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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

SSCR NO.5 OF 2025

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA
SPECIAL COMMISSION REPORT-SM.NO.5/2025-REPORT SUBMITTED BY THE
SPECIAL COMMISSIONER, SABARIMALA REGARDING THE DISPOSAL OF
PLASTIC WASTES ACCUMULATED NEAR THE INCINERATORS AT
SANNIDHANAM, WHICH IS A THREAT TO THE WILD ANIMALS-SUO MOTU
PROCEEDINGS INITIATED - REG:)

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, 695001
- 2 THE DISTRICT COLLECTOR
COLLECTORATE, PATHANAMTHITTA, KERALA-689645
- 3 THE DISTRICT POLICE CHIEF
PATHANAMTHITTA-689645
- 4 THE STATION HOUSE OFFICER
SANNIDHANAM POLICE STATION, PATHANAMTHITTA-689662
- 5 PRINCIPAL CHIEF CONSERVATOR OF FORESTS
THIRUVANANTHAPURAM-695014
- 6 DEPUTY DIRECTOR
PERIYAR TIGER RESERVE, WEST DIVISION, PEERUMEDU,
IDDUKKI-685531
- 7 RANGE FOREST OFFICER



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OFFICE OF THE RANGE FOREST OFFICER, PAMPA RANGE,
PERIYAR TIGER RESERVE, EZHUKUMON, KANAMALA P.O.,
PIN-686510

- 8 THE ENVIRONMENTAL ENGINEER
DISTRICT OFFICE, KERALA POLLUTION CONTROL BOARD,
PATHANAMTHITTA-689645
- 9 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR
POST, THIRUVANANTHAPURAM- 695003
- 10 THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS,
NANTHANCODE, THIRUVANANTHAPURAM- 695005
- 11 EXECUTIVE OFFICER
SABARIMALA, SABARIMALA P.O., PATHANAMTHITTA- 689662
- 12 ASSISTANT ENGINEER (ENVIRONMENTAL)
SABARIMALA DEVELOPMENT PROJECT, PAMBA-689 662
ASSISTANT ENGINEER, ENVIRONMENT WING OF TRAVANCORE
DEVASWOM BOARD, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM- 695003; CORRECTED AS ABOVE BY
THE ORDER DATED 31.01.2025 IN SSCR NO. 5/2025)
- 13 CHIEF ENGINEER
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-695 003; IS SUO MOTU IMPEADED
AS ADDITIONAL RESPONDENT 14 VIDE ORDER DATED
31.01.2025 IN SSCR 5/2025
- 14 EXECUTIVE ENGINEER
SABARIMALA DEVELOPMENT PROJECT, PATHANAMTHITTA-689
645; IS SUO MOTU IMPEADED AS ADDITIONAL
RESPONDENTS 13 AND 14 VIDE ORDER DATED 30.01.2025
IN SSCR 5/2025

BY ADVS.NAVEEN T
G.BIJU

OTHER PRESENT:

SRI. T NAVEEN , SC, KSPCB, SRI. S BIJU, SC, TDB,
SMT. SAYUJYA RADHAKRISHNAN, A/C, SR. S RAJAMOHAN,
SR GP, SRI. NAGARAJ NARAYANAN, SPL GP (FOREST)



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THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME
UP FOR ADMISSION ON 03.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**ORDER****Anil K. Narendran, J.**

The Special Commissioner, Sabarimala has filed this report regarding the disposal of plastic waste accumulated near the incinerators at Sabarimala Sannidhanam, which was causing a threat to wild animals. A report dated 29.01.2025 of the Range Forest Officer, Pamba Range, Periyar Tiger Reserve, is enclosed along with the report of the Special Commissioner.

2. On 30.01.2025, when this report came up for consideration, the learned Standing Counsel for Travancore Devaswom Board sought time to get instructions. By the order dated 30.01.2025, the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) was directed to file a report before this Court by 31.01.2025 on the issues pointed out by the Special Commissioner, Sabarimala. The learned Standing Counsel for Travancore Devaswom Board was directed to make available for the perusal of this Court the kuthaka certificate and agreement in respect of the kuthaka item - disposal of plastic waste, bottles, jaggery bags, etc. at Sabarimala Sannidhanam.

3. On 31.01.2025, when this SSCR came up for consideration, the learned Standing Counsel for Travancore



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Devaswom Board has made available for the perusal of this Court a report dated 30.01.2025 of the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, addressed to the additional 14th respondent Executive Engineer, on the corrective measures suggested by the Assistant Engineer, Kerala State Pollution Control Board, Pamba Camp Office, in respect of the incinerators installed at Sabarimala Sannidhanam. The learned Standing Counsel has made available for the perusal of this Court a few photographs taken on 30.01.2025, after clearing plastic jaggery bags and other waste materials dumped in the yard near the incinerators installed at Sabarimala Sannidhanam. The learned Standing Counsel for Kerala State Pollution Control Board has made available for the perusal of this Court a copy of communication dated 04.01.2025 of the Assistant Engineer, Pollution Control Board, addressed to the additional 14th respondent Executive Engineer, Sabarimala Development Project. The learned Special Government Pleader (Forest) has made available for the perusal of this Court a report dated 31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), enclosing therewith Annexures R6(a) to R6(i) photographs.



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4. On 31.01.2025, the Range Forest Officer, Pamba and the Beat Forest Officer, Mukkuzhi Forest Station, Pamba Range, were personally present in Court. On a query made by this Court, the Range Forest Officer, Pamba submitted that the photographs made available for the perusal of this Court by the learned Standing Counsel for Travancore Devaswom Board were in respect of the yard and the area immediately surrounding the incinerators installed at Sabarimala Sannidhanam. The garbage presently piled at Sabarimala Sannidhanam, which includes jaggery bags, is attracting elephants quite easily. The learned Special Government Pleader (Forest) pointed out that the consumption of plastic and jaggery bags by elephants is catastrophic from the point of view of wildlife management. Due to the failure of the Travancore Devaswom Board in removing the garbage in a time bound manner, elephants coming in herds started eating the garbage, including plastic and toxic materials, from 21.01.2025 onwards. As stated in the report dated 31.01.2025 of the 6th respondent Deputy Director, on 30.01.2025 night and even on 31.01.2025, different herds of elephants reached the area where the garbage is lying. The dung of elephants shows remnants of plastic waste, as evident from the photographs enclosed with the report dated



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31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division). Large piles of garbage, including plastic and toxic waste, are also seen in the area behind Hotel Haribhavan, located at Sabarimala Sannidhanam, which is the waste leftover by various hotels at Sannidhanam and by the pilgrims. This waste is also attracting wild animals. Wild elephants and other wildlife are seen eating waste from these areas from 21.01.2025 onwards. On 30.01.2025, the officials of the Travancore Devaswom Board openly set to fire certain portion of the garbage, including plastic and toxic waste, causing huge pollution inside the core area of Periyar Tiger Reserve, which is plainly illegal and amounts to a serious offence. In paragraph 8 of the report, the 6th respondent Deputy Director has pointed out the violation of the provisions under the Wild Life (Protection) Act, 1972, as amended by the Act of 2022.

5. In the order dated 31.01.2025, this Court noticed that there is a serious lapse on the part of the Travancore Devaswom Board in ensuring timely removal of plastic waste, plastic jaggery bags, etc. from Sabarimala Sannidhanam. The Board has not chosen to take any action against the kuthaka holders of restaurants, light refreshment stalls, etc. who dumped garbage,



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including plastic and other toxic materials, in the area behind Hotel Haribhavan at Sabarimala Sannidhanam. If the garbage including plastic and toxic materials lying at Sannidhanam was set to fire openly on 30.01.2025, as stated in the report dated 31.01.2025 of the 6th respondent Deputy Director, it will amount to violation of the provisions under the Wild Life (Protection) Act. In addition to that the threat faced by the roaming wildlife at Sannidhanam, including different herds of elephants, on account of the garbage, which includes plastic and toxic materials, requires serious consideration.

6. By the order dated 31.01.2025, this Court directed the 8th respondent Environmental Engineer in the District Office of the Kerala State Pollution Control Board at Pathanamthitta to depute the Assistant Engineer, who submitted the report dated 04.01.2025, or any other competent officer, to conduct an inspection at Sabarimala Sannidhanam by 01.02.2025 at 11.00 a.m., with specific reference to the issues pointed out in the report dated 31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) and also that pointed out in the report dated 29.01.2025 of the Range Forest Officer, Pamba Range and submit a report before this Court, through the 8th respondent



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Environmental Engineer, by 05.02.2025. The Range Forest Officer, Pamba, the Forest officials deputed by the 6th respondent Deputy Director, the 12th respondent Assistant Engineer (Environmental) and the additional 14th respondent Executive Engineer were also directed to be personally present at the time of inspection.

7. The 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) has filed a report dated 31.01.2025, producing therewith Annexures R6(a) to R6(i) photographs. The 8th respondent Environmental Engineer, Kerala State Pollution Control Board, District Office, Pathanamthitta has filed a report dated 03.02.2025, regarding the inspection conducted on 01.02.2025 at Sabarimala Sannidhanam, producing therewith Annexures R8(a) to R8(h) documents.

8. On 05.02.2025, when this SSCR came up for consideration, the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project was personally present in Court. In the order dated 05.02.2025, this Court quoted paragraphs 4 to 6 of the report dated 03.02.2025 of the 8th respondent Environmental Engineer, Kerala State Pollution Control Board. The learned Standing Counsel for Travancore Devaswom Board, on instructions, submitted that the entire solid waste at



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Sabarimala Sannidhanam, including plastic materials, has already been removed. The plastic waste kept in sacks at Sannidhanam in various buildings will be taken to Pamba, as per the suggestions made by the officials of Kerala State Pollution Control Board. Metal scrap lying at Sannidhanam, which is being periodically auctioned, will also be removed from there, without any further delay.

9. The 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project has filed an affidavit dated 21.02.2025, making certain suggestions for improved solid waste management at Sabarimala. The 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) has filed an affidavit dated 20.02.2025, producing therewith Annexures R6(j) to R6(o) photographs. The Secretary of the 9th respondent Travancore Devaswom Board has filed an affidavit dated 21.02.2025, producing therewith Annexures R9(a) and R9(b) documents. Along with a memo dated 21.03.2025 filed by the learned Special Government Pleader (Forest), a copy of the report on the death of a Sambhar Deer at Sabarimala Sannidhanam, on 28.12.2015, due to consumption of plastic, was placed on record. Along with another memo dated 21.03.2025, the details of the fine imposed on commercial establishments,



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including the name of the kuthaka holders and stall numbers, for throwing waste during Mandala-Makaravilakku festival season of 2024-25 on the side of the trekking route and for putting waste in the forest along the trekking route, are placed on record. An additional affidavit dated 20.03.2025 of the 6th respondent Deputy Director regarding the death of a female elephant aged about 40 years at Valiyanavattam, Pamba, on 02.02.2014, due to consumption of plastic waste; the death of a pregnant female Sambhar Deer aged 7 years at Sabarimala Sannidhanam, on 28.12.2015, due to consumption of plastic waste; the death of an elephant aged 10 years at Pandarakkayam, Pamba, on 21.05.2018, due to consumption of plastic waste; and imposition of a fine of Rs.95,000/- from the commercial establishments at Sabarimala during Mandala-Makaravilakku festival season of 1200ME (2024-25) for putting waste in the forest along the trekking route, is placed on record along with I.A.No.1 of 2025.

10. Heard the learned Special Government Pleader (Forest) for respondents 1 to 7, the learned Standing Counsel for Kerala State Pollution Control Board for the 8th respondent, the learned Standing Counsel for Travancore Devaswom Board for respondents 9 to 14 and also the learned *Amicus Curie* for the



Special Commissioner, Sabarimala.

11. The learned Special Government Pleader (Forest) would submit that the failure on the part of the Travancore Devaswom Board in the timely removal of garbage, including plastic and other toxic waste, deposited in the yard area of the incinerators and the area behind Hotel Haribhavan at Sabarimala Sannidhanam is in violation of the provisions under the Wild Life (Protection) Act, 1972, as amended by the Wild Life (Protection) Amendment Act, 2022. Due to the failure of the Board in removing garbage in a time bound manner, from Sabarimala Sannidhanam, which is situated in the core and critical area of Western Ghats, elephants coming in herds started eating the garbage from 21.01.2025 onwards. As evident from the photographs produced along with the report dated 31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), the dung of elephants showed remnants of plastic waste. In addition to that, plastic waste littered in open land, beside incinerator unit 1, was burning at the time of inspection on 01.02.2025. Ashes from the previously burnt-out waste could also be seen in that area and also in a trench in the area behind Hotel Haribhavan. The said facts are evident from the photographs produced along with the



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inspection report dated 03.02.2025 of the 8th respondent Environmental Engineer, Kerala State Pollution Control Board. The learned Special Government Pleader would point out the statutory violations of the provisions under the Wild Life (Protection) Act, after referring to the provisions under Section 9 read with clause (16)(a) of Section 2, as well as Sections 29, 30, 50, 51 and 52 of the said Act.

12. The learned Standing Counsel for Kerala State Pollution Control Board would point out the statutory violations, with specific reference to the facts noticed in the report dated 03.02.2025 of the 8th respondent Environmental Engineer, based on the inspection conducted at Sabarimala Sannidhanam on 01.02.2025 by the Senior Environmental Engineer-1. The learned Standing Counsel would submit that the 8th respondent Environmental Engineer has already issued Annexure R8(h) communication dated 01.02.2025, to the Secretary of the Travancore Devaswom Board as well as the 12th respondent Assistant Engineer (Environmental) and the 14th respondent Executive Engineer, Sabarimala Development Project, to take immediate action for segregation and disposal of waste as per the provisions contained in the Solid Waste Management Rules, 2016



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and report the same to the Pollution Control Board.

13. The learned Standing Counsel for Travancore Devaswom Board would submit that as stated in the affidavit dated 21.02.2025 of the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, the average quantity of waste generated in Sabarimala Sannidhanam during Mandala-Makaravilakku festival season is 24 tons per day. The average quantity of waste processed in the incinerators at Sannidhanam, during the festival season, is approximately 14 tons per day. Though the kuthaka holders of the hotels are instructed to segregate food and plastic waste into biodegradable bags before disposal, many hotels continue to use single-use plastic garbage bags. Some hotels near Pandithavalam directly dump mixed waste into food waste pits, leading to plastic contamination. Despite Sabarimala being a plastic-free zone, a significant quantity of single-use plastic continues to be brought by pilgrims within Irumudikkettu (ഇരുമുടിക്ക്), generating nearly 1.4 tons of non-recyclable plastic waste per day. The report dated 03.02.2025 of the 8th respondent Environmental Engineer was considered in the meeting of the Travancore Devaswom Board held on 19.02.2025 and the Board directed the Chief Engineer to provide



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necessary instructions to the 14th respondent Executive Engineer, Sabarimala Development Project, to take necessary steps to scientifically dispose of the waste by segregating it according to the Solid Waste Management Rules 2016, considering the threat to wildlife and environmental pollution due to unscientific dumping of solid waste, including plastic, near the incinerator at Sannidhanam. The learned Standing Counsel would point out that, as stated in the affidavit dated 21.02.2025 of the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, arrangements have already been made, as per the directions of the 14th respondent Executive Engineer, Sabarimala Development Project for disposal of plastic waste generated at Sabarimala Sannidhanam, in accordance with the instructions from the Kerala State Pollution Control Board. The kuthaka holders of hotels are instructed not to dispose of waste directly into the yard or ignite open fire. The kuthaka holders have been warned that any violation will result in immediate closure of their establishments.

14. Sabarimala Sannidhanam is situated in the core and critical area of Western Ghats, a biodiversity hot spot recognised as a world heritage site by the United Nations Educational,



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Scientific and Cultural Organisation (UNESCO). Sabarimala Sannidhanam is within the Ranni Forest Reserve, notified vide Travancore Government Gazette dated 06.12.1904, which is part of Periyar Wildlife Sanctuary, notified vide Travancore-Cochin Government Gazette dated 22.08.1950. The area was included as part of Periyar Tiger Reserve, vide the notification dated 06.04.2011 published in Kerala Government Gazette.

15. A report dated 29.01.2025 of the Range Forest Officer, Pamba Range, Periyar Tiger Reserve is enclosed along with this report filed by the Special Commissioner, Sabarimala, regarding the disposal of plastic waste accumulated near the incinerators at Sabarimala Sannidhanam. A few photographs taken from the area where the plastic waste was dumped near Pandithavalam at Sabarimala Sannidhanam are also enclosed along with the said report. As stated in the report of the Range Forest Officer, after the use of jaggery, plastic bags are dumped near the incinerator for disposal. The kuthaka holder stopped the work relating to disposal of plastic bags on 20.01.2025. The elephants are attracted by plastic jaggery bags. The improper disposal of plastic waste poses a serious threat to wildlife. Therefore, immediate action is required.



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16. Pursuant to the directions contained in the order of this Court dated 30.01.2025, the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) filed a report dated 31.01.2025. Paragraphs 3 and 4 of the said report read thus;

"3. As usual, this year's annual pilgrimage (1200ME) affairs started on 15.01.2024 and concluded on 20.01.2025, with a recorded visitation of 0.45 million pilgrims. As a result of such a huge gathering, enormous quantity of garbage has been generated in and around Sabarimala. The Travancore Devaswom Board (hereinafter the "TDB") and District Administration, Pathanamthitta are managing the garbage collection and disposal. Being a Tiger Reserve and Wildlife Sanctuary, the Forest Department is proactively involved in removing all the garbage which are deposited unintentionally in the forests on either side of the trek routes and other forest areas which are not diverted or leased. However, in respect of the garbage piled up in area coming within the diverted and leased areas of the TDB, the garbage is to be removed by the TDB as per the conditions in the orders of diversion or lease as sanctioned by the Ministry of Environment, Forest and Climate Change.

4. Presently, the garbage piled in the yard of three incinerators at Sabarimala Sannidhanam, is posing a huge threat to the roaming wildlife including different herds of elephants. The garbage is mainly of the jaggery bags, which are attracting the elephants quite easily, and the consumption of the same by the elephants is catastrophic



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from the wildlife management point of view. It was seen that due to the failure of the TDB to urgently remove the garbage in a time bound manner from the said yard, elephants coming in herds have started eating the garbage including the plastic and toxic material waste from 21.01.2025 onwards and even yesterday night of 30.01.2025 and today (31.01.2025). It is seen that from 21.01.2025 onwards, different herds of elephants have reached the area around the garbage area and the different herds of elephants are waiting in queue for their turn to enter the garbage area and eat the plastic and toxic waste. The dung of elephants would also show that some remnants of the plastic waste are coming out through their dung and the remaining plastic waste would be still in their stomach and could result in serious health problems for the wild elephants of these forest in the long run including cause for their death.” (underline supplied)

17. As per the report dated 31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), the garbage piled at Sabarimala Sannidhanam, which includes jaggery bags, is attracting elephants quite easily. The consumption of plastic and jaggery bags by elephants is catastrophic from the point of view of wildlife management. Due to the failure of the Travancore Devaswom Board in removing the garbage in a time bound manner, elephants coming in herds started eating the garbage, including plastic and toxic materials



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from 21.01.2025 onwards. On 30.01.2025 night and even on 31.01.2025, different herds of elephants reached the area where the garbage is lying. As per the said report, from 21.01.2025 onwards different herds of elephants have reached the area around the garbage area and different herds of elephants are waiting in queue for their turn to enter the garbage area and eat the plastic and toxic waste. The dung of the elephants showed remnants of the plastic waste and the remaining plastic waste would be still in their stomach, which could result in serious health issues for wild elephants.

18. Pursuant to the directions contained in the order of this Court dated 31.01.2025, the Senior Environmental Engineer-1 in the Head Office of the Kerala State Pollution Control Board conducted an inspection at Sabarimala Sannidhanam on 01.02.2025 and based on that inspection the 8th respondent Environmental Engineer submitted a report dated 03.02.2025, producing therewith Annexures R8(a) to R8(h) documents. The observations made in paragraph 5 of the said report read thus;

"5. The following observations were made during the inspection, which are as follows:

- a) The jaggery bags which were heaped in a separate shed near to the incinerator (unit 1),



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where the elephants had entered and were seen eating jaggery bags in the photographs attached to the letter dated 29.01.2025 of the Range Forest Officer, Pamba Range, were removed and the shed was completely empty. Photographs of the Incinerator Shed (unit 1) and the nearby jaggery Bag Shed 1, are produced herewith and marked as Annexure R8(b),

b) It was observed that there were small piles of mixed plastic waste near to the incinerator (unit 1). In these piles, a few empty jaggery bags are also found. Photographs taken near to the incinerator shed (unit 1) is produced herewith and marked as Annexure R8(c).

c) In the open land beside the incinerator (unit 1), where it was reported by the Devaswom Board officials that biodegradable waste is put in trenches and covered, it was observed that, there was littered plastic waste on the surface. Some of this littered plastic waste was seen burning during the inspection. Ashes from previously burnt-out waste could also be seen. Photographs of the open land beside the incinerator (unit 1), where littered plastic waste was seen burning is produced herewith and marked as Annexure R8(d).

d) Several heaps of metal scrap like roofing sheets were seen in the incinerator premises. Photographs of the heaps of metal scrap like roofing sheets in the incinerator premises is produced herewith and marked as Annexure R8(e).



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e) The area behind/back side of Hotel Sree Haribhavan was inspected. During the inspection it was observed that the area is cleared of waste, however ash from earlier burnt-out waste could be seen in a trench. Photographs of the area behind/back side of the Hotel Sree Haribhavan is produced herewith and marked as Annexure R8(f).

f) It was observed that both the incinerator sheds (shed of unit 1 and shed of units 2 & 3) were clean and empty. Photographs of the incinerator shed of units 2 & 3 is produced herewith and marked as Annexure R8(g).” (underline supplied)

19. In the affidavit dated 21.02.2025 filed by the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, it is stated that the average quantity of waste generated in Sabarimala Sannidhanam during Mandala-Makaravilakku festival season is approximately 24 tons per day. The average quantity of waste processed in the incinerators at Sannidhanam during the festival season is approximately 14 tons per day. The average quantity of biodegradable waste (food waste) generated at Sannidhanam during festival season is approximately 7 tons per day. Paragraphs 3 to 5 of the affidavit dated 21.02.2025 filed by the 12th respondent read thus;

"3. It is submitted that the incinerators installed at Sabarimala were designed for continuous operation of up to



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8 hours per day and were designed for continuous operation of up to 8 hours per day and were installed in 2003. However, due to the annual increase in the number of pilgrims, there has been a significant rise in the volume of waste generated. As a result, we are compelled to operate the incinerators for extended hours, up to 20 hours per day, continuously.

4. The average quantity of waste generated per day in Sannidhanam during the Mandala-Makaravilakku season is approximately 24 tons. The average quantity of waste processed in the incinerator per day during the season time is approximately 14 tons per day. The average quantity of biodegradable waste (food waste)-generated at Sannidhanam during the season time is approximately 7 tons per day. The average recyclable waste accounted for at Sannidhanam during the season time is approximately 1 to 1.5 tons per day. The balance quantity of waste that needs to be processed in the incinerator is approximately 1.5 to 2 tons per day. An additional 4 to 10 days of incinerator operation is required to treat the remaining waste during the season time. The cleaning of the premises, collection of waste, and its deposition in the incinerator building are carried out by the Sabarimala Sanitization Society workers during the season period. The area next to the incinerator is currently used as the waste dumping yard at Sabarimala. After sorting the waste that comes to the incinerator, the biodegradable waste, such as food waste, flower garlands, and similar materials, is deposited in this area in pits.

5. It is respectfully submitted that during the monthly pooja period, two incinerators, each with a capacity of 200 kg/hr, operate for 8 hours per day. The average quantity of waste



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generated per day in Sannidhanam during the monthly pooja period is approximately 4.4 tons. The average quantity of waste processed in the incinerator per day during the monthly pooja period is approximately 3.2 tons. The average quantity of biodegradable waste (food waste) generated at Sannidhanam during the monthly pooja period is approximately 1 ton per day. The average recyclable waste accounted for at Sannidhanam during the monthly pooja period is approximately 200kg. The cleaning of the premises, collection of waste, and its deposition in the incinerator building are carried out by contract laborers assigned by the Travancore Devaswom Board during the monthly pooja period. After sorting the waste that comes to the incinerator, the biodegradable waste, such as food waste, flower garlands, and similar materials, is deposited in the area near the incinerator in pits. During the monthly pooja period, the current incinerators are sufficient to handle waste generation.”

20. In paragraph 6 of the affidavit dated 21.02.2025 filed by the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, the said respondent has pointed out the commonly used methods for solid waste management and its feasibility at Sabarimala. In paragraph 7 of the said affidavit various measures currently taken for solid waste management at Sabarimala and the challenges associated with those measures are pointed out. In paragraph 8 of the said affidavit the said respondent pointed out the threats in solid waste management at



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Sabarimala. In the said affidavit the 12th respondent has stated that the seasonal influx of millions of devotees results in substantial waste generation, making waste management efforts challenging. Wild boars and domestic cattle frequently enter the incinerator area during waste sorting and processing. Elephants are regularly sighted in the incinerator yard, attracted by ash, food waste, and jaggery bags. They also damage the incinerators. Despite awareness programs, many pilgrims fail to adhere to waste disposal guidelines, leading to littering and the unauthorised use of plastic materials. In paragraph 9 of the affidavit, the 12th respondent has stated the steps taken by the Travancore Devaswom Board to improve solid waste management at Sabarimala Sannidhanam.

21. In paragraph 10 of the affidavit dated 21.02.2025 filed by the 12th respondent Assistant Engineer (Environmental), the said respondent made various suggestions for improved solid waste management at Sabarimala. Paragraph 10 of the said affidavit reads thus;

“10. A few suggestions for improved Solid Waste Management at Sabarimala are;

- Double Sorting of Waste Materials: To achieve greater efficiency in waste sorting, we propose a



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double sorting system: one at the source by the Sabarimala Sanitisation Society (SSS) workers and the other at the incinerator yards by incinerator laborers. Additionally, using separate tractors for transporting plastic and food waste will help achieve over 95% efficiency in sorting.

- **Prohibition and Regulation of Plastic:** Preventing plastic waste from reaching Sabarimala requires a multi-faceted approach involving awareness campaigns, strict enforcement, and alternative solutions. Effective coordination between all departments involved in the Mandala-Makaravilakku festival is essential.
- **Awareness Campaign:** Inform pilgrims that Sabarimala is a plastic-free zone through social media, posters, announcements on TV, bus stations, railway stations, and entry points in six languages.
- **Posters and Announcements in Temples:** Display posters at every temple where Kettunira (കെട്ടുനീറ) is performed, highlighting the ban on plastic in Sabarimala and the importance of avoiding plastic in the holy Irumudikkettu. (ഇരുമുടിക്ക്) cooperation from every Panchayat in Kerala is essential.
- **Outreach to other States:** Request other state governments to conduct awareness programs in temples across their regions.
- **Enforcement and Fines:** Strengthen the enforcement of the plastic ban at key entry points such as Nilakkal and Pamba by installing scanning machines and deploying officials to check luggage.



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Fines should be imposed for carrying plastic (except for those in the holy Irumudikkettu).

- **Extending the Service Period for SSS Workers:** Currently, the service of Sabarimala Sanitization Society (SSS) workers is limited to the Mandala-Makaravilakku season. However, waste management issues often persist after the season concludes, particularly in the incinerator premises and other areas due to sorting errors, leftover waste from hotel staff, and waste deposited by Ayyappa devotees. To address this, it is necessary to extend the service period of SSS workers for an additional three days after the festival season ends. This extension would allow for proper sorting and collection of remaining waste, ensuring that the area is cleaned and waste management processes are completed efficiently.
- **Preventing entry of Wild Animals into Waste Management Areas:** Although the 38 aerobic composting units are under construction near incinerators 2 and 3, and plans are in place to install Organic Waste Converters (OWCs), there is a significant risk of wild animals, especially elephants, destroying the facilities. To mitigate this, it is essential to construct a solar fence around the incinerator and waste dumping yard to keep wild animals away. The rolling shutters and gates previously installed at the incinerators were destroyed by elephants within two months. While the area, roughly 190 cents, is diverted to the Travancore Devaswom Board for pilgrim support facilities.”



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22. In the affidavit dated 21.02.2025 filed by the 12th respondent Assistant Engineer (Environmental), the said respondent has stated that as per the directions of the 14th respondent Executive Engineer, Sabarimala Development Project, arrangements have been made to engage labourers for the collection of plastic waste from the dumping yard. The collected waste has been stored inside incinerator Room 1, which will be processed in accordance with the further instructions from Kerala State Pollution Control Board. The jaggery bags, which were temporarily stored inside Shivasakthi Building, have already been handed over to the kuthaka holder, who has been instructed to remove the items within his contract, with special emphasis on clearing the jaggery bags by the day following the closure of the temple. The kuthaka holders of hotels are instructed not to dispose of waste directly into the yard or ignite open fire. They have been warned that any violation will result in the immediate closure of their establishments. The kuthaka holders and their laborers are directed not to deposit any plastic waste in the waste dumping yard.

23. On 22.02.2024, the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) has filed an affidavit dated



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20.02.2024, producing therewith Annexures R6(j) to R6(o) documents. The comments offered by the 6th respondent Deputy Director in paragraph 4 of the said affidavit dated 20.02.2024, on various aspects pointed out in the inspection report dated 03.02.2025 of the 8th respondent Environmental Engineer, Kerala State Pollution Control Board, read thus;

"4. So in respect of the inspection report of the 8^m respondent Kerala State Pollution Control Board, the following comments are submitted by this respondent.

(a) The jaggery bags which were lying around the incinerator unit I and the premises are completely removed and heaped in a separate shed nearby incinerator unit I. A true copy of the photograph is produced herewith and marked as Annexure R6(i).

(b) The small piles of the mixed plastic waste near incinerator unit I are partially removed. A true copy of the photograph is produced herewith and marked as Annexure R6(k).

(c) The trench behind incinerator unit I is full of non-biodegradable plastic waste and partially burned plastic waste and the ashes are fully covered with soil and the trench is covered with soil. A true copy of the photograph is produced herewith and marked as Annexure R6(l).

(d) The metal scraps nearby incinerator premises are not removed. A true copy of the photograph is produced herewith and marked as Annexure R6(m).



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(e) The plastic and other waste dumped behind hotel Haribhavan during the concluded season is completely removed, whereas the remnants of the burnout waste for the past years are yet to be removed completely. A true copy of the photograph is produced herewith and marked as Annexure R6(n).

(f) From the premises of the incinerator sheds 1, 2 & 3 plastic waste is partially removed, but metal scraps and other bio-degradable wastes are still not removed. A true copy of the photograph is produced herewith and marked as Annexure R6(o).

24. In the affidavit dated 20.02.2024 filed by the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), the specific stand taken by the said respondent is that neither the Forest Department nor any of its officials have ever issued a direction to burn out the biodegradable or plastic waste inside the Periyar Tiger Reserve, since such an action would amount to violation of the provisions of the Wild Life (Protection) Act 1972.

25. Pursuant to the directions contained in the order of this Court dated 05.02.2025, the Secretary of the 9th respondent Travancore Devaswom Board has filed an affidavit dated 21.02.2025. In the said affidavit dated 21.02.2025, it is stated that immediately on receipt of the order of this Court dated



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05.02.2025, the Secretary of the Board directed the 14th respondent Executive Engineer, Sabarimala Development Project, to inform the action taken on these issues to Kerala State Pollution Control Board, vide Annexure R9(a) order dated 13.02.2025. Further, the 12th respondent Assistant Engineer (Environmental) was directed vide Annexure R9(b) order dated 13.02.2025 to submit a report before this Court pursuant to the directions contained in the order of this Court dated 05.02.2025. The report of the 8th respondent Environmental Engineer, Kerala State Pollution Control Board, was placed before the Devaswom Board in its meeting held on 19.02.2025. The Board considered the report in detail and issued the following directions.

(a) Directed the Chief Engineer to provide necessary instructions to the Executive Engineer, Pathanamthitta to take necessary steps to scientifically dispose of the waste by segregating it according to the Solid Waste Management Rules 2016, considering the threat to wildlife and environmental pollution due to the unscientific dumping of solid waste including plastic near the incinerator at Sannidhanam.

(b) Ratified the action of the Secretary directing the Chief Engineer to give necessary instruction to the Executive Engineer, Pathanamthitta to immediately inform the Environmental Engineer, Kerala State Pollution Control Board in writing about the action taken on this issue considering



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the urgency of the issue involved in the matter.

(c) Ratified the order issued by the Secretary to the Environmental Engineer, Sabarimala Development Project to file an affidavit before this Hon'ble Court regarding the disposal of solid waste including plastic items at Sannidhanam during the Mandalam-Makaravilakku season and monthly Poojas."

26. On 21.03.2024, along with a memo filed by the learned Special Government Pleader (Forest), the report of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), on the death of a Sambhar Deer at Sabarimala Sannidhanam on 28.12.2015, due to consumption of plastic, was placed on record. By another memo dated 21.03.2024 filed by the learned Special Government Pleader (Forest), the details of the fine imposed on the kuthaka holders of shops on the side of Pamba-Sannidhanam trekking path, during Mandala-Makaravilakku festival season of 1200ME (2024-25), for throwing waste on the side of the trekking path and for putting waste in the forest along the trekking path, are placed on record.

27. The 6th respondent Deputy Director has filed an additional affidavit dated 20.03.2025, regarding serious harm caused to wildlife by the plastic waste at Sabarimala Sannidhanam during the years 2014 and 2015 and also imposition of fine during



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Mandala-Makaravilakku festival season of 1200ME (2024-25) on commercial establishments on the side of the trekking path for putting waste in the forest. Paragraphs 3 and 4 of the said affidavit read thus;

"3. On 02.02.2014, a female elephant aged above 40 years died at Valiyanavattom, Pamba due to consumption of plastic waste and around 8kg of plastic waste was recovered from the rumen of the dead elephant during postmortem. On 28.12.2015, a pregnant female sambhar deer aged 7 year died at Sabarimala Sanvidhanam due to consumption of plastic waste and 4.7kg of plastic waste was recovered from the rumen of the dead sambhar deer during postmortem. On 21.05.2018 an elephant aged 10 years died at Pamba Pandarakkayam due to consumption of plastic waste and 2kg plastic waste was recovered from the rumen of the elephant during postmortem.

4. The death of the sambhar deer in 2015 due to plastic consumption was submitted as a report by the Forest Department before this Honourable Court. In spite of several orders of this Honourable Court banning plastic and non-biodegradable materials, still heaps of plastic waste. Plastic jaggery bags, metal scraps and other non-biodegradable waste left out by the Travancore Devaswom Board and other commercial establishments at Sannidhanam, Sabarimala are piled up during the season at Sannidhanam and not removed immediately on the closing day of the pilgrim season resulting in serious



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harm to the flora and fauna of the ecologically sensitive biodiversity hot spot inside the Periyar Tiger Reserve. Regarding the waste throne on the sides of the trek route, during Mandala-Makaravilakku festival season of 1200ME (2024-25) at Sabarimala. The Forest Department has imposed a fine of ₹95,000/- from commercial establishments putting waste in the forest along the trekking route." (underline supplied)

28. As evident from the report dated 31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), due to the failure of the Travancore Devaswom Board in removing the garbage in a time bound manner, elephants coming in herds started eating the garbage, including plastic and toxic materials from 21.01.2025 onwards. The herds of elephants include as its members, calves and sub adults. The dung of the elephants showed remnants of the plastic waste. In the said report, it is stated that other wild animals including monkeys (Bonnet Macaque, Niligiri Langur, Lion Tailed Macaque), Malabar Giant Squirrel, Sambar Deer, Mouse Deer, Barking Deer, Porcupine, etc. and birds including endangered species of birds like Nilgiri Fly Catcher, Great Indian Hornbill, Malabar Grey Hornbill, etc., are seen by the Forest officials as consuming waste materials from these areas. The photographs showing herds of elephants



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consuming waste materials from the yard area of the incinerators at Sabarimala Sannidhanam are marked as Annexures R6(a) to R6(f) in the said report dated 31.01.2025. A few photographs showing herds of elephants consuming waste materials from the yard area of the incinerators at Sabarimala Sannidhanam are extracted hereunder;





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29. The Photographs of the dung of the wild elephants seen deposited in the yard area of the incinerators at Sabarimala Sannidhanam showing remnants of plastic are marked as Annexures R6(g) to R6(i) in the said report dated 31.01.2025. A few photographs of the dung of the wild elephants seen deposited in the said area showing remnants of plastic are extracted



hereunder;



30. In the report dated 31.01.2025 of the 6th respondent Deputy Director, it is pointed out that large piles of garbage, including plastic and other toxic waste, are also seen in the area behind Hotel Haribhavan located at Sabarimala Sannidhanam, which is the waste left over by various hotels at Sannidhanam and



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by the pilgrims. This waste is also attracting wild animals, including wild elephants from 21.01.2025 onwards. In addition to that on 30.01.2025, the officials of the Travancore Devaswom Board had openly set to fire certain portions of the garbage, including plastic and toxic waste, causing huge pollution inside the core area of Periyar Tiger Reserve.

31. Article 48A of the Constitution of India mandates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. As per Article 51A(g), it shall be the duty of every citizens of India to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

32. In **State of Telangana v. Mohd. Abdul Qasim [(2024) 6 SCC 461]**, a Two-Judge Bench of the Apex Court, noticed that Article 48A of the Constitution of India imposes a clear mandate upon the State as a directive principle of State policy, while Article 51A(g) correspondingly casts a duty upon a citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for fellow living creatures. These two provisions *qua* a forest ought to be



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understood in light of Articles 14, 19 and 21 of the Constitution of India, as they represent the collective conscience of the Constitution. If the continued existence and protection of forests is in the interest of humanity, various species and nature, then there can be no other interpretation than to read the constitutional ethos into these provisions. Article 48A and Article 51A(g) have to be considered in the light of Article 21 of the Constitution, which provides that no person shall be deprived of his life and liberty except in accordance with the procedure established by law. Any disturbance of the basic environmental elements, namely, air, water and soil, which are necessary for 'life', would be hazardous to 'life' within the meaning of Article 21 of the Constitution.

33. In **Mohd. Abdul Qasim [(2024) 6 SCC 461]**, the Apex Court found that the word 'environment' shall not be understood from a narrow perspective. The 'environment' would include both animate and inanimate. Forests not only provide for and facilitate the sustenance of life, but they also continue to protect and foster it. Forests continue to tackle the ever-increasing carbon dioxide emissions produced by humans in the name of development while striving to sustain all species. Despite the unblemished, selfless and motherly service rendered by forests,



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the man, in his folly, continues with their destruction, unmindful of the fact that he is inadvertently destroying himself. Consequent to the advent of agriculture, man has destroyed a significant portion of forests at his own peril. Forests serve the earth in a myriad of ways, ranging from regulating carbon emissions, aiding in soil conservation and regulating the water cycle. Water being a life source, its availability for all life forms is heavily dependent upon the aquifers created by forests. Forests also play a pivotal role in controlling pollution, which significantly affects the underprivileged, violating their right to equality under Article 14 of the Constitution of India. It is the vulnerable sections of society that would be most affected by the depletion of forests, considering the fact that the more affluent sections of society have better access to resources as compared to them. Therefore, the protection of forests is in the interest of mankind, even assuming that the other factors can be ignored.

34. In **Mohd. Abdul Qasim [(2024) 6 SCC 461]**, the Apex Court found that there is a crying need for a change in our approach. Man, being an enlightened species, is expected to act as a trustee of the earth. It is his duty to ensure the preservation of the ecosystem and to continuously endeavour towards the



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protection of air, water and land. It is not his right to destroy the habitat of other species but his duty to protect them from further peril. A right to enjoy cannot be restricted to any specific group, and so also to human beings. The time has come for mankind to live sustainably and respect the rights of rivers, lakes, beaches, estuaries, ridges, trees, mountains, seas and air. It is imperative to do so as there is always a constant threat to forests due to the ever-increasing population. Man is bound by nature's law. Therefore, the need of the hour is to transform from an anthropocentric approach to an ecocentric approach, which will encompass a wider perspective in the interest of the environment. The concept of 'natural rights theory' is being evolved, which encapsulates recognising and acknowledging the rights of nature. Such a right is meant for the benefit of nature, inclusive of all species, both present and future. The concept of trusteeship and inter-generational equity ought to be understood from this perspective, as any deviation would cause not only degradation of the environment but also serious inequality between different species as well as amongst them. The idea is to recognise the importance of forests *qua* society, as their significance has to be seen in the light of their effect on the earth. Similarly, the concept



of sustainable development is to be understood from an ecocentric approach. First and foremost, it is the environment that needs to be sustained, while the anthropogenic development must follow later.

35. In **Mohd. Abdul Qasim [(2024) 6 SCC 461]**, the Apex Court reiterated the approach required to be adopted by the courts where the onus is on the violator to prove that there is no environmental degradation. There is a constitutional duty enjoined upon every court to protect and preserve the environment. The courts will have to apply the principle of *parens patriae* in light of the constitutional mandate enshrined in Articles 48A, 51A, 21, 14 and 19 of the Constitution of India. Therefore, the burden of proof lies on a developer or industrialist and also on the State, in a given case, to prove that there is no such degradation. Not being an adversarial litigation, the court shall utilise all possible resources, including scientific inventions, in its endeavour to preserve the environment. While adopting an ecocentric approach, the concept of inter-related existence has to be kept in mind. A narrow or pedantic approach should be avoided. While considering the economic benefits, the invisible value and benefits provided by the forests shall also be factored into. There has to be an inclusive



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approach, which should be society-centric, meaning thereby that all species should coexist with minimum collateral damage. The effort is to minimise the damage to the environment, even in a case where the need for human development is indispensable. While having a pragmatic and practical approach, courts will have to weigh the relevant factors and thus, perform a balancing act.

36. The specific contention taken in the report dated 31.01.2025 of the 6th respondent Deputy Director, is that since the area is having the legal status of a notified Reserve Forest, Wildlife Sanctuary and Tiger Reserve, the failure on the part of the Travancore Devaswom Board in the timely removal of garbage, including plastic and other toxic waste, deposited in the yard area of the incinerators and the area behind Hotel Haribhavan at Sabarimala Sannidhanam, is in violation of the provisions under the Wild Life (Protection) Act, 1972, as amended by the Wild Life (Protection) Amendment Act, 2022.

37. The Wild Life (Protection) Act, 1972, as amended by the Amendment Act of 2022, was enacted to provide for the conservation, protection and management of wildlife and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of



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the country. Clause (16)(a) of Section 2 of the Act, as amended by the Wild Life (Protection) Amendment Act, 2003 define the term 'hunting', with its grammatical variations and cognate expressions, to include killing or poisoning of any wild animal or captive animal and every attempt to do so. As per Section 9 of the Act, which deals with prohibition of hunting, no person shall hunt any wild animal specified in Schedules I and II, except as provided under Section 11 and Section 12.

38. Section 29 of the Act prohibits destruction, etc., in a sanctuary without a permit. As per Section 29, no person shall destroy, exploit or remove any wildlife including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wildlife from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit. As per the proviso to Section



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29, where the forest produce is removed from a sanctuary the same may be used for meeting the personal bona fide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose. As per the explanation to Section 29, for the purposes of this section, grazing or movement of livestock permitted under clause (d) of Section 33, or hunting of wild animals under a permit granted under Section 11 or hunting without violating the conditions of a permit granted under Section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of Section 24, including the bona fide use of drinking and household water by local communities until they are settled, shall not be deemed to be an act prohibited under this section.

39. Section 30 of the Act prohibits the causing of fire. As per Section 30, no person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary. Section 32 of the Act provides the ban on the use of injurious substances. As per Section 32, no person shall use, in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary.



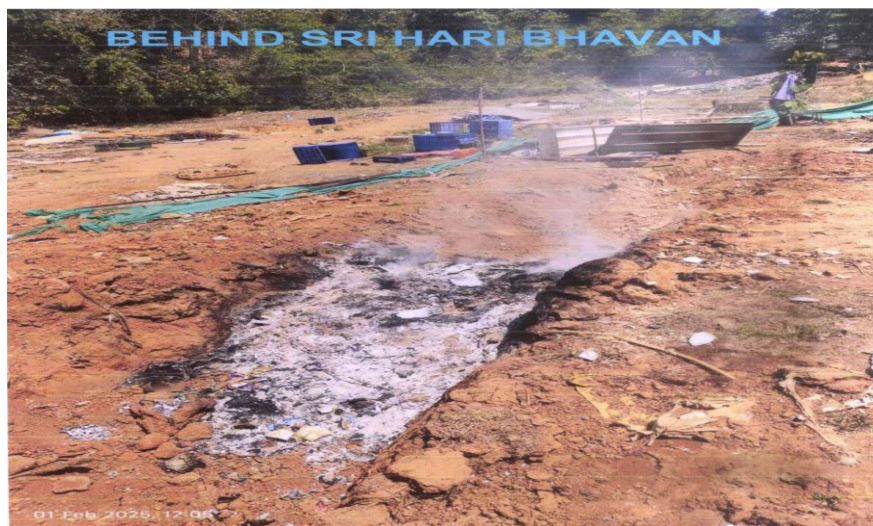
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40. Chapter VI of the Act deals with the prevention and detection of offences. Section 50 of the Act deals with power of entry, search, arrest and detention. Section 51 of the Act deals with penalties and Section 52 deals with attempts and abetment. As per Section 52, whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule or order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

41. As noticed in the inspection report dated 03.02.2025 of the 8th respondent Environmental Engineer, Kerala State Pollution Control Board, plastic waste littered in the open land beside the incinerator (unit 1) was burning at the time of the inspection conducted on 01.02.2025. Ashes from the previously burnt-out waste could be seen in that area, which is evident from Annexure R8(d) photograph. Similarly, ashes from the previously burnt-out waste could be seen in a trench in the area behind hotel Haribhavan, which is evident from Annexure R8(f) photograph. Annexures R8(d) and R8(f) photographs produced along with the inspection report dated 03.02.2025 of the 8th respondent Environmental Engineer are extracted hereunder;



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42. In the affidavit dated 21.02.2025 filed by the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, the said respondent has pointed out that though the kuthaka holders of the hotels are instructed to segregate food and plastic waste into biodegradable bags before disposal, many hotels continue to use single-use plastic garbage bags. Some hotels near Pandithavalam directly dump mixed waste



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into food waste pits, leading to plastic contamination. Despite Sabarimala being a plastic-free zone, a significant quantity of single-use plastic continues to be brought by pilgrims within Irumudikkettu (ഇരുമുടിക്കെട്ട്). Each Irumudikkettu contains approximately 20 grams of plastic (in the form of rose water bottles, turmeric, camphor, kumkum and bhasma covers), generating nearly 1.4 tons of non-recyclable plastic waste per day.

43. By the order dated 05.08.2015 in SSCR No.9 of 2015 - **Travancore Devaswom Board v. Government of Kerala [2015:KER:32130]** - a Division Bench of this Court ordered prohibition of use of plastic and other biohazardous materials at Sabarimala Sannidhanam and Pamba and also at the trekking path from Pamba to Sannidhanam. By the said order all officers concerned were directed to enforce the said prohibition strictly, without any fail.

44. By the order dated 15.12.2015 in DBP No.136 of 2015 - **George v. Executive Officer, Sabarimala [2016 (2) KLT 546]** - to ensure that plastic packing materials do not flow into Sabarimala or its precincts as part of holy Irumudies or other materials which the pilgrims would carry in the course of their pilgrimage to Sabarimala Sannidhanam, a Division Bench of this



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Court directed the Travancore Devaswom Board, Cochin Devaswom Board, Malabar Devaswom Board, Guruvayur Devaswom and Koodalmanikyam Devaswom to ensure that the use of plastic packing materials to hold the objects like camphor, turmeric and other materials in the holy Irumudies are effectively controlled and, if possible, curtailed. Whenever and wherever filling of Irumudikettu, i.e., Irumudinirakkal, which is a holy activity, is carried out in any of the temples under the different Devaswom Boards or under its control, including controlled establishments, the instructions that would be imparted to the pilgrims in all politeness by those institutions shall include the requirement to exclude plastic in any form, even as disposable bags and also as different materials, which they may carry for the purpose of the pilgrimage. The use of biodegradable materials, which could be alternatives, could also be considered for being made available in the temples to the extent it is found feasible and possible within the financial limits of the controlled institutions. In the said order the Division Bench has made it clear that the pilgrims coming from outside the State of Kerala should also be alerted that it is necessary to exclude plastic from Sabarimala and its precincts.



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45. By the order dated 13.11.2019 in SSCR No.9 of 2018, a Division Bench of this Court directed the Secretaries of all Devaswom Boards in Kerala, including Travancore Devaswom Board, Cochin Devaswom Board, Malabar Devaswom Board, Guruvayur Devaswom and Koodalmanikyam Devaswom to issue appropriate circulars to ensure that in the temples under them, wherever kettunira is being performed, plastic articles or any materials wrapped in plastic covers, viz., sachets, wraps, covers, etc. are not put in Irumudikkettu during kettunira. In the said order, it was made clear that, in such temples, if the pilgrims bring materials, to be in Irumudikkettu, in sachets, wraps or covers, they shall be cut open and the contents therein shall be transferred to ecofriendly covers or paper covers before putting it in Irumudikkettu. The Division Bench ordered that the directions contained in the circulars should be implemented scrupulously and any violations should be taken seriously, and appropriate action should be taken promptly.

46. On 20.12.2019, when SSCR No.9 of 2018 came up for consideration, the respective Standing Counsel for Travancore Devaswom Board, Cochin Devaswom Board, Malabar Devaswom Board and Guruvayur Devaswom submitted that in tune with the



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order dated 13.11.2019 circulars have already been issued. By the order dated 20.12.2019 in SSCR No.9 of 2018 - **Suo Motu v. Travancore Devaswom Board [2019:KER:77106]** - the Division Bench directed Registry to send a copy of the order dated 13.11.2019 as also the final order dated 20.12.2019 to the Administrator, Koodalmanikyam Devaswom, for the purpose of taking appropriate steps in tune with the order dated 13.11.2019. It was also ordered that the gist of the order dated 13.11.2019 shall be exhibited on the Virtual-Q platform for the information of the pilgrims.

47. Pursuant to the orders of the Division Bench in SSCR No.9 of 2018, the Chief Wild Life Warden has issued a proceedings dated 17.11.2018, under Sections 33, 33(b) and (c) and Section 4 of the Wild Life (Protection) Act to enforce plastic ban at Sabarimala. As per the said proceedings, if any licensee in Nilakkal, Pamba or Sabarimala Sannidhanam stocks or dispenses plastic in any form, for the first offence a fine of Rs.2,000/- has to be levied by the forest officials; whereas in the case of second offence the fine will be Rs.5,000/-. If the licensee still sticks to his stand and commits any further offence, the next course is to have the establishment closed down, for violation.



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48. In the judgment dated 11.01.2019 in SSCR No.29 of 2018 and connected writ petitions - **Suo Motu v. Travancore Devaswom Board [2019:KER:3366]** - after referring to the aforesaid orders in SSCR No.9 of 2018 and the proceedings dated 17.11.2018 of the Chief Wild Life Warden, the Division Bench sustained the proceedings dated 17.11.2018 of the Chief Wild Life Warden issued under Sections 33, 33(b) and (c) and Section 4 of the Wild Life (Protection) Act. The Division Bench ordered that a similar course shall be pursued in respect of the area beyond river Pamba as well, including the area within the jurisdiction of the Range Forest Officer, Goodrikkal Forest Division. The Division Bench directed the Forest and Devaswom authorities, the District Magistrate, Pathanamthitta and the Additional District Magistrates at Nilakkal, Pamba and Sannidhanam to take necessary steps to close down the shops at Nilakkal, Pamba and Sannidhanam, who violate the orders in SSCR No.9 of 2018, after issuing necessary proceedings/notice in that regard.

49. By the order dated 08.01.2024 in SSCR No.2 of 2024 - **Suo Motu v. State of Kerala and others [2024:KER:1097]** - a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, disposed of a report filed by the Special



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Commissioner, Sabarimala, regarding the presence of unauthorized hawkers/sellers of articles including plastic toys, plastic articles and drinking water in PET bottles at Nilakkal. In the said report, the Special Commissioner pointed out the order of this Court dated 09.12.2015 in DBP No.136 of 2012 and the order dated 13.11.2019 in SSCR No.9 of 2018. By the order dated 08.01.2024, the Division Bench disposed of SSCR No.2 of 2024, by directing the District Collector, Pathanamthitta, the District Police Chief, Pathanamthitta, the Deputy Director, Periyar Tiger Reserve (West Division), the Executive Officer, Sabarimala and the Secretary of Ranni-Perunad Grama Panchayat to prevent the sale of plastic bottles, packed drinking water in plastic/PET bottles and also the sale of plastic utensils and toys in Sannidhanam, Pamba and Nilakkal and also in the trekking path, by any kuthaka holder or unauthorised hawkers, through the Duty Magistrates, Inspectors of the Legal Metrology Department, the enforcement squad of Ranni-Perunad Grama Panchayat and also the Vigilance Wing of the Travancore Devaswom Board. In the said order, it was made clear that the Board shall take stern action against the kuthaka holders, who are selling packed drinking water in plastic/PET bottles and other plastic articles at Sannidhanam,



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Pamba and Nilakkal, in violation of clause No.43 of the general conditions which forms part of the tender notifications issued for auctioning the kuthaka rights. The Board was directed to close down the shops of the Kuthaka holders, who have violated clause No.43 of the general conditions. The Police, the District Administration and the Grama Panchayat were directed to take immediate steps to remove all unauthorised hawkers from Nilakkal, Pamba and Sannidhanam.

50. The learned *Amicus Curiae* for Special Commissioner would submit that despite various orders issued by this Court prohibiting the use of plastic and other biohazardous materials at Sabarimala, Pamba and Nilakkal, a significant quantity of plastic materials reaches Sabarimala and its precincts during every Mandala-Makaravilakku festival seasons and Maasapoojas.

51. As already noticed hereinbefore, it is stated in the affidavit dated 21.02.2025 filed by the 12th respondent Assistant Engineer (Environmental), Sabarimala Development Project, that many of the kuthaka holders of hotels are not segregating food and plastic waste into biodegradable bags before disposal. Many hotels continue to use single-use plastic garbage bags. Some of the hotels near Pandithavalam directly dump mixed waste into



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food waste pits, leading to plastic contamination. Moreover, a significant quantity of single-use plastic continues to flow into Sabarimala Sannidhanam by pilgrims in Irumudikettu. Each Irumudikettu contains approximately 20 grams of plastic (in the form of rose water bottles, turmeric, camphor, kumkum and bhasma covers), generating nearly 1.4 tons of non-recyclable plastic waste per day.

52. The stand taken by the 9th respondent Travancore Devaswom Board in the affidavit dated 21.02.2025 sworn to by the Secretary of the Board is that after considering the report dated 03.02.2025 of the 8th respondent Environmental Engineer, the Board in its meeting held on 19.02.2025 directed the Chief Engineer to provide necessary instructions to the 14th respondent Executive Engineer, Sabarimala Development Project, to take necessary steps to scientifically dispose of the waste by segregating it according to the Solid Waste Management Rules 2016, considering the threat to wildlife and environmental pollution due to unscientific dumping of solid waste including plastic near the incinerator at Sabarimala Sannidhanam. Therefore, the unscientific dumping of solid waste including plastic materials generated during Mandala-Makaravilakku festival



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season of 1200ME (2024-25), near the incinerator at Sabarimala Sannidhanam, is admitted in the said affidavit dated 21.02.2025 filed on behalf of the Travancore Devaswom Board.

53. As evident from Annexures R6(a) to R6(f) photographs [a few photographs extracted hereinbefore at paragraph 28] produced along with the report dated 31.01.2025 of the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), due to the failure of the Travancore Devaswom Board in removing the garbage in a time bound manner, elephants coming in herds started eating the garbage, including plastic and toxic materials from 21.01.2025 onwards. Herds of elephants include as its members, calves and sub-adults. As evident from Annexures R6(g) to R6(i) photographs [extracted hereinbefore at paragraph 29] the dung of elephants showed remnants of plastic waste.

54. As stated in the report dated 31.01.2025 of the 6th respondent Deputy Director, the consumption of plastic and plastic jaggery bags by wild elephants is catastrophic from the point of view of wildlife management. The remaining plastic waste would be still in their stomach, which could result in serious health issues for wild elephants. As per clause (16)(a) of Section 2 of the Wild Life (Protection) Act, 'hunting', with its grammatical variations and



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cognate expressions, includes killing or poisoning of any wild animal or captive animal and every attempt to do so. In view of the provisions under Section 9 of the said Act, no person shall hunt any wild animal specified in Schedules I and II, except as provided under Section 11 and Section 12.

55. As pointed out in the additional affidavit dated 20.03.2025 filed by the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), a female elephant aged above 40 years died at Valiyanavattom, Pamba, on 02.02.2014, due to consumption of plastic waste and around 8kg of plastic waste was recovered from its rumen during postmortem; a pregnant female sambhar deer aged 7 year died at Sabarimala Sannidhanam, on 28.12.2015, due to consumption of plastic waste and 4.7kg of plastic waste was recovered from its rumen during postmortem; and an elephant aged 10 years died at Pandarakkayam, Pamba, on 21.05.2018, due to consumption of plastic waste and 2kg of plastic waste was recovered from its rumen during postmortem.

56. Despite several orders passed by this Court banning plastic and non-biodegradable materials at Sabarimala, heaps of plastic waste, plastic jaggery bags and other non-biodegradable waste were dumped by the Travancore Devaswom Board and the



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kuthaka holders of commercial establishments at Sabarimala Sannidhanam, resulting in serious harm to the flora and fauna of the ecologically sensitive biodiversity hotspot inside Periyar Tiger Reserve.

57. As already noticed hereinbefore, Section 29 of the Wild Life (Protection) Act prohibits destruction, etc., in a sanctuary without a permit. In view of the prohibition contained in Section 30 of the Act, no person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary. In view of the provisions contained in Section 32 of the Act, no person shall use, in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary. Section 51 of the Act deals with penalties.

58. As evident from Annexures R8(d) and R8(f) photographs produced along with the inspection report dated 03.02.2025 of the 8th respondent Environmental Engineer, Kerala State Pollution Control Board [extracted hereinbefore at paragraph 41], plastic waste littered in the open land beside the incinerator (unit 1) at Sabarimala Sannidhanam was burning at the time of inspection conducted on 01.02.2025. Ashes from the previously



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burnt-out waste could be seen in that area, as evident from Annexure R8(d) photograph. Similarly, ashes from the previously burnt-out waste could be seen in a trench in the area behind Hotel Haribhavan, as evident from Annexure R8(f) photograph.

59. Since Sabarimala Sannidhanam is having the legal status of a notified Reserve Forest, Wildlife Sanctuary and Tiger Reserve, the unscientific dumping of solid waste including plastic waste, plastic jaggery bags and other non-biodegradable waste generated during Mandala-Makaravilakku festival season of 1200ME (2024-25) near the incinerator and the area behind Hotel Haribhavan at Sabarimala Sannidhanam, as evident from Annexures R6(a) to R6(f) photographs, and burning the said waste in open land, as evident from Annexures R8(d) and R8(f) photographs, are in violation of the provisions under the Wild Life (Protection) Act. We notice the specific stand taken in the affidavit dated 20.02.2024 filed by the 6th respondent Deputy Director, Periyar Tiger Reserve (West Division) that neither the Forest Department nor any of its officials have ever issued a direction to burn out the biodegradable or plastic waste inside the Periyar Tiger Reserve, since such an action would amount to violation of the provisions of the Wild Life (Protection) Act.



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60. In such circumstances, this SSCR is disposed of with the following directions;

(i) The 6th respondent Deputy Director, Periyar Tiger Reserve (West Division), is directed to proceed in accordance with law, under the provisions of the Wild Life (Protection) Act, against the persons responsible for unscientific dumping of solid waste including plastic waste, plastic jaggery bags and other non-biodegradable waste generated during Mandala-Makaravilakku festival season of 1200ME (2024-25) near the incinerator and the area behind Hotel Haribhavan at Sabarimala Sannidhanam, and for burning the said waste in open land, which had resulted in elephants coming in herds (including calves and sub-adults) started eating the garbage, including plastic and toxic materials, from 21.01.2025 onwards, which is catastrophic from the point of view of wildlife management, and the dung of elephants showed remnants of plastic waste.

(ii) the kuthaka holders of hotels and light refreshment stalls at Sabarimala Sannidhanam, Pamba, Nilakkal and at the trekking path from Pamba to Sannidhanam who fail to segregate food and plastic waste into biodegradable bags for disposal, or who directly dump mixed waste into food waste pits, leading to plastic contamination, shall also be proceed against, in accordance with law.

(iii) The ban on the use of plastic and other biohazardous materials at Sabarimala Sannidhanam, Pamba, Nilakkal and also at the trekking path from Pamba to Sannidhanam, in terms of various orders of this Court, shall be implemented scrupulously by all concerned and any violation by kuthaka



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holders or hawkers shall be taken seriously and appropriate action shall be initiated against them.

(iv) In view of the proceedings dated 17.11.2018 issued by the Chief Wild Life Warden under Sections 33, 33(b) and (c) and Section 4 of the Wild Life (Protection) Act, which was one issued in terms of the directions contained in the orders of this Court in SSCR No.9 of 2018, if a kuthaka holder at Sabarimala Sannidhanam, Pamba, Nilakkal and also at the trekking path from Pamba to Sannidhanam stocks or dispenses plastic in any form, for the first offence a fine of Rs.2,000/- has to be levied by the Forest officials; whereas in the case of second offence the fine will be Rs.5,000/-. If the kuthaka holder still sticks to his stand and commits any further offence, the next course is to have the establishment closed down, for such violation. The Travancore Devaswom Board, through the Executive Officer, Sabarimala, shall close down the establishment of the kuthaka holder who commits offence for the third time. Such offences committed by the kuthaka holders and the proceedings initiated against them shall be reported to the Special Commissioner, Sabarimala, so as to enable the Special Commissioner to bring it to the notice of this Court through periodical reports.

(v) in terms of the directions issued by a Division Bench of this Court in the order dated 15.12.2015 in DBP No.136 of 2015 - **George v. Executive Officer, Sabarimala [2016 (2) KLT 546]** - the Travancore Devaswom Board may inform the pilgrims, including those coming from outside the State of Kerala, in all politeness, the requirement to exclude plastic materials, including plastic packing materials viz. sachets, wraps, etc. to hold the objects in the holy



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Irumudies. An advisory to that effect shall be published on the Virtual-Q platform, for the information of the pilgrims.

(vi) The Travancore Devaswom Board shall consider the suggestions made by the 12th respondent Assistant Engineer (Environmental) in paragraph 10 of the affidavit dated 21.02.2025, for improved solid waste management at Sabarimala, in consultation with the Kerala State Pollution Control Board and the Deputy Director, Periyar Tiger Reserve (West Division), and take an appropriate decision without any delay.

Sd/-
ANIL K. NARENDHAN, JUDGE

Sd/-
MURALEE KRISHNA S., JUDGE

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APPENDIX OF SSCR 5/2025

RESPONDENT ANNEXURES

- ANNEXURE R 6 (A) TRUE PHOTOGRAPHS OF THE PICTURES OF ELEPHANTS IN HERDS CONSUMING THE WASTE MATERIALS FROM THE YARD AREA.
- ANNEXURE R6 (B) TRUE PHOTOGRAPHS OF THE PICTURES OF ELEPHANTS IN HERDS CONSUMING THE WASTE MATERIALS FROM THE YARD AREA
- ANNEXURE R 6 (C) TRUE PHOTOGRAPHS OF THE PICTURES OF ELEPHANTS IN HERDS CONSUMING THE WASTE MATERIALS FROM THE YARD AREA
- ANNEXURE R 6 (D) TRUE PHOTOGRAPHS OF THE PICTURES OF ELEPHANTS IN HERDS CONSUMING THE WASTE MATERIALS FROM THE YARD AREA
- ANNEXURE R 6 (E) TRUE PHOTOGRAPHS OF THE PICTURES OF ELEPHANTS IN HERDS CONSUMING THE WASTE MATERIALS FROM THE YARD AREA
- ANNEXURE R 6 (F) TRUE PHOTOGRAPHS OF THE PICTURES OF ELEPHANTS IN HERDS CONSUMING THE WASTE MATERIALS FROM THE YARD AREA
- ANNEXURE R6 (G) THE PHOTOGRAPHS OF THE DUNG OF THE WILD ELEPHANTS SEEN DEPOSITED IN THESE AREAS SHOWING REMNANTS OF PLASTIC IN THE DUNG.
- ANNEXURE R 6 (H) THE PHOTOGRAPHS OF THE DUNG OF THE WILD ELEPHANTS SEEN DEPOSITED IN THESE AREAS SHOWING REMNANTS OF PLASTIC IN THE DUNG.
- ANNEXURE R6 (I) THE PHOTOGRAPHS OF THE DUNG OF THE WILD ELEPHANTS SEEN DEPOSITED IN THESE AREAS SHOWING REMNANTS OF PLASTIC IN THE DUNG.
- ANNEXURE R8 (G) PHOTOGRAPHS OF THE INCINERATOR SHED OF UNITS 2 AND 3.
- ANNEXURE R8 (A) TRUE COPY OF THE LIST OF OFFICIALS, WHO ATTENDED THE INSPECTION.



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ANNEXURE R8 (B)	PHOTOGRAPHS OF THE INCINERATOR SHED (UNIT 1) AND THE NEARBY JAGGERY BAG SHED-1.
ANNEXURE R8 (C)	PHOTOGRAPHS TAKEN NEAR TO THE INCINERATOR SHED (UNIT 1).
ANNEXURE R8 (D)	PHOTOGRAPHS OF THE OPEN LAND BESIDE THE INCINERATOR UNIT, WHERE LITTERED PLASTIC WASTE WAS SEEN BURNING.
ANNEXURE R8 (E)	PHOTOGRAPHS OF THE HEAPS OF METAL SCRAP LIKE ROOFING SHEETS IN THE INCINERATOR PREMISES.
ANNEXURE R8 (F)	PHOTOGRAPHS OF THE AREA BEHIND/BACK SIDE OF THE HOTEL SRI HARIBHAVAN.
ANNEXURE R8 (H)	TRUE COPY OF THE COMMUNICATION NO. PCB/PTA/L/237/2025 DATED 1-2-2025 ISSUED BY THE POLLUTION CONTROL BOARD.
ANNEXURE R6 (J)	JAGGERY BAGS HEAPED NEAR BY INCINERATOR UNIT 1 COPMEATLY REMOVED PHTOGRAPH.
ANNEXURE R6 (K)	PARTIALLY REMOVED PLASTI WASTE PILES PHOTOGRAHS.
ANNEXURE R (L)	TRENCH BEHIND THE INCINARATOR UNIT 1 WITH PARTIALLY BURNED PLASTIC WATE AND ASHESARE FULLY COVERD WITH SOIL OF PHOTOGRAPHS.
ANNEXURE R6 (M)	METAL SCRAPS NEAR BY INCINERATOR PREMISIS OF PHOTOGRAPHS
ANNEXURE R6 (N)	PLASTIC AND OTHER WASTES DUMPED BEHIND HOTEL OF PHOTOGRAPHS
ANNEXURE R6 (O)	METAL SCRAPS AND BIODEGRADABLE WASTES ARE STILL NOT REMOVED OF PHOTOGRAPHS.
ANNEXURE R9 (A)	TRUE COPY OF THE ORDER VIDE R.O.C.16147/24/M DATED 13-02-2025 ISSUED



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BY THE SECRETARY, TRAVANCORE DEVASWOM
BOARD TO THE EXECUTIVE ENGINEER, S.D.P.,
PATHANAMTHITTA

ANNEXURE R9(B)

TRUE COPY OF THE ORDER VIDE
R.O.C.16147/24/M DATED 13-02-2025 ISSUED
BY THE SECRETARY, TRAVANCORE DEVASWOM
BOARD TO THE ASSISTANT ENGINEER,
ENVIRONMENTAL, S.D.P.