure II.15 - 2012								
1	Prasad v. State of Kerala	Cri. M.C. No. 3469 of 2011	HC	2011	4.1.2012	Private	State	WA, 1974 EPA, 1986 COI

								IPC, 1860 CrPC, 1973 WA, 1974
2	Deccan Enterprises v. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016
Annexure II.16 - 2013								
1	Robin Chacko v. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
2	Association for Environment Protection v. State of Kerala and Ors.	Civil Appeal No. 4941 of 2013 (Arising out of SLP (C) No. 18837 of 2006	SC	2006	02.07.2013	Association	State	KPRSA 2001, COI
3	Ratheesh and Others v. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ,1991 and 2011 EPA,1986
4	Vaamika Island (Green Lagoon Resort) v. Union of India and Ors.	S.L.P. (Civil) Nos. 24390-24391 of 2013	SC	2013	08.08.2013	operator	State	CRZ Ramsar Convention EPA,1986
Annexure II.17 - 2014								
1	M/S. Kizhakethalackel Rocks v. Kerala State Level Environment Impact Assessment Authority and State of Kerala	Appeal No. 29 of 2013	NGT (PB)	2013	13.02.2014	operator	State	ECR, 2006 EIA, 2006 AA, 1981 EPA,1986
2	Sukumaran v. Padmalochanan	W.P. (C) No. 22385 of 2012	HC	2012	26.03.2014	Private	Operator	AA,1981 WA,1974 NGTA,2010 COI
3	Sreeranganathan v. Union of India	Appeal Nos. 172, 173, 174 of 2013 (SZ) and Appeal Nos. 1 and 19 of 2014 (SZ) Appeal No. 172 of 2013 (SZ)	NGT	2013	28.05.2014	Private	State	WCMR 2010
4	Palakkal Martin v. Ansar C	W.A. No. 1130 of 2013	HC	2013	08.07.2014	Private	Private	AA, 1981 EPA, 1986 COI
5	Suresh Kunnath v. Commissioner of	W.P. (C) Nos. 8672, 11729,	HC	2014	22.08.2014	Association	State	EPA,1986

	Police	14206 and 13617 of 2014						KPA,2011
6	Jacob George v. Union of India	Application No. 263 of 2013 (SZ)	NGT (SZ)	2013	03.11.2014	Private Party	State	EIA, 2006 KHPA, 1999
7	Antony A.V. v. Corporation Of Cochin	WP(C). No.27248 of 2012 €	HC	2012	8.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
Annexure II.18 - 2015								
1	T.M. Fathimma Beevi and Ors. v. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
2	Quilon Educational Trust v. State of Kerala and Ors	Application No. 262 of 2014 (SZ)	NGT(S Z)	2014	01.04.2015	Association	State	CZR Notification
3	Najeeb v. Shoukath Ali	W.A. No. 1514 of 2015	HC	2015	15.07.2015	Private	Private	KMMCR,2015 EPA,1986
4	K. Savad v. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT(S Z)	2015	31.08.2015	Private	State	EIA, 2006 KFVMA, 2003 EPA,1986 NGTA,2010
5	Fair Log Warehousing and Trading (P.) Ltd.v.Kerala Coastal Zone Management Authority, Science and Technology (A) Department and Ors.	Application No. 286 of 2014	NGT (SZ)	2014	15.09.2015	operator	State	CRZ, 2011
6	Kamburam Dharma Paripalana Araya Samajam v. Kozhikode Corporation and Ors.	Application No. 331 of 2013 (SZ) (THC)	NGT	2013	22.09.2015	Association	state	COI EPA, 1986
7	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt.

	Ors.							Order, 18-02-2012
8	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR, 2000
9	P. Abdul Rahiman and Ors. v. State of Kerala and Ors.	Application No. 458 of 2013(SZ)	NGT (SZ)	2013	19.10.2015	Private	State	EPA,1986
10	State of Kerala and Ors. v. J and J Minerals Private Limited and Ors	W.A. No. 2011 of 2014	HC	2014	20.11.2015	State	operator	EPA, 1986 COI PCPR,1999
11	Nature Lovers' Forum v. State of Kerala and Ors	W.P. (C) Nos. 34463 of 2015 (G), 33463 and 8531 of 2015	SC (PIL)	2015	07.12.2015	Association	State	COI EPA, 1986 KPRA, 1994 MMA, 1957
12	Abraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.1.2.2015	Private	State	WA,1974 AA,1981
13	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHC, 1989
14	Somarajan and Ors. v.District Collector, Kollam and Ors.	W.P.(C) No. 37344 of 2015	HC	2015	21.12.2015	Private	State	CPLWA, 2008 KLUO, 1967
Annexure II.19 - 2016								
1	P.N. Anoop v. Union of India and Ors.	M.A. No. 216 of 2015 (SZ)	NGT(SZ)	2015	06.01.2016	Private	State	others
2	G.D. Martin v. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974
3	Neelakandan C.R. v. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA,1986 IPC, 1860

4	Yasoraminfra Developers Pvt. Ltd. v. Kerala Coastal Zone Management Authority and Ors.	Application No. 35 of 2015 (SZ)	NGT (SZ)	2015	12.05.2016	Operator	State	CRZ, 1991
5	Lawyers Environmental Awareness Forum v. State of Kerala and Ors.	Application No. 137 of 2016 (SZ)	NGT (SZ)	2016	23.05.2016	Association	State	EPA, 1986
6	Muhammed. O v. Kerala State Pollution Control Board	Application No. 108 of 2015 (SZ)	NGT (SZ)	2015	13.7.2016	Private	State	EPA, 1986
7	Gopalakrishnan Nair v. The Kerala State Pollution Control Board	Application No. 56 of 2015 (SZ)	NGT (SZ)	2015	2.8.2016	Private	State	AA, 1981
8	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA, 1986
9	Premchand v. Pattanakkad Grama Panchayat and Ors.	Application No. 13 of 2014 (SZ)	NGT (SZ)	2014	20.09.2016	Private	State (LSG)	NGTA, 2010 CRZ, 2011 KPBR, 2011 COI
10	K.K. Babu and Ors. v. Union of India and Ors	Application No. 310 of 2013 (SZ) (W.P.(C) 26283 of 2012)	NGT (SZ)	2012	20.09.2016	Private	State	CZR Notification
11	Nobert Lawrence and Ors. v. Kottukal Grama Panchayath and Ors	WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012	HC	2012	08.11.2016	Private	State(LSG)	KMBR, 1999 COI NGTA, 2010 NEAAA, 1997
12	Joby v. District Collector	W.P.(C) No. 20960 of 2016	HC	2016	29.11.2016	Private	State	KCPWA, 2008 MMA, 1957 COI
13	Sarika and Ors. v. The State of Kerala and Ors.	Application No. 301 of 2013 (SZ)	NGT (SZ)	2013	13.12.2016	Private	state	SWMR, 2000 SWMR, 2016 COI
Annexure II.20 - 2017								
1	Atul Automations Pvt. Ltd. v. Commissioner of	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016

	Customs, Cochin							
2	Bhaskaran V.A. v. The State Environment Impact Assessment Authority and Ors.	Appeal No. 136 of 2016 (SZ)	NGT (SZ)	2016	09.02.2017	Private Party	State	COI EPA, 1986 NGTA, 2010
3	Thressiamma Mathew and Ors.v. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	2/27/2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
4	Souhardha Charitable Club and Ors. v. The State Environment Impact Assessment Authority and Ors.	M.A Nos. 7 of 2017 (SZ) in un-numbered Appeal Diary No. 20 of 2017 and M.A. No. 8 of 2017 in un-numbered Appeal Diary No. 22 of 2017	NGT (SZ)	2017	04.07.2017	Association	State	others
5	Joy Kaitharnath and Ors. v. The Managing Director, The Kerala Minerals and Metals Ltd. and Ors.	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA,1986
6	Indian Rare Earths Ltd.v. State of Kerala and Ors.	W.A. No. 2884 of 2009	HC	2009	11.10.2017	Operator (GOI undertaking)	State	EPA, 1986 AA,1981 COI HOW, 2008
7	Nitta Gelatin India Ltd. v. Thressiamma Mathew and Ors.	Review Application Nos. 6 of 2017 in Application No. 305 of 2013, 7 of 2017 in Application No. 309 of 2013 and 8 of 2017 in Application No. 149 of 2015 (SZ)	NGT (SZ)	2017	8.11.2017	Operator	Private	WA, 1974 CPC,1908 NGTA,2010

8	M.S. Thankappan and Ors. v. Union of India ,Ministry of Environment and Forests, Forest Conservation Division Government of India, New Delhi and Ors	Application Nos. 89 and 212 of 2014 (SZ)	NGT (SZ)	2014	15.11.2017	Private	State	IFA,1927 FCA,1980 EPA,1986 WCMR,2017
Annexure II.21 - 2018								
1	The Secretary, Kerala State Coastal Management Authority v. DLF Universal Limited and Ors.	Civil Appeal Nos. 117-120 of 2018	SC	11/15/2012	10.01.2018	State	Operator	EPA, 1986 EPR 1986 KBR, 1984 SEIAA Notification dated 19.12.2011
2	Jith Kumar, Muthedathu v. The State of Kerala & Ors., Abdul Bhasheer v. Kochi Municipal Corporation & Ors., Lawyers Environmental Awareness Forum v. State Level Environmental Impact Assessment Authority, Trivandrum & Ors.	Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ)	NGT	2012	22.10.2018	Private	State	SWMR, 2016

Annexure III - Reported judgments of SC, Kerala HC and NGT - Nature of litigation

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure III.1 - Writ Petition (SC)								
1	In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems	Writ Petition (C) No. 72 of 1998 with civil Appeal No. 3735 of 2005 [Arising out of SLP (C) No. 21851/2003]	SC	1998	18.07.2005	suo motu	suo motu	NPR, 2000 CrPC, 1973 COI IPC, 1860 AA, 1981 EPA, 1986
2	Nature Lovers' Forum v. State of Kerala and Ors	W.P. (C) Nos. 34463 of 2015 (G), 33463 and 8531 of 2015	SC (PIL)	2015	07.12.2015	Association	State	COI EPA, 1986 KPRA, 1994 MMA, 1957
Annexure III.2 - Civil Appeal (SC)								
1	Forum, Prevention of Environmental and Sound Pollution vs. Union of India (UOI) and Ors.	Civil Appeal No. 3735 of 2005	SC	2005	28.10.2005	Association	State	NPR, 2000 COI EPA, 1986
2	Association for Environment Protection vs. State of Kerala and Ors.	Civil Appeal No. 4941 of 2013 (Arising out of SLP (C) No. 18837 of 2006	SC	2006	02.07.2013	Association	State	KPRSA 2001, COI
3	The Secretary, Kerala State Coastal Management Authority Vs. DLF Universal Limited and Ors.	Civil Appeal Nos. 117-120 of 2018	SC	11/15/2012	10.01.2018	State	Operator	EPA, 1986 EPR 1986 KBR, 1984 SEIAA Notification dated 19.12.2011
Annexure III.3 - Special Leave Petition (SC)								
1	Vaamika Island (Green Lagoon Resort) Vs. Union of India and Ors.	S.L.P. (Civil) Nos. 24390-24391 of 2013	SC	2013	08.08.2013	operator	State	CRZ Ramsar Convention EPA, 1986

Annexure III.4 - Writ Petition (HC)

1	P.H. Rukhiya Beevi vs. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986
2	K.V. Pavithran v. The District Superintendent of Police and Ors.	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR, 2000 COI
3	Ramesh J. Tharkan and vs. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
4	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
5	Citizen Interest Agency, A Registered vs. Cochin Port Trust and Ors.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR, 1989
6	Dr. V.S. Gopalan Vs. State of Kerala and Others	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2005	Private	state	COI EPA, 1986
7	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA, 1974 AA, 1981 CrPC, 1973 COI IPC, 1860
8	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
9	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
10	All Kerala Plastic Dealers Vs. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016
11	Kerala Federation of Women Lawyers vs. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016
12	Deccan Enterprises Vs. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016

13	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
14	Ratheesh and Others vs. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ,1991 and 2011 EPA,1986
15	Sukumaran Vs. Padmalochanan	W.P. (C) No. 22385 of 2012	HC	2012	26.03.2014	Private	Operator	AA,1981 WA,1974 NGTA,2010 COI
16	Suresh Kunnath vs. Commissioner of Police	W.P. (C) Nos. 8672, 11729, 14206 and 13617 of 2014	HC	2014	22.08.2014	Association	State	EPA,1986 KPA,2011
17	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012 (c)	HC	2012	8.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
18	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
19	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt. Order, 18-02-2012
20	Somarajan and Ors. Vs.District Collector, Kollam and Ors.	W.P.(C) No. 37344 of 2015	HC	2015	21.12.2015	Private	State	CPLWA, 2008 KLUO, 1967
21	Neelakandan C.R. Vs. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA,1986 IPC, 1860
22	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA,1986

23	Nobert Lawrence and Ors. Vs.Kottukal Grama Panchayath and Ors	WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012	HC	2012	08.11.2016	Private	State(LSG)	KMBR, 1999 COI NGTA,2010 NEAAA,1997
24	Joby Vs. District Collector	W.P.(C) No. 20960 of 2016	HC	2016	29.11.2016	Private	State	KCPWA, 2008 MMA, 1957 COI
25	Atul Automations Pvt. Ltd. Vs. Commissioner of Customs, Cochin	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016

Annexure III.5 - Original Petition (HC)

1	Mathew Lukose and Ors. vs. The Kerala State Pollution Control Board and Ors.	O.P Nos. 3473 and 4922 of 1986	HC	1986	27.09.1990	Private Party and Association	State	COI AA, 1981 WA, 1974 WR EPA, 1986 CPC, 1908
2	Law Society of India Vs. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.2.1994	Association	operator	EPA, 1986 AA, 1981 WA,1974 MSIHCR, 1989
3	V.S. Damodaran Nair and Anr. Vs. State of Kerala and Ors.	O.P. Nos. 6041 of 1981-M and 10702 of 1984	HC (PIL)	1984	07.04.1995	Private (Public Spirited Person)	State	EPA,1986 AA,1981
4	M.R. Pillai Vs. Executive Officer, Pathiyoor Panchayat, Kayamkulam and Ors	O.P. No. 3520 of 1993	HC	1993	31.1.1997	Private	Operator	EPA, 1986 AA,1981 WA, 1974
5	Jacob Vadakkancherry and etc v. State of Kerala and Ors	O.P. Nos. 10185 of 1996(K) and 926 of 1997(S)	HC	1998	08.01.1998	Private	State	EPA,1986 CRZ, 1991
6	Anand Parthasarathy vs. State of Kerala and Ors.	O.P. No. 11016/98	HC (PIL)	1998	01.12.1999	Private (PIL)	State	EPA, 1986 COI CrPC, 1973 WA,1974 AA,1981
7	Citizens Interest Agency Vs. Lakeshore Hospital and Research Centre Pvt. Ltd	O.P. Nos. 33089 and 34936 of 2001	HC (PIL)	2001	19.02.2003	Association	operator	EPA,1986 EIA, 1991

8	Kottayam Nature Society Vs. Union of India	O.P. Nos. 26884 of 2000, 6832, 7104, of 2002	HC (PIL)	2002	05.03.2003	Association	State	EPA, 1986 COI
9	Forum for the Prevention of Environmental and Sound Pollution Vs. Union of India	O.P. No. 38066/2002	HC	2002	14.03.2003	Association	State	NPR, 2000 EPA, 1986
10	Jolly v. Pallipuram Grama Panchayat	O.P. No. 11723 of 2003	HC	2003	30.05.2003	Private	State	AA, 1981
11	K.N. Neelakandan Namboodiri and Others Vs. State of Kerala and Others	O.P. Nos. 1936, 1959 and 2335 of 1999	HC	1999	22.08.2003	Association	State	NPR, 2000 COI EPA, 1986
12	Sumit T.P. vs. State of Kerala	OP	HC	2004	01.01.2004	Association	State	PWMR, 2016 EPA, 1986
13	A.C. Parthan & Ors. Vs. Nayarambalam Grama Panchayath & Ors.	O.P. Nos. 34321/2002, WPC Nos. 10282, 15589 etc of 2005	HC	2005	16.12.2005	Private	State	EPA, 1986 COI CZR

Annexure III.6 - Writ Appeal (HC)

1	Trichur District Private Bus Operators' Association v. State of Kerala and Ors.	W.A. Nos. 2062 of 2003 and 76/2004	HC	2003	06.04.2005	operator	State	EPA, 1986 COI NPR, 2000
2	Hindustan Coca-Cola Beverages (P) Ltd. Vs. Perumatty Grama Panchayat	W.A. No. 2125 of 2003	HC	2003	07.04.2005	operator	State(LSG)	HWMR, 2008 COI
3	Varkey Ouseph S/o. Varkey Varkery, Skana Ouseph and Santhosh P.K. Vs. The State of Kerala and Ors	WA No. 2283 of 2007	HC	2007	12.11.2007	Private	State	WA, 1974 AA, 1981
4	Alphonsa Streeder v. Pallipuram Grama Panchayath and Anr.	W.A No. 419 of 2011	HC	2011	24.05.2011	Private	State	CRZ
5	Palakkal Martin v. Ansar C	W.A. No. 1130 of 2013	HC	2013	08.07.2014	Private	Private	AA, 1981 EPA, 1986 COI

6	Najeeb Vs. Shoukath Ali	W.A. No. 1514 of 2015	HC	2015	15.07.2015	Private	Private	KMMCR,2015 EPA,1986
7	State of Kerala and Ors. vs. J and J Minerals Private Limited and Ors	W.A. No. 2011 of 2014	HC	2014	20.11.2015	State	operator	EPA, 1986 COI PCPR,1999
8	Indian Rare Earths Ltd.Vs. State of Kerala and Ors.	W.A. No. 2884 of 2009	HC	2009	11.10.2017	Operator (GOI undertaking)	State	EPA, 1986 AA,1981 COI HOW, 2008

Annexure III.7 - Criminal Miscellaneous (HC)

1	M. Krishna Panicker and others vs. M. Appukuttan Nair and others	CrI. M. C. No. 1610 of 1992	HC	1992	30.03.1993	Private	Private	CrPC, 1973 WA, 1974
2	Pandan Krishnan and Anr. Vs. Asst. Engineer, Kerala State Pollution Control Board Regional Office and Anr	CrI. M.C. No. 763 of 1992	HC	1992	22.12.1994	Private	State	WA, 1974 AA, 1981 CrPC, 1973
3	Prasad v. State of Kerala	Cri. M.C. No. 3469 of 2011	HC	2011	4.1.2012	Private	State	WA, 1974 EPA, 1986 COI IPC, 1860 CrPC, 1973 WA, 1974

Annexure III.8 - Criminal Revision Petition (HC)

1	Philip Carbon Black Ltd. & Ors. Vs. Sabu Thozhuppadan & Anr.	CrI. R.P. No. 1817 of 2011	HC	2011	3.11.2011	Operator	Private	AA, 1981 CrPC, 1973
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Annexure III.9 - Original Application (NGT)

1	Jacob George Vs. Union of India	Application No. 263 of 2013 (SZ)	NGT (SZ)	2013	03.11.2014	Private Party	State	EIA, 2006 KHPA, 1999
2	Quilon Educational Trust Vs. State of Kerala and Ors	Application No. 262 of 2014 (SZ)	NGT(SZ)	2014	01.04.2015	Association	State	CZR Notification
3	K. Savad Vs. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT(SZ)	2015	31.08.2015	Private	State	EIA, 2006 KFVMA, 2003 EPA,1986 NGTA,2010

4	Fair Log Warehousing and Trading (P.) Ltd.Vs.Kerala Coastal Zone Management Authority, Science and Technology (A) Department and Ors.	Application No. 286 of 2014	NGT (SZ)	2014	15.09.2015	operator	State	CRZ, 2011
5	Kamburam Dharma Paripalana Araya Samajam vs. Kozhikode Corporation and Ors.	Application No. 331 of 2013 (SZ) (THC)	NGT	2013	22.09.2015	Association	state	COI EPA, 1986
6	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR, 2000
7	P. Abdul Rahiman and Ors. Vs. State of Kerala and Ors.	Application No. 458 of 2013(SZ)	NGT (SZ)	2013	19.10.2015	Private	State	EPA,1986
8	Abhraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.1.2.2015	Private	State	WA,1974 AA,1981
9	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989
10	G.D. Martin vs. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974
11	Yasoraminfra Developers Pvt. Ltd. vs. Kerala Coastal Zone Management Authority and Ors.	Application No. 35 of 2015 (SZ)	NGT (SZ)	2015	12.05.2016	Operator	State	CRZ, 1991

12	Lawyers Environmental Awareness Forum Vs. State of Kerala and Ors.	Application No. 137 of 2016 (SZ)	NGT (SZ)	2016	23.05.2016	Association	State	EPA,1986
13	Muhammed. O v. Kerala State Pollution Control Board	Application No.108 of 2015 (SZ)	NGT (SZ)	2015	13.7.2016	Private	State	EPA, 1986
14	Gopalakrishnan Nair v. The Kerala State Pollution Control Board	Application No.56 of 2015 (SZ)	NGT (SZ)	2015	2.8.2016	Private	State	AA, 1981
15	Premchand Vs. Pattanakkad Grama Panchayat and Ors.	Application No. 13 of 2014 (SZ)	NGT (SZ)	2014	20.09.2016	Private	State (LSG)	NGTA, 2010 CRZ, 2011 KPBR, 2011 COI
16	K.K. Babu and Ors. Vs. Union of India and Ors	Application No. 310 of 2013 (SZ) (W.P.(C) 26283 of 2012)	NGT (SZ)	2012	20.09.2016	Private	State	CZR Notification
17	Sarika and Ors. Vs. The State of Kerala and Ors.	Application No. 301 of 2013 (SZ)	NGT (SZ)	2013	13.12.2016	Private	state	SWMR, 2000 SWMR, 2016 COI
18	Thressiamma Mathew and Ors.Vs. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	2/27/2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
19	Joy Kaitharnath and Ors. vs. The Managing Director, The Kerala Minerals and Metals Ltd. and Ors.	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA,1986
20	M.S. Thankappan and Ors. Vs. Union of India ,Ministry of Environment and Forests, Forest Conservation Division Government of India, New Delhi and Ors	Application Nos. 89 and 212 of 2014 (SZ)	NGT (SZ)	2014	15.11.2017	Private	State	IFA,1927 FCA,1980 EPA,1986 WCMR,2017

21	Jith Kumar, Muthedathu Vs. The State of Kerala & Ors., Abdul Bhasheer Vs. Kochi Municipal Corporation & Ors., Lawyers Environmental Awareness Forum Vs. State Level Environmental Impact Assessment Authority, Trivandrum & Ors.	Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ)	NGT	2012	22.10.2018	Private	State	SWMR, 2016
Annexure III.10 - Appeal (NGT)								
1	M/S. Kizhakethalackel Rocks Vs. Kerala State Level Environment Impact Assessment Authority and State of Kerala	Appeal No. 29 of 2013	NGT (PB)	2013	13.02.2014	operator	State	ECR, 2006 EIA, 2006 AA, 1981 EPA,1986
2	Sreeranganathan v. Union of India	Appeal Nos. 172, 173, 174 of 2013 (SZ) and Appeal Nos. 1 and 19 of 2014 (SZ) Appeal No. 172 of 2013 (SZ)	NGT	2013	28.05.2014	Private	State	WCMR 2010
3	Bhaskaran V.A. vs. The State Environment Impact Assessment Authority and Ors.	Appeal No. 136 of 2016 (SZ)	NGT (SZ)	2016	09.02.2017	Private Party	State	COI EPA, 1986 NGTA, 2010
Annexure III.11 - Review Application (NGT)								
1	Nitta Gelatin India Ltd. V. Thressiamma Mathew and Ors.	Review Application Nos. 6 of 2017 in Application No. 305 of 2013, 7 of 2017 in Application No. 309 of 2013 and 8 of 2017 in Application No. 149 of 2015 (SZ)	NGT (SZ)	2017	8.11.2017	Operator	Private	WA, 1974 CPC,1908 NGTA,2010

Annexure III.12 - Miscellaneous Application (NGT)								
1	P.N. Anoop Vs. Union of India and Ors.	M.A. No. 216 of 2015 (SZ)	NGT(SZ)	2015	06.01.2016	Private	State	others
2	Souhardha Charitable Club and Ors. Vs. The State Environment Impact Assessment Authority and Ors.	M.A Nos. 7 of 2017 (SZ) in un-numbered Appeal Diary No. 20 of 2017 and M.A. No. 8 of 2017 in un-numbered Appeal Diary No. 22 of 2017	NGT(SZ)	2017	04.07.2017	Association	State	others

Annexure IV - Reported judgments of Kerala HC in Writ Petition- Category of Petitioners against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure IV.1- Private Party against State								
1	P.H. Rukhiya Beevi vs. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986
2	K.V. Pavithran v. The District Superintendent of Police and Ors.	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR, 2000 COI
3	Ramesh J. Tharkan and vs. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
4	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
5	Dr. V.S. Gopalan Vs. State of Kerala and Others	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2005	Private	state	COI EPA, 1986
6	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA, 1974 AA, 1981 CrPC, 1973 COI IPC, 1860
7	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI

8	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
9	Ratheesh and Others vs. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ,1991 and 2011 EPA,1986
10	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012 €	HC	2012	8.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
11	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
12	Somarajan and Ors. Vs.District Collector, Kollam and Ors.	W.P.(C) No. 37344 of 2015	HC	2015	21.12.2015	Private	State	CPLWA, 2008 KLUO, 1967
13	Neelakandan C.R. Vs. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA,1986 IPC, 1860
14	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA,1986
15	Nobert Lawrence and Ors. Vs.Kottukal Grama Panchayath and Ors	WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012	HC	2012	08.11.2016	Private	State(LSG)	KMBR, 1999 COI NGTA,2010 NEAAA,1997
16	Joby Vs. District Collector	W.P.(C) No. 20960 of 2016	HC	2016	29.11.2016	Private	State	KCPWA, 2008 MMA, 1957 COI
Annexure IV.1- Association against State								
1	Citizen Interest Agency, A Registered vs. Cochin Port Trust and Ors.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR, 1989
2	All Kerala Plastic Dealers Vs. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016

3	Kerala Federation of Women Lawyers vs. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016
4	Suresh Kunnath vs. Commissioner of Police	W.P. (C) Nos. 8672, 11729, 14206 and 13617 of 2014	HC	2014	22.08.2014	Association	State	EPA, 1986 KPA, 2011
5	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt. Order, 18-02-2012

Annexure IV.1- Operator against State

1	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
2	Deccan Enterprises Vs. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016
3	Atul Automations Pvt. Ltd. Vs. Commissioner of Customs, Cochin	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016

Annexure V - Reported judgments of Kerala HC in Writ Petition filed by Private Party against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure V.1 - Pollution Control Board								
1	P.H. Rukhiya Beevi vs. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986
2	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA, 1974 AA, 1981 CrPC, 1973 COI IPC, 1860

3	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
4	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
Annexure V.2 - CZMA								
1	Dr. V.S. Gopalan Vs. State of Kerala and Others	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2005	Private	state	COI EPA, 1986
2	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
3	Ratheesh and Others vs. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ,1991 and 2011 EPA,1986
Annexure V.3 - District Collector								
1	Somarajan and Ors. Vs.District Collector, Kollam and Ors.	W.P.(C) No. 37344 of 2015	HC	2015	21.12.2015	Private	State	CPLWA, 2008 KLUO, 1967
2	Joby Vs. District Collector	W.P.(C) No. 20960 of 2016	HC	2016	29.11.2016	Private	State	KCPWA, 2008 MMA, 1957 COI
Annexure V.4 - Kerala State Biodiversity Board								
1	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA,1986
Annexure V.5- Panchayat								
1	Ramesh J. Tharkan and vs. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
2	Nobert Lawrence and Ors. Vs.Kottukal Grama Panchayath and Ors	WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012	HC	2012	08.11.2016	Private	State(LSG)	KMBR, 1999 COI NGTA,2010 NEAAA,1997

Annexure V.6- Corporation								
1	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012	HC	2012	8.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
Annexure V.7- Police								
1	K.V. Pavithran v. The District Superintendent of Police and Ors.	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR,2000 COI
2	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
Annexure V.8- SEAC and SEIAA								
1	Neelakandan C.R. Vs. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA,1986 IPC, 1860

Annexure V I- Reported judgments of Kerala HC in Writ Petition filed by Association against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure VI.1 - Pollution Control Board								
1	All Kerala Plastic Dealers Vs. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016
Annexure VI.2 - Cochin Port Trust								
1	Citizen Interest Agency, A Registered vs. Cochin Port Trust and Ors.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR, 1989

Annexure VI.3 - State Government								
1	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt. Order, 18-02-2012
Annexure VI.4 - Corporation of Kochi								
1	Kerala Federation of Women Lawyers vs. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016
Annexure VI.5 - Commissioner of Police								
1	Suresh Kunnath vs. Commissioner of Police	W.P. (C) Nos. 8672, 11729, 14206 and 13617 of 2014	HC	2014	22.08.2014	Association	State	EPA, 1986 KPA, 2011

Annexure VII- Reported judgments of Kerala HC in Writ Petition filed by Operator against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure VII .1 - Commissioner of Customs								
1	Deccan Enterprises Vs. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016
2	Atul Automations Pvt. Ltd. Vs. Commissioner of Customs, Cochin	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016
Annexure VII .2 - MoEF								
1	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986

Annexure VIII- Reported judgments of Kerala HC in Writ Petition filed by Private Party against State - Outcome

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure VIII.1 - Approved								
1	P.H. Rukhiya Beevi vs. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986
2	K.V. Pavithran v. The District Superintendent of Police and Ors.	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR, 2000 COI
3	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
4	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
5	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
6	Neelakandan C.R. Vs. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA, 1986 IPC, 1860
7	Nobert Lawrence and Ors. Vs. Kottukal Grama Panchayath and Ors	WP(C) Nos. 5482 of 2007 (C), 11186 and 25739 of 2012	HC	2012	08.11.2016	Private	State(LSG)	KMBR, 1999 COI NGTA, 2010 NEAAA, 1997
8	Joby Vs. District Collector	W.P.(C) No. 20960 of 2016	HC	2016	29.11.2016	Private	State	KCPWA, 2008 MMA, 1957 COI

Annexure VIII.2 - Disapproved								
1	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA,1974 AA,1981 CrPC, 1973 COI IPC, 1860
2	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
Annexure VIII.3 - Approved with Direction								
1	Ratheesh and Others vs. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ,1991 and 2011 EPA,1986
2	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA,1986
Annexure VIII.4 - Disapproved with Direction								
1	Ramesh J. Tharkan and vs. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
2	Dr. V.S. Gopalan Vs. State of Kerala and Others	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2005	Private	state	COI EPA, 1986
3	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012 €	HC	2012	8.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
Annexure VIII.5 - Only Directions Issued								
1	Somarajan and Ors. Vs.District Collector, Kollam and Ors.	W.P.(C) No. 37344 of 2015	HC	2015	21.12.2015	Private	State	CPLWA, 2008 KLUO, 1967

**Annexure IX- Reported judgments of Kerala HC in Writ Petition filed by Association
against State - Outcome**

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure IX.1 - Approval of State Action								
1	Citizen Interest Agency, A Registered vs. Cochin Port Trust and Ors.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR, 1989
2	All Kerala Plastic Dealers Vs. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016
Annexure IX.2 - Disapproval of State Action								
1	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt. Order, 18-02-2012
Annexure IX.3- Directions Issued								
1	Kerala Federation of Women Lawyers vs. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016
2	Suresh Kunnath vs. Commissioner of Police	W.P. (C) Nos. 8672, 11729, 14206 and 13617 of 2014	HC	2014	22.08.2014	Association	State	EPA,1986 KPA,2011

Annexure X- Reported judgments of Kerala HC in Writ Petition filed by Operator against State - Outcome

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure X.1 - Approval of State Action								
1	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
2	Atul Automations Pvt. Ltd. Vs. Commissioner of Customs, Cochin	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016
Annexure X.2 - Disapproval of State Action								
1	Deccan Enterprises Vs. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016

Annexure XI- Reported judgments of NGT in Original Application - Nature of Applicant

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure XI.1 - Association								
1	Quilon Educational Trust Vs. State of Kerala and Ors	Application No. 262 of 2014 (SZ)	NGT (SZ)	2014	01.04.2015	Association	State	CZR Notification
2	Kamburam Dharma Paripalana Araya Samajam vs. Kozhikode Corporation and Ors.	Application No. 331 of 2013 (SZ) (THC)	NGT	2013	22.09.2015	Association	state	COI EPA, 1986
3	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR, 2000

4	Lawyers Environmental Awareness Forum Vs. State of Kerala and Ors.	Application No. 137 of 2016 (SZ)	NGT (SZ)	2016	23.05.2016	Association	State	EPA,1986
Annexure XI.2 - Operator								
1	Fair Log Warehousing and Trading (P.) Ltd.Vs.Kerala Coastal Zone Management Authority, Science and Technology (A) Department and Ors.	Application No. 286 of 2014	NGT (SZ)	2014	15.09.2015	operator	State	CRZ, 2011
2	Yasoraminfra Developers Pvt. Ltd. vs. Kerala Coastal Zone Management Authority and Ors.	Application No. 35 of 2015 (SZ)	NGT (SZ)	2015	12.05.2016	Operator	State	CRZ, 1991
Annexure XI.3 - Private								
1	Jacob George Vs. Union of India	Application No. 263 of 2013 (SZ)	NGT (SZ)	2013	03.11.2014	Private Party	State	EIA, 2006 KHPA, 1999
2	K. Savad Vs. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT (SZ)	2015	31.08.2015	Private	State	EIA, 2006 KFVMA, 2003 EPA,1986 NGTA,2010
3	P. Abdul Rahiman and Ors. Vs. State of Kerala and Ors.	Application No. 458 of 2013(SZ)	NGT (SZ)	2013	19.10.2015	Private	State	EPA,1986
4	Abhraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.12.2015	Private	State	WA,1974 AA,1981
5	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989
6	G.D. Martin vs. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974

7	Muhammed. O v. Kerala State Pollution Control Board	Application No.108 of 2015 (SZ)	NGT (SZ)	2015	13.7.2016	Private	State	EPA, 1986
8	Gopalakrishnan Nair v. The Kerala State Pollution Control Board	Application No.56 of 2015 (SZ)	NGT (SZ)	2015	02.08.2016	Private	State	AA, 1981
9	Premchand Vs. Pattanakkad Grama Panchayat and Ors.	Application No. 13 of 2014 (SZ)	NGT (SZ)	2014	20.09.2016	Private	State (LSG)	NGTA, 2010 CRZ, 2011 KPBR, 2011 COI
10	K.K. Babu and Ors. Vs. Union of India and Ors	Application No. 310 of 2013 (SZ) (W.P.(C) 26283 of 2012)	NGT (SZ)	2012	20.09.2016	Private	State	CZR Notification
11	Sarika and Ors. Vs. The State of Kerala and Ors.	Application No. 301 of 2013 (SZ)	NGT (SZ)	2013	13.12.2016	Private	state	SWMR, 2000 SWMR, 2016 COI
12	Thressiamma Mathew and Ors.Vs. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	22.07.2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
13	Joy Kaitharnath and Ors. vs. The Managing Director, The Kerala Minerals and Metals Ltd. and Ors.	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA,1986
14	M.S. Thankappan and Ors. Vs. Union of India ,Ministry of Environment and Forests, Forest Conservation Division Government of India, New Delhi and Ors	Application Nos. 89 and 212 of 2014 (SZ)	NGT (SZ)	2014	15.11.2017	Private	State	IFA,1927 FCA,1980 EPA,1986 WCMR,2017
15	Jith Kumar, Muthedathu Vs. The State of Kerala & Ors., Abdul Bhasheer Vs. Kochi Municipal Corporation & Ors., Lawyers	Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier	NGT	2012	22.10.2018	Private	State	SWMR, 2016

	Environmental Awareness Forum Vs. State Level Environmental Impact Assessment Authority, Trivandrum & Ors.	O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ)						
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Annexure XII- Reported judgments of NGT in Original Application filed by Private Party against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure XII.1 - MoEF								
1	K. Savad Vs. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT (SZ)	2015	31.08.2015	Private	State	EIA, 2006 KFVMA, 2003 EPA,1986 NGTA,2010
2	M.S. Thankappan and Ors. Vs. Union of India ,Ministry of Environment and Forests, Forest Conservation Division Government of India, New Delhi and Ors	Application Nos. 89 and 212 of 2014 (SZ)	NGT (SZ)	2014	15.11.2017	Private	State	IFA,1927 FCA,1980 EPA,1986 WCMR,2017
Annexure XII.2- Pollution Control Board								
1	P. Abdul Rahiman and Ors. Vs. State of Kerala and Ors.	Application No. 458 of 2013(SZ)	NGT (SZ)	2013	19.10.2015	Private	State	EPA,1986
2	Abhraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.1.2.2015	Private	State	WA,1974 AA,1981
3	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989

4	Muhammed. O v. Kerala State Pollution Control Board	Application No.108 of 2015 (SZ)	NGT (SZ)	2015	13.07.2016	Private	State	EPA, 1986
5	Gopalakrishnan Nair v. The Kerala State Pollution Control Board	Application No.56 of 2015 (SZ)	NGT (SZ)	2015	02.08.2016	Private	State	AA, 1981
6	Thressiamma Mathew and Ors.Vs. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	22.07.2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
Annexure XII.3- Local Self Government								
1	Premchand Vs. Pattanakkad Grama Panchayat and Ors.	Application No. 13 of 2014 (SZ)	NGT (SZ)	2014	20.09.2016	Private	State (LSG)	NGTA, 2010 CRZ, 2011 KPBR, 2011 COI
2	K.K. Babu and Ors. Vs. Union of India and Ors	Application No. 310 of 2013 (SZ) (W.P.(C) 26283 of 2012)	NGT (SZ)	2012	20.09.2016	Private	State	CZR Notification
3	Sarika and Ors. Vs. The State of Kerala and Ors.	Application No. 301 of 2013 (SZ)	NGT (SZ)	2013	13.12.2016	Private	state	SWMR, 2000 SWMR, 2016 COI
Annexure XII.4- Kerala Minerals and Metals Ltd								
1	Joy Kaitharnath and Ors. vs. The Managing Director, The Kerala Minerals and Metals Ltd. and Ors.	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA,1986
Annexure XII.5- State Government								
1	Jacob George Vs. Union of India	Application No. 263 of 2013 (SZ)	NGT (SZ)	2013	03.11.2014	Private Party	State	EIA, 2006 KHPA, 1999
Annexure XII.6- KMRL and Land Revenue Commissioner								
1	G.D. Martin vs. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974

Annexure XII.7- SEIAA

1	Jith Kumar, Muthedathu Vs. The State of Kerala & Ors., Abdul Bhasheer Vs. Kochi Municipal Corporation & Ors., Lawyers Environmental Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ) Awareness Forum Vs. State Level Environmental Impact Assessment Authority, Trivandrum & Ors.	Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ)	NGT	2012	22.10.2018	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974
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Annexure XIII- Reported judgments of NGT in Original Application filed by Association against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure XIII.1 - Pollution Control Board								
1	Lawyers Environmental Awareness Forum Vs. State of Kerala and Ors.	Application No. 137 of 2016 (SZ)	NGT (SZ)	2016	23.05.2016	Association	State	EPA,1986

Annexure XIII.2 - Local Self Government

1	Kamburam Dharma Paripalana Araya Samajam vs. Kozhikode Corporation and Ors.	Application No. 331 of 2013 (SZ) (THC)	NGT	2013	22.09.2015	Association	state	COI EPA, 1986
2	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR, 2000

Annexure XIII.3 - MoEF and CZMA

1	Quilon Educational Trust Vs. State of Kerala and Ors	Application No. 262 of 2014 (SZ)	NGT (SZ)	2014	01.04.2015	Association	State	CZR Notification
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Annexure XIV- Reported judgments of NGT in Original Application filed by Operator against State

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
1	Fair Log Warehousing and Trading (P.) Ltd.Vs.Kerala Coastal Zone Management Authority, Science and Technology (A) Department and Ors.	Application No. 286 of 2014	NGT (SZ)	2014	15.09.2015	operator	State	CRZ, 2011
2	Yasoraminfra Developers Pvt. Ltd. vs. Kerala Coastal Zone Management Authority and Ors.	Application No. 35 of 2015 (SZ)	NGT (SZ)	2015	12.05.2016	Operator	State	CRZ, 1991

Annexure XV- Reported judgments of Supreme Court, Kerala High Court and NGT under EPA, AA, WA, and BDA

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of	Category of Respondent	Statutes/Rules/Notification
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						Petitioner		on
Annexure XV.1 - -EPA, 1986								
1	Mathew Lukose and Ors. vs. The Kerala State Pollution Control Board and Ors.	O.P Nos. 3473 and 4922 of 1986	HC	1986	27.09.1990	Private Party and Association	State	COI AA, 1981 WA, 1974 WR EPA, 1986 CPC, 1908
2	Law Society of India Vs. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.02.1994	Association	operator	EPA, 1986 AA, 1981 WA, 1974 MSIHCRC, 1989
3	V.S. Damodaran Nair and Anr. Vs. State of Kerala and Ors.	O.P. Nos. 6041 of 1981-M and 10702 of 1984	HC (PIL)	1984	07.04.1995	Private (Public Spirited Person)	State	EPA, 1986 AA, 1981
4	M.R. Pillai Vs. Executive Officer, Pathiyoor Panchayat, Kayamkulam and Ors	O.P. No. 3520 of 1993	HC	1993	31.01.1997	Private	Operator	EPA, 1986 AA, 1981 WA, 1974
5	Jacob Vadakkancherry and etc v. State of Kerala and Ors	O.P. Nos. 10185 of 1996(K) and 926 of 1997(S)	HC	1998	08.01.1998	Private	State	EPA, 1986 CRZ, 1991
6	Anand Parthasarathy vs. State of Kerala and Ors.	O.P. No. 11016/98	HC (PIL)	1998	01.12.1999	Private (PIL)	State	EPA, 1986 COI CrPC, 1973 WA, 1974 AA, 1981
7	Citizens Interest Agency Vs. Lakeshore Hospital and Research Centre Pvt. Ltd	O.P. Nos. 33089 and 34936 of 2001	HC (PIL)	2001	19.02.2003	Association	operator	EPA, 1986 EIA, 1991
8	Kottayam Nature Society Vs. Union of India	O.P. Nos. 26884 of 2000, 6832, 7104, of 2002	HC (PIL)	2002	05.03.2003	Association	State	EPA, 1986 COI
9	Forum for the Prevention of Environmental and Sound Pollution Vs. Union of India	O.P. No. 38066/2002	HC	2002	14.03.2003	Association	State	NPR, 2000 EPA, 1986
10	K.N. Neelakandan	O.P. Nos. 1936,	HC	1999	22.08.2003	Association	State	NPR, 2000

	Namboodiri and Others Vs. State of Kerala and Others	1959 and 2335 of 1999						COI EPA, 1986
11	Sumit T.P. vs. State of Kerala	OP	HC	2004	01.01.2004	Association	State	PWMR, 2016 EPA, 1986
12	P.H. Rukhiya Beevi vs. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986
13	Trichur District Private Bus Operators' Association v. State of Kerala and Ors.	W.A. Nos. 2062 of 2003 and 76/2004	HC	2003	06.04.2005	operator	State	EPA, 1986 COI NPR, 2000
14	In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems	Writ Petition (C) No. 72 of 1998 with civil Appeal No. 3735 of 2005 [Arising out of SLP (C) No. 21851/2003]	SC	1998	18.07.2005	suo motu	suo motu	NPR, 2000 CrPC, 1973 COI IPC, 1860 AA, 1981 EPA, 1986
15	Forum, Prevention of Env'n. and Sound Pollution vs. Union of India (UOI) and Ors.	Civil Appeal No. 3735 of 2005	SC	2005	28.10.2005	Association	State	NPR, 2000 COI EPA, 1986
16	A.C. Parthan & Ors. Vs. Nayarambalam Grama Panchayath & Ors.	O.P. Nos. 34321/2002, WPC Nos. 10282, 15589 etc of 2005	HC	2005	16.12.2005	Private	State	EPA, 1986 COI CZR
17	Ramesh J. Tharkan and vs. State of Kerala and Ors.	WP(C) No. 21006 of 2003(S)	HC (PIL)	2003	09.01.2007	Private Party (PIL)	State	EPA, 1986 KPRA, 1999 COI CZR
18	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
19	Citizen Interest Agency, A Registered vs. Cochin Port Trust and Ors.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR, 1989
20	Dr. V.S. Gopalan Vs. State of Kerala	W.P. (C) No. 19970 of 2008(B)	HC	2008	16.12.2005	Private	state	COI EPA, 1986

	and Others							
21	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
22	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
23	Prasad v. State of Kerala	Cri. M.C. No. 3469 of 2011	HC	2011	04.01.2012	Private	State	WA, 1974 EPA, 1986 COI IPC, 1860 CrPC, 1973 WA, 1974
24	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
25	Ratheesh and Others vs. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ,1991 and 2011 EPA,1986
26	Vaamika Island (Green Lagoon Resort) Vs. Union of India and Ors.	S.L.P. (Civil) Nos. 24390-24391 of 2013	SC	2013	08.08.2013	operator	State	CRZ Ramsar Convention EPA,1986
27	M/S. Kizhakethalackel Rocks Vs. Kerala State Level Environment Impact Assessment Authority and State of Kerala	Appeal No. 29 of 2013	NGT (PB)	2013	13.02.2014	operator	State	ECR, 2006 EIA, 2006 AA, 1981 EPA,1986
28	Palakkal Martin v. Ansar C	W.A. No. 1130 of 2013	HC	2013	08.07.2014	Private	Private	AA, 1981 EPA, 1986 COI
29	Suresh Kunnath vs. Commissioner of Police	W.P. (C) Nos. 8672, 11729, 14206 and 13617 of 2014	HC	2014	22.08.2014	Association	State	EPA,1986 KPA,2011
30	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012 €	HC	2012	08.12.2014	Private	State	COI,1950 EPA,1986 EPA,1986 CRZ, 2011 KBR, 1999
31	Najeeb Vs. Shoukath Ali	W.A. No. 1514 of 2015	HC	2015	15.07.2015	Private	Private	KMMCR,2015

								EPA,1986
32	K. Savad Vs. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT (SZ)	2015	31.08.2015	Private	State	EIA, 2006 KFVMA, 2003 EPA,1986 NGTA,2010
33	Kamburam Dharma Paripalana Araya Samajam vs. Kozhikode Corporation and Ors.	Application No. 331 of 2013 (SZ) (THC)	NGT	2013	22.09.2015	Association	state	COI EPA, 1986
34	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The State of Kerala and Ors.	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI EIA, 2006 Central Govt. Order, 18-02-2012
35	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR, 2000
36	P. Abdul Rahiman and Ors. Vs. State of Kerala and Ors.	Application No. 458 of 2013(SZ)	NGT (SZ)	2013	19.10.2015	Private	State	EPA,1986
37	State of Kerala and Ors. vs. J and J Minerals Private Limited and Ors	W.A. No. 2011 of 2014	HC	2014	20.11.2015	State	operator	EPA, 1986 COI PCPR,1999
38	Nature Lovers' Forum v. State of Kerala and Ors	W.P. (C) Nos. 34463 of 2015 (G), 33463 and 8531 of 2015	SC (PIL)	2015	07.12.2015	Association	State	COI EPA, 1986 KPRA, 1994 MMA, 1957
39	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989
40	Neelakandan C.R.	W.P. (C) No.	HC	2015	05.04.2016	Private	State	EIA, 2006

	Vs. Union of India and Ors	12356 of 2015	(PIL)					CrPC, 1973 COI EPA, 1986 IPC, 1860
41	Lawyers Environmental Awareness Forum Vs. State of Kerala and Ors.	Application No. 137 of 2016 (SZ)	NGT (SZ)	2016	23.05.2016	Association	State	EPA, 1986
42	Muhammed. O v. Kerala State Pollution Control Board	Application No. 108 of 2015 (SZ)	NGT (SZ)	2015	13.7.2016	Private	State	EPA, 1986
43	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA, 1986
44	Bhaskaran V.A. vs. The State Environment Impact Assessment Authority and Ors.	Appeal No. 136 of 2016 (SZ)	NGT (SZ)	2016	09.02.2017	Private Party	State	COI EPA, 1986 NGTA, 2010
45	Joy Kaitharnath and Ors. vs. The Managing Director, The Kerala Minerals and Metals Ltd. and Ors.	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA, 1986
46	Indian Rare Earths Ltd. Vs. State of Kerala and Ors.	W.A. No. 2884 of 2009	HC	2009	11.10.2017	Operator (GOI undertaking)	State	EPA, 1986 AA, 1981 COI HOW, 2008
47	M.S. Thankappan and Ors. Vs. Union of India ,Ministry of Environment and Forests, Forest Conservation Division Government of India, New Delhi and Ors	Application Nos. 89 and 212 of 2014 (SZ)	NGT (SZ)	2014	15.11.2017	Private	State	IFA, 1927 FCA, 1980 EPA, 1986 WCMR, 2017
48	The Secretary, Kerala State Coastal Management Authority Vs. DLF Universal Limited and Ors.	Civil Appeal Nos. 117-120 of 2018	SC	11/15/2012	10.01.2018	State	Operator	EPA, 1986 EPR 1986 KBR, 1984 SEIAA Notification dated 19.12.2011
Annexure XV.2 - Air Act, 1981								

1	Mathew Lukose and Ors. vs. The Kerala State Pollution Control Board and Ors.	O.P Nos. 3473 and 4922 of 1986	HC	1986	27.09.1990	Private Party and Association	State	COI AA, 1981 WA, 1974 WR EPA, 1986 CPC, 1908
2	Law Society of India Vs. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.2.1994	Association	operator	EPA, 1986 AA, 1981 WA, 1974 MSIHCR, 1989
3	Pandan Krishnan and Anr. Vs. Asst. Engineer, Kerala State Pollution Control Board Regional Office and Anr	CrI. M.C. No. 763 of 1992	HC	1992	22.12.1994	Private	State	WA, 1974 AA, 1981 CrPC, 1973
4	V.S. Damodaran Nair and Anr. Vs. State of Kerala and Ors.	O.P. Nos. 6041 of 1981-M and 10702 of 1984	HC (PIL)	1984	07.04.1995	Private (Public Spirited Person)	State	EPA, 1986 AA, 1981
5	M.R. Pillai Vs. Executive Officer, Pathiyoor Panchayat, Kayamkulam and Ors	O.P. No. 3520 of 1993	HC	1993	31.1.1997	Private	Operator	EPA, 1986 AA, 1981 WA, 1974
6	Anand Parthasarathy vs. State of Kerala and Ors.	O.P. No. 11016/98	HC (PIL)	1998	01.12.1999	Private (PIL)	State	EPA, 1986 COI CrPC, 1973 WA, 1974 AA, 1981
7	Jolly v. Pallipuram Grama Panchayat	O.P. No. 11723 of 2003	HC	2003	30.05.2003	Private	State	AA, 1981
8	P.H. Rukhiya Beevi vs. State of Kerala & Others	W.P. (C) No. 9517 of 2004-G	HC	2004	30.06.2004	Private	state	AA, 1981 EPA, 1986
9	In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems	Writ Petition (C) No. 72 of 1998 with civil Appeal No. 3735 of 2005 [Arising out of SLP (C) No. 21851/2003]	SC	1998	18.07.2005	suo motu	suo motu	NPR, 2000 CrPC, 1973 COI IPC, 1860 AA, 1981 EPA, 1986
10	Thilakan v. Circle	W.P. No. 24627	HC	2007	23.10.2007	Private	State	EPA, 1986

	Inspector of Police and Ors.	of 2007						WA, 1974 AA, 1981
11	Varkey Ouseph S/o. Varkey Varkery, Skana Ouseph and Santhosh P.K. Vs. The State of Kerala and Ors	WA No. 2283 of 2007	HC	2007	12.11.2007	Private	State	WA,1974 AA,1981
12	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA,1974 AA,1981 CrPC, 1973 COI IPC, 1860
13	Philip Carbon Black Ltd. & Ors. Vs. Sabu Thozhupadan & Anr.	CrI. R.P. No. 1817 of 2011	HC	2011	3.11.2011	Operator	Private	AA, 1981 CrPC, 1973
14	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
15	M/S. Kizhakethalackel Rocks Vs. Kerala State Level Environment Impact Assessment Authority and State of Kerala	Appeal No. 29 of 2013	NGT (PB)	2013	13.02.2014	operator	State	ECR, 2006 EIA, 2006 AA, 1981 EPA,1986
16	Sukumaran Vs. Padmalochanan	W.P. (C) No. 22385 of 2012	HC	2012	26.03.2014	Private	Operator	AA,1981 WA,1974 NGTA,2010 COI
17	Palakkal Martin v. Ansar C	W.A. No. 1130 of 2013	HC	2013	08.07.2014	Private	Private	AA, 1981 EPA, 1986 COI
18	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
19	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR,

								2000
20	Abhraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.1.2.2015	Private	State	WA,1974 AA,1981
21	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989
22	G.D. Martin vs. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974
23	Gopalakrishnan Nair v. The Kerala State Pollution Control Board	Application No.56 of 2015 (SZ)	NGT (SZ)	2015	2.8.2016	Private	State	AA, 1981
24	Thressiamma Mathew and Ors.Vs. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	22.07.2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
25	Indian Rare Earths Ltd.Vs. State of Kerala and Ors.	W.A. No. 2884 of 2009	HC	2009	11.10.2017	Operator (GOI undertaking)	State	EPA, 1986 AA,1981 COI HOW, 2008
Annexure XV.3 - Water Act, 1974								
1	Mathew Lukose and Ors. vs. The Kerala State Pollution Control Board and Ors.	O.P Nos. 3473 and 4922 of 1986	HC	1986	27.09.1990	Private Party and Association	State	COI AA, 1981 WA, 1974 WR EPA, 1986 CPC, 1908
2	M. Krishna Panicker and others vs. M. Appukuttan Nair and others	CrI. M. C. No. 1610 of 1992	HC	1992	30.03.1993	Private	Private	CrPC, 1973 WA, 1974
3	Law Society of India Vs. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.2.1994	Association	operator	EPA, 1986 AA, 1981 WA,1974 MSIHCR, 1989
4	Pandan Krishnan and Anr. Vs. Asst. Engineer, Kerala State Pollution	CrI. M.C. No. 763 of 1992	HC	1992	22.12.1994	Private	State	WA, 1974 AA, 1981 CrPC, 1973

	Control Board Regional Office and Anr							
5	M.R. Pillai Vs. Executive Officer, Pathiyoor Panchayat, Kayamkulam and Ors	O.P. No. 3520 of 1993	HC	1993	31.1.1997	Private	Operator	EPA, 1986 AA,1981 WA, 1974
6	Anand Parthasarathy vs. State of Kerala and Ors.	O.P. No. 11016/98	HC (PIL)	1998	01.12.1999	Private (PIL)	State	EPA, 1986 COI CrPC, 1973 WA,1974 AA,1981
7	Thilakan v. Circle Inspector of Police and Ors.	W.P. No. 24627 of 2007	HC	2007	23.10.2007	Private	State	EPA, 1986 WA, 1974 AA, 1981
8	Varkey Ouseph S/o. Varkey Varkery, Skana Ouseph and Santhosh P.K. Vs. The State of Kerala and Ors	WA No. 2283 of 2007	HC	2007	12.11.2007	Private	State	WA,1974 AA,1981
9	Jeyaprasad S.D. Vs. State of Kerala & Others	W.P. (C) No. 11235 of 2010(D)	HC	2010	9.11.2010	Private	State	WA,1974 AA,1981 CrPC, 1973 COI IPC, 1860
10	Prasad v. State of Kerala	Cri. M.C. No. 3469 of 2011	HC	2011	4.1.2012	Private	State	WA, 1974 EPA, 1986 COI IPC, 1860 CrPC, 1973 WA, 1974
11	Sukumaran Vs. Padmalochanan	W.P. (C) No. 22385 of 2012	HC	2012	26.03.2014	Private	Operator	AA,1981 WA,1974 NGTA,2010 COI
12	T.M. Fathimma Beevi and Ors. Vs. Kerala State Pollution Control Board and Ors.	W.P. (C) No. 1670 of 2015 (G)	HC	2015	11.02.2015	Private	State	WA, 1974 AA, 1981 COI
13	Vilappilsala Samyuktha Samara Samithi and Ors. v. State of Kerala and Ors.	Application Nos. 247 and 248 of 2014 and Application No. 429 of 2013	NGT (SZ)	2013	30.09.2015	Association	State	KMA, 1994 EPA, 1986 AA, 1981 WA, 1974 COI MSWR,

								2000
14	Abhraham Thomas v. UOI	Application No.146 of 2015 (SZ)	NGT (SZ)	2015	12.1.2.2015	Private	State	WA,1974 AA,1981
15	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA,1986 NGTA,2010 HWR, 1989 MSIHCR, 1989
16	G.D. Martin vs. The Union of India and Ors.	Application No.157 of 2014 (SZ)	NGT (SZ)	2014	04.02.2016	Private (PIL)	State	AA, 1981 KCPWA, 2008 WA, 1974
17	Thressiamma Mathew and Ors.Vs. State of Kerala and Ors.	Application Nos. 305, 309 of 2013 and 149 of 2015 (SZ)	NGT (SZ)	2015	22.07.2017	Private (PIL)	State	COI WA, 1974 AA, 1981 NGTA,2010 IPC, 1860
18	Nitta Gelatin India Ltd. V. Thressiamma Mathew and Ors.	Review Application Nos. 6 of 2017 in Application No. 305 of 2013, 7 of 2017 in Application No. 309 of 2013 and 8 of 2017 in Application No. 149 of 2015 (SZ)	NGT (SZ)	2017	8.11.2017	Operator	Private	WA, 1974 CPC,1908 NGTA,2010

Annexure XV.4 - Biological Diversity Act, 2002

1	K.G.Gangadharan v. State of Kerala and Ors.	W.P. (C) No. 13769 of 2016 (U)	HC	2016	17.08.2016	Private	State	BDA, 2002 COI EPA,1986
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Annexure XVI - Total Number of Reported judgements of Supreme Court, Kerala High Court and NGT listed under various rules of EPA

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure XVI.1 - MSIHCR, 1989								

1	Law Society of India Vs. Fertilizers and Chemicals Travancore Ltd. and Ors.	O.P. No. 4635/1989 B	HC (PIL)	1989	14.2.1994	Association	operator	EPA, 1986 AA, 1981 WA, 1974 MSIHCR, 1989
2	Citizen Interest Agency, A Registered vs. Cochin Port Trust and Ors.	WP(C). No. 12156 of 2008(S)	HC (PIL)	2008	23.05.2009	Association	State	EPA, 1986 COI MSIHCR, 1989
3	Kunjoonjamma Jose v. Kerala State Pollution Control Board	Application No. 141 of 2013 (SZ) (THC)	NGT (SZ)	2013	17.12.2015	Private	State	BMHR, 2001 AA, 1981 WA, 1974 EPA, 1986 NGTA, 2010 HWR, 1989 MSIHCR, 1989
Annexure XVI.2 - NPR, 2000								
1	Forum for the Prevention of Environmental and Sound Pollution Vs. Union of India	O.P. No. 38066/2002	HC	2002	14.03.2003	Association	State	NPR, 2000 EPA, 1986
2	K.N. Neelakandan Namboodiri and Others Vs. State of Kerala and Others	O.P. Nos. 1936, 1959 and 2335 of 1999	HC	1999	22.08.2003	Association	State	NPR, 2000 COI EPA, 1986
3	K.V. Pavithran v. The District Superintendent of Police and Ors.	W.P. (C) No. 1062 of 2005 (B)	HC	2005	17.01.2005	Private	State	NPR, 2000 COI
4	Trichur District Private Bus Operators' Association v. State of Kerala and Ors.	W.A. Nos. 2062 of 2003 and 76/2004	HC	2003	06.04.2005	operator	State	EPA, 1986 COI NPR, 2000
5	In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems	Writ Petition (C) No. 72 of 1998 with civil Appeal No. 3735 of 2005 [Arising out of SLP (C) No. 21851/2003]	SC	1998	18.07.2005	suo motu	suo motu	NPR, 2000 CrPC, 1973 COI IPC, 1860 AA, 1981 EPA, 1986
6	Forum, Prevention of Env'n. and Sound Pollution vs. Union	Civil Appeal No. 3735 of 2005	SC	2005	28.10.2005	Association	State	NPR, 2000 COI

	of India (UOI) and Ors.							EPA, 1986
7	Robin Chacko Vs. State of Kerala	W.P. (C). No. 211 of 2012 (S)	HC	2012	23.01.2013	Private Party (PIL)	State	NPR, 2000 IPC, 1860 AA, 1981 EPA, 1986
Annexure XVI.3 - HOW, 2016								
1	Deccan Enterprises Vs. Commissioner of Customs, Kochi	W.P. (C) No. 5339 of 2012 (N)	HC	2012	12.03.2012	operator	State	HOW, 2016
2	Atul Automations Pvt. Ltd. Vs. Commissioner of Customs, Cochin	W.P.(C) Nos. 213 of 2017-B and 1354 of 2017-T	HC	2017	23.01.2017	Operator	State	HOW, 2016
3	Joy Kaitharnath and Ors. vs. The Managing Director, The Kerala Minerals and Metals Ltd. and Ors.	Application Nos. 142, 290 and 453 of 2013 (SZ)	NGT (SZ) (PIL)	2013	31.08.2017	Private (PIL)	State (State owned industry)	HOW, 2016 COI EPA, 1986
4	Indian Rare Earths Ltd. Vs. State of Kerala and Ors.	W.A. No. 2884 of 2009	HC	2009	11.10.2017	Operator (GOI undertaking)	State	EPA, 1986 AA, 1981 COI HOW, 2008

Annexure XVI.4 - PWMR, 2016								
1	Sumit T.P. vs. State of Kerala	OP	HC	2004	01.01.2004	Association	State	PWMR, 2016 EPA, 1986
2	All Kerala Plastic Dealers Vs. Union of India and others	W.P.(C) No. 32979 of 2006	HC	2006	11.03.2011	Association	State	IPC, 1860 COI PWMR, 2016
Annexure XVI.5 - SWMR, 2016								
1	Kerala Federation of Women Lawyers vs. Corporation of Cochin	W.P. (C) No. 27052 of 2011	HC (PIL)	2011	21.11.2011	Association (PIL)	State	IPC, 1860 SWMR, 2016
2	Sarika and Ors. Vs. The State of Kerala	Application No. 301 of 2013 (SZ)	NGT (SZ)	2013	13.12.2016	Private	state	SWMR, 2000 SWMR,

	and Ors.							2016 COI
3	Jith Kumar, Muthedathu Vs. The State of Kerala & Ors., Abdul Bhasheer Vs. Kochi Municipal Corporation & Ors., Lawyers Environmental Awareness Forum Vs. State Level Environmental Impact Assessment Authority, Trivandrum & Ors.	Original Application No. 533/2018 (Earlier O.A. No. 442/2013 (SZ) And Original Application No. 534/2018(Earlier O.A. No. 20/2017 (SZ) And Original Application No. 535/2018(Earlier O.A. No. 276/2017 (SZ)	NGT	2012	22.10.2018	Private	State	SWMR, 2016

Annexure XVI - Total Number of Reported judgements of Supreme Court, Kerala High Court and NGT under EIA and CRZ Notifications

Sl No.	Cause Title	Case No:	Forum	Petition Filed	Date of Judgement	Category of Petitioner	Category of Respondent	Statutes/Rules/Notification
Annexure XVII.1 - EIA								
1	Citizens Interest Agency Vs. Lakeshore Hospital and Research Centre Pvt. Ltd	O.P. Nos. 33089 and 34936 of 2001	HC (PIL)	2001	19.02.2003	Association	operator	EPA,1986 EIA, 1991
2	M/S. Kizhakethalackel Rocks Vs. Kerala State Level Environment Impact Assessment Authority and State of Kerala	Appeal No. 29 of 2013	NGT (PB)	2013	13.02.2014	operator	State	ECR, 2006 EIA, 2006 AA, 1981 EPA,1986
3	Jacob George Vs. Union of India	Application No. 263 of 2013 (SZ)	NGT (SZ)	2013	03.11.2014	Private Party	State	EIA, 2006 KHPA, 1999
4	K. Savad Vs. Ministry of Environment, Forest and Climate Change, Union of India and Ors.	Application No. 1 of 2015 and M.A. Nos. 150 and 169 of 2015	NGT (SZ)	2015	31.08.2015	Private	State	EIA, 2006 KFVMA, 2003 EPA,1986 NGTA,2010
5	The Paristhithy Samrakshana Janakeeya Samithy and Ors. v. The	W.P. (C) No. 10694 of 2015 (S)	HC (PIL)	2015	30.09.2015	Association	State	KMMCR, 2015 EPA, 1986 COI

	State of Kerala and Ors.							EIA, 2006 Central Govt. Order, 18-02-2012
6	Neelakandan C.R. Vs. Union of India and Ors	W.P. (C) No. 12356 of 2015	HC (PIL)	2015	05.04.2016	Private	State	EIA, 2006 CrPC, 1973 COI EPA, 1986 IPC, 1860
7	The Secretary, Kerala State Coastal Management Authority Vs. DLF Universal Limited and Ors.	Civil Appeal Nos. 117-120 of 2018	SC	11/15/2012	10.01.2018	State	Operator	EPA, 1986 EPR 1986 KBR, 1984 SEIAA Notification dated 19.12.2011
Annexure XVII.2 - CRZ								
1	Jacob Vadakkancherry and etc v. State of Kerala and Ors	O.P. Nos. 10185 of 1996(K) and 926 of 1997(S)	HC	1998	08.01.1998	Private	State	EPA, 1986 CRZ, 1991
2	Pappinisseri Eco Tourism Society Vs. State of Kerala and Ors.	W.P. (C) Nos. 12623 and 22707 of 2010	HC	2010	24.01.2011	Operator	State	CRZ, 1991 EPA, 1986 COI EPR, 1986
3	Ansari Kannothe Vs. State of Kerala and Ors	W.P. (C) No. 12623 of 2010	HC (PIL)	2010	24.01.2011	Private Party(PIL)	State	EPA, 1986 EPR, 1986 CRZ, 1991 COI
4	Alphonsa Streeder v. Pallipuram Grama Panchayath and Anr.	W.A No. 419 of 2011	HC	2011	24.05.2011	Private	State	CRZ
5	Ratheesh and Others vs. State of Kerala and Others	W.P (c) No.19564 of 2011	HC	2011	25.07.2013	Private	State	CRZ, 1991 and 2011 EPA, 1986
6	Vaamika Island (Green Lagoon Resort) Vs. Union of India and Ors.	S.L.P. (Civil) Nos. 24390-24391 of 2013	SC	2013	08.08.2013	operator	State	CRZ Ramsar Convention EPA, 1986
7	Antony A.V. vs Corporation Of Cochin	WP(C). No.27248 of 2012	HC	2012	8.12.2014	Private	State	COI, 1950 EPA, 1986 EPA, 1986 CRZ, 2011 KBR, 1999
8	Fair Log Warehousing and Trading (P.) Ltd.Vs.Kerala	Application No. 286 of 2014	NGT (SZ)	2014	15.09.2015	operator	State	CRZ, 2011

	Coastal Zone Management Authority, Science and Technology (A) Department and Ors.							
9	Yasoraminfra Developers Pvt. Ltd. vs. Kerala Coastal Zone Management Authority and Ors.	Application No. 35 of 2015 (SZ)	NGT (SZ)	2015	12.05.2016	Operator	State	CRZ, 1991
10	Premchand Vs. Pattanakkad Grama Panchayat and Ors.	Application No. 13 of 2014 (SZ)	NGT (SZ)	2014	20.09.2016	Private	State (LSG)	NGTA, 2010 CRZ, 2011 KPBR, 2011 COI