



"C.R"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

THURSDAY, THE 11TH DAY OF DECEMBER 2025 / 20TH AGRAHAYANA, 1947

WP(C) NO. 40728 OF 2024

PETITIONER/S:

SHANAVAS S.N., AGED 39 YEARS,
S/O. NOORUDHEEN KUNJU, RESIDING AT 11/28,
SHANALAYAM, KARUVELIPPADY,
KOCHI, PIN – 682006.

BY ADVS. SRI. K. K. ASHKAR
SMT. ASHIRA MOHAMED ASHROF

RESPONDENT/S:

- 1 STATE OF KERALA,
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REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY.
- 2 KERALA GROUND WATER AUTHORITY,
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2025:KER:95421

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ERNAKULAM, PIN – 682033.
REPRESENTED BY ITS SECRETARY.
- 13 ELOOR MUNICIPALITY,
MUNICIPAL BUILDINGS, ELOOR,



UDYOGAMANDAL P. O., ERNAKULAM, PIN – 683501,
REPRESENTED BY ITS SECRETARY.

- 14 CHOORNIKKARA GRAMA PANCHAYAT
THAYIKKATTUKARA P.O., COMPANYPADI JUNCTION,
ALUVA, PIN – 683106,
REPRESENTED BY ITS SECRETARY.
- 15 KADUNGALLOOR GRAMA PANCHAYAT
MUPPATHADAM P.O, ALUVA, PIN – 683110.
REPRESENTED BY ITS SECRETARY.
- 16 MUHAMMED SAYID, KARUVALLI HOUSE, CUSAT P. O.,
SOUTH KALAMASSERY, PIN – 682022.
- 17 SHUKOOR, KARUVALLI HOUSE, CUSAT P. O.,
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- 18 JAMAL, MACHANIKAL HOUSE, CUSAT P O.,
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- 19 SHAMSUDEEN P. B., PERIYAM KUNNATH HOUSE,
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- 20 SOMAN, ALAMBIL HOUSE, VADACODE P.O.,
KANGARAPADY, PIN – 682021.
- 21 SHAJAHAN, ANIKATH HOUSE,
KAIPADAMUGAL, VADACODE P.O.,
KALAMASSERY, PIN – 682021.
- 22 R. RAMACHANDRAN, THETTAYIL BUILDING,
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NEAR BEVCO OUTLET,
SOUTH KALAMASSERY, PIN – 682022.
- 23 SHAMSUDEEN P. B.,
PERIYAM KUNNATH HOUSE,
CHANGAMPUZHA NAGAR P.O.,
KALAMASSERY, PIN – 682033.
- 24 BAKER, KARIYAPURAM HOUSE,
CHANGAMPUZHA NAGAR P.O., KALAMASSERY,
NEAR PATHADIPALAM MUSEUM, PIN – 682033.



- 25 DAVIS, SHANTHIGRAM L. C. T. A,
CHANGAMPUZHA NAGAR P.O., OPP: PWD REST HOUSE,
SOUTH KALAMASSERY., PIN – 682033.
- 26 RAPHEL V. T., VADAKKAL HOUSE,
KUTTIKATTUKARA P.O., PATHALAM,
ELOOR, PIN – 683501.
- 27 ALI BAVAKUNJU,
ALINAPARAMBIL HOUSE, KARIPAI ROAD,
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- 28 UBAID M. I., KUTTIKATTUKARA P.O.,
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- 29 DAVID M.J.,
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ALUVA, PIN – 683106.
- 30 TRESA BINI, KUMERACHATH HOUSE,
NAZAREEM ROAD, CHEERAKADA,
ALUVA, PIN – 683101.
- 31 ALI P.A., PERIYAR WATER,
NEAR KSRTC GARAGE,
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ALUVA, PIN – 683546.
- 32 ALI P.A., PANDARATHIL HOUSE,
SHANA MANZIL, 954, THENGODE P.O.,
EDACHIRA, KAKKANAD, PIN – 682030.

R1 BY SPECIAL GOVERNMENT PLEADER SRI. P.I. DAVIS,

R9 BY ADV. SRI. T. NAVEEN,

R15 BY ADV. SRI. DINESH MATHEW J. MURICKEN,
SMT. NAYANA VARGHESE,

BY ADVS. SRI. P. M. JOHNY
SRI. K. S. ARUN KUMAR
SRI. ANIL K. MUHAMED

W.P.(C). 40728 of 2024

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2025:KER:95421

SRI. VINOD S. PILLAI
SRI. JERRY PETER
SRI. JUSTINE JACOB
BY ADV. MS. ANJANA KANNATH, AMICUS CURIAE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.12.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



“C.R.”

JUDGMENTDated this the 11th day of December, 2025**Nitin Jamdar, C.J.**

This public interest petition seeks to highlight various issues regarding ground water in Kerala, such as contamination, unsustainable drawal, and the unregulated collection by tankers from unauthorized and substandard water-vending points causing serious health hazards.

2. By order dated 7 February 2025, Ms. Anjana Kannath, learned counsel, was appointed as Amicus Curiae. The learned Amicus Curiae has submitted a detailed note.

3. The Petitioner and the learned Amicus Curiae submit that, apart from various issues highlighted in the petition as regards Ernakulam District, one of the most thickly populated areas in the State, the water sources are affected by saline intrusion. Due to the scarcity and shortage of drinking water, the unhygienic supply of ground water poses a serious threat. They contend that due to the contamination of water, a number of waterborne diseases are reported in Ernakulam. They submit that this problem persists in varying degrees in other parts of Kerala as well.

4. In the year 2018, a *suo motu* petition was initiated by this Court titled *Depletion of Ground Water Resources v. State of Kerala and Others*¹, wherein the State Government, the District Administration, and the local authorities were directed to ensure the regulation of ground water supply.

1 ILR 2022 (1) Ker. 627



The Court directed to ensure that the ground water is withdrawn by the commercial establishments and other bulk water supply operators only after securing necessary clearances and licenses from the statutory authorities. The District Administration and Local Self Government Institutions were directed to check that wells are not dug up, without securing permits / licenses, in accordance with the provisions of the Kerala Municipalities Act, 1994, the Kerala Panchayat Raj Act, 1994, and the rules framed thereunder. Periodical inspections were directed to ensure compliance with the statutory provisions. Similar directions were issued by this Court in the case of *Sali M. N. v. State of Kerala*². According to the Petitioner, despite the directions of this Court, the issues regarding ground water persist, and since the Authorities are not taking cognizance of the same, this petition is filed seeking a direction to the Respondents Authorities to enforce compliance with the statutory provisions.

5. Both, the Central and State Governments, acknowledging that illegal ground water extraction exist and pose a major challenge to economy and ecology, have enacted several measures. The Central Ground Water Authority (CGWA) was constituted under Section 3 of the Environment (Protection) Act, 1986 (Act of 1986), as per the directions of the Hon'ble Supreme Court. Its primary objective is to regulate and manage ground water resources in India by issuing guidelines and monitoring ground water extraction. The CGWA has the powers to issue directions and take measures regarding ground water management, resort to penal provisions

2 2023 (1) KHC 48



under the Act of 1986 and the like. On 29 March 2023, the CGWA issued consolidated guidelines to regulate and control ground water extraction in India.

6. The Kerala Legislature also took note that indiscriminate extraction of ground water continues in certain areas of the State, and that such erratic extraction is resulting in undesirable environmental consequences. Recognising that the ground water is a critical resource, the Legislature found it necessary in the public interest to regulate the use and development of ground water. Accordingly, the Kerala Ground Water (Control and Regulation) Act, 2002 (Act of 2002) was enacted to provide for the conservation of ground water and for the regulation and control of its extraction and use in the State of Kerala. Under Section 2(1)(c) of the Act of 2002, 'Ground Water' means the water which exists below the surface of the ground at any location or at any particular category of locations. Section 3 of the Act of 2002 constitutes the State Ground Water Authority. The Authority, a body corporate with perpetual succession and a common seal, is an independent entity. The Authority consists of the Secretary to Government, Water Resources Department, as its ex officio Chairman; the Secretary to Government, Finance Department, ex officio; the Secretary to Government, Local Self Government (Rural Development) Department, ex officio; and the Director, Ground Water Department, ex officio, who serves as the Secretary of the Authority. It also consists of members nominated by the Government, namely two members of the Legislative Assembly, an expert in Water Resources, a member of a Gram Panchayat, a member of a



Municipal Council, a member belonging to a Scheduled Caste or Scheduled Tribe, a woman, a public personality, and an environmental activist. Under Section 5 of the Act of 2002, all officers and employees of the Ground Water Department are considered to be the officers and staff of the Authority and they shall exercise the powers and perform the duties assigned to them from time to time by the Authority in writing, provided that the Government may depute such number of scientists and technicians, as may be necessary.

7. The State Ground Water Authority has the power to grant permit to extract and use ground water under Section 7 of the Act of 2002. Section 8 contemplates registration of the existing wells. Section 9 provides for registration of user of the ground water. The Authority is tasked with the important function under Section 10 of the Act of 2002 of protecting public drinking water sources. No person can, without obtaining prior permission from the Authority, dig a well within a particular distance, as specified therein, from any drinking water sources for public purposes. Section 13 provides for grants from the State Government. As per Section 13, the Government shall, after due appropriation made by the State Legislature by law in this behalf, provide to the Authority by way of grants such sum of money as it may consider necessary for carrying out the purposes of the Act of 2002.

8. Section 14 of the Act of 2002 constitutes a fund for the purposes of the State Ground Water Authority. As per Section 14, the fund is to be



called the Ground Water Authority Fund, to which all sums of money received by the Authority, by way of grant, loan or otherwise from the Central or State Governments or from financial institutions, by or on behalf of, the Authority, shall be credited to it. The State Ground Water Authority Fund is to be utilised for meeting expenses for the activities of the Authority. The Authority is empowered to carry out various functions in respect of regulation of ground water. These are enumerated under Section 15 of the Act of 2002. These powers include, *inter alia*, to enter any property and to measure the quantity of water located on the surface of earth or under the earth. It can inspect any well which is dug or being dug and the soil and other materials excavated therefrom. The Authority is empowered to take samples of such soil or other materials or water extracted on such wells. The Authority can issue orders in writing to the persons digging a well to keep and preserve in such manner as may be prescribed, the samples of soil or materials extracted from there as directed by the Authority for a period not exceeding three months from the date of completion or abandonment of the work. The Authority is empowered to require the user of ground water to install water measuring instrument in any water supply machinery when it is necessary for the proper use of water or there is reason to believe that the user is not complying with the provisions contained in the Act of 2002 or to protect public interest. The Authority can enter and search any place with such assistance as is deemed necessary, if there is reason to believe that an offence under the Act of 2002 has been committed or is being committed and to order in writing the



person, who has committed or is committing the offence not to use the ground water for a specified period not exceeding thirty days. The Authority can perform such functions as may be assigned by the Government from time to time in accordance with the objective of the Act of 2002. In case where any user of ground water makes any default in doing any act, the Authority has the power to perform such act directly and or realize the expense incurred in that behalf from that person in such manner as may be prescribed. In general, the Authority is vested with powers that may be necessary for implementation of the objects of the Act of 2002 or the rules made thereunder. Thus, the Act of 2002 confers important and wide powers on the Authority with respect to ground water in the State.

9. Section 25 of the Act of 2002 mandates that the State Ground Water Authority shall maintain true and proper accounts and other relevant records, and prepare an annual statement of accounts and a balance sheet showing its income and expenditure in such form and manner as may be prescribed. The accounts of the Authority are to be audited as per the provisions of the Kerala Local Fund Audit Act, 1994, and the audited and certified accounts, together with the audit report, are to be laid before the Legislative Assembly. Under Section 27 of the Act of 2002, the State Government has the power to make rules for the subject such as service condition of the members of the Authority, procedure for convening meetings of the Authority, powers and functions of the Secretary of the Authority, duties and service conditions of the staff of the Authority, etc.



10. Pursuant to Section 27 of the Act of 2002, the Kerala Ground Water (Control and Regulation) Rules, 2004 (Rules of 2004) have been framed. Rule 3 of the Rules of 2004 stipulates that the State Ground Water Authority shall meet at least once in two months, and the Secretary shall fix the time and place of the meeting after consultation with the Chairman, who shall preside over it. In the absence of the Chairman, the members present may elect one among themselves to preside. The Secretary shall also convene an extraordinary meeting of the Authority, with the approval of the Chairman, if at least three members submit a written request for the same. The non-official members of the Authority are entitled to travelling allowance for attending the meetings.

11. Rule 12 of the Rules of 2004 specifies the powers of the Secretary. As per Rule 12, the Secretary shall have powers to undertake works for the normal day-to-day functioning of the State Ground Water Authority, to sanction expenditure in connection with the functioning of the Authority, and to call for and approve tenders for the purchase of materials for the Authority. The Rules of 2004 also provide for procedures for granting permits for digging new wells, converting the existing wells into pumping wells, registration of the existing wells, and registration as the user of ground water. Various forms for making applications are appended to the Rules of 2004.

12. Therefore, in Kerala, the Legislature having acknowledged the dangers of ground water exploitation and the environmental hazards it causes, has



2025:KER:95421

constituted a specific authority, that is, the State Ground Water Authority, with wide powers and functions. It is, therefore, crucial that this Authority is functional and diligent in its task if the issues relating to ground water in Kerala are to be dealt with as envisaged by the Legislature. With this aspect in mind and that the regulation of ground water will fall within the jurisdiction of the State Ground Water Authority, emphasising the importance of proper functioning of the Authority, by order dated 24 June 2025, it was directed that a counter affidavit be filed by the Secretary of the Authority. The affidavit has to address the issues, namely, the notification constituting the Authority, the composition of the Authority, including the details of the persons nominated, particulars regarding the granting and refusal of permits for ground water extraction, registration of wells in the last one year, and the contribution and status of the Ground Water Authority Fund. On 21 July 2025, the details of the composition of the Authority were placed on record. These include the details of the ex officio and nominated members. The details regarding the grant and refusal of permit for ground water extraction were also stated in the counter affidavit and as regards the functioning of the State Ground Water Authority, the following facts were placed on record:

“13. Contribution and status of the Ground Water Authority Fund: To enable the State Ground Water Authority to carry out its functions efficiently, a fund called the Ground Water Authority Fund is to be constituted under Section 14 of the Act of 2002, which will include grants from the State Government. In this regard, the Department has submitted proposals for the allocation of a



dedicated budget head for the Authority. Based on this, the Government has issued orders vide G.O. (Rt) No. 3620/2025/Finance and G.O. (Rt) No. 3621/2025/Finance, both dated 15.04.2025, for the opening of new revenue and expenditure heads specifically for the Ground Water Authority.

14. The State Ground Water Authority do not have a separate budget head until 15.04.2025 and the expenditure regarding the Ground Water Authority are being met from the plan fund of the Department, allocated under the Scheme for "Control and Regulation of Groundwater Exploitation – HOA — 2702-02-005-93". The State Ground Water Authority has submitted various proposals for the allocation of a dedicated budget head to Government. Based on this, the Government has finally issued orders vide G.O.(Rt) No.3620/2025/ Finance and G.O.(Rt) No.3621/2025/Finance dated 15.04.2025, for the opening of new revenue and expenditure heads specifically for the Ground Water Authority. As per the direction of the Government, the Department has submitted the proposal for re-appropriating an amount of ₹25 lakhs from the Department Plan Scheme "Control and Regulation of Groundwater Exploitation – HOA — 2702-02-005-93 to the newly created authority budget head on 27.05.2025 and the proposal is under the consideration of the Government."

This is the state of affairs in 2025. Though the statute was enacted in 2002, the State Ground Water Authority did not have a separate budget head till 15 April 2025. The Government issued an order on 15 April 2025 only to open a new revenue-expenditure head specifically for the Ground Water Authority, and a proposal was submitted to re-appropriate an amount of



₹25 lakhs. Whether the amount has actually been credited to the fund was not clear.

13. Thereafter, pursuant to the order dated 29 July 2025, an additional counter affidavit was filed wherein it was stated that the details regarding the progress made by the State Ground Water Authority since its constitution and the decisions taken therein were submitted. After the new budget heads (revenue and expenditure) were created as per the Government Order dated 15 April 2025, a proposal was submitted for re-appropriating an amount of ₹25 lakhs from the Department Plan Scheme “Control and Regulation of Groundwater Exploitation – HOA – 2702-02-005-93” to the newly created budget head of the Authority on 27 May 2025. Thereafter, the Finance Department re-appropriated the full amount of ₹25 lakhs into the Authority's expenditure head on 28 June 2025.

14. With respect to the functioning of the State Ground Water Authority, it was submitted that five meetings have been held so far, the most recent being on 30 July 2025. The details of these meetings have been placed on record. However, it is necessary to note that under Rule 3(1) of the Rules of 2004, the Authority is required to meet at least once every two months, and the proceedings and decisions of each meeting must be duly recorded. The five meetings conducted since 2023 have fallen short of the mandatory requirement prescribed under Rule 3(1).

15. It is also relevant to note that the Ground Water Department of the State is distinct from the Kerala Ground Water Authority, which was



established under the special legislation, the Act of 2002, as an independent body for the conservation and regulation of ground water in the State. During the hearing, this distinction appeared to be blurred by the Respondents, till we directed, on 12 August 2025, that the Secretary of the Kerala Ground Water Authority, in his capacity as Secretary of an independent Authority, place before us whether the funds are adequate and whether the Authority has sufficient infrastructure.

16. It was only after the issuance of specific direction on 12 August 2025 that the affidavit came to be filed by the Member Secretary of the Kerala Ground Water Authority in his capacity as such. In its affidavit, the Member Secretary has candidly recorded the position which reflects that the functioning is being handicapped for want of infrastructural support. The position described by the Secretary of the Authority is as follows:

“A. As per Section 14 of the Ground Water (Control and Regulation) Act, 2002, it was stated to create a specific account for Ground Water Authority to carry out its functions efficiently, which will also include grants from the State Government. In this regard, as per the State Ground Water Authority directives, the Department has submitted proposals for the allocation of a dedicated budget head for the Authority. Based on this, New Budget heads (revenue and expenditure heads) for the State Ground Water Authority (hereinafter referred as SGWA) was created by the Government as per G.O.(Rt.) No.3620/2025/Fin. and G.O.(Rt) No.3621/2025/Fin. respectively. As per the Government direction, the Department submitted a proposal for re-appropriating an amount of Rs.25 lakhs from the Department Plan Scheme “Control and Regulation of Groundwater Exploitation – HOA – 2702-02-005-93 to



the newly created authority budget head on 27.05.2025. Thereafter, the full amount of Rs.25 lakhs was subsequently re-appropriated by the Finance Department into the expenditure head of the SGWA on 28.06.2025.

B. The Department has submitted a plan proposal for the financial year 2026-27, for an amount of Rs.665 lakhs under the new expenditure budget head of SGWA for implementation of the Ground Water (Control & Regulation) Act, 2002, to provide for the conservation of ground water and for the regulation and control of its extraction and use in the State of Kerala. The proposed expenditure under this head for the financial year 2026-27 are mainly for convening of SGWA Meetings, expenditure incurred by the Authority while exercising its powers under the Act, procurement of pumping test units, and Procurement of a vehicle for streamlining and facilitating the activities of SGWA.

C. The pumping test units are used for assessing the safe yield of ground water sources which is necessary for issuance of ground water extraction NOCs, and for assessing unscientific and illegal extraction etc. The registration of the 3 pumping test units available in the Department will be cancelled during July 2026 as per the vehicle scrappage policy. Hence, procurement of new pumping test units are inevitable to continue providing essential services which, in turn, ensure the ground water management. Out of Rs.665 lakhs proposed, an amount of Rs.650 lakhs are proposed for procurement of 7 number of pumping test vehicles for the financial year 2026-27.

D. It is important to highlight that, despite the constitution of the State Ground Water Authority (SGWA) in 2004, the Authority still does not have a permanent cadre of technical staff, except temporary sitting members. This is a significant lacuna, considering the wide range of



responsibilities entrusted to the Authority.

E. As per Section 5 of the Kerala Ground Water (Control and Regulation) Act, 2002, it is stated that all officers and employees of the Ground Water Department shall, for the purpose of this Act, be deemed as officers and staff of the Authority, and they shall exercise such powers and duties as may be assigned by the Authority from time to time. Section 5 of the Kerala Ground Water (Control & Regulation) Act, 2002 further provides that the Government may depute such number of scientists and technicians as deemed necessary for the proper functioning of the Authority.

F. The SGWA, in its 20 meeting, had observed that the activities of the Authority are manifold and expanding at different levels. The 31st meeting of the SGWA further note that operational activities, including ensuring compliance with conditions and criteria for ground water extraction, are being hindered due to shortage of staff. The 8th report of the 4th Administrative Commission report also pointed out that implementation of the provisions of the Kerala Ground Water (Control and Regulation) Act, 2002 has not been successful due to lack of sufficient awareness among the community, human resource constraints of the Departments, etc. Accordingly, as per SGWA directives, and Section 5 of the Kerala Ground Water (Control & Regulation) Act 2002, Department has submitted proposals for sanctioning additional posts for carrying out the works related with SGWA effectively, but the proposal was rejected citing financial constraints of the Government.

G. The Ground Water Department has been functioning in the State since 1978. Over these years, the scope of its work had expanded manifold, covering ground water control, regulation, conservation and management. However, the staff pattern of the Department has remained



the same since its inception in 1978. At present, only one office is functioning in each district.

H. The State Ground Water Department acts as the nodal agency for ground water development and management in the State. The schemes of the Department are mainly demand based services. The services of the Department are scientific in nature and are extended to both private individuals and Government agencies. The Department is mainly entrusted with the plan scheme activities which mainly include ground water investigation and drilling, yield testing, artificial recharge activities, implementation of the ground water based drinking water supply schemes, ground water quality monitoring, conducting Mass Awareness Programmes on Ground Water Conservation and Management to the public, addressing of public grievances, etc.

I. Besides the plan schemes, the Department also had to carry out large number of schemes deposited by the local bodies, peoples representatives, institutions, etc. These works are not reflected in the plan expenditure but induce huge work load to the existing staff and limited infrastructure.

J. Apart from the above, the Department also carry out the works related to Central sector schemes such as National Hydrology Project, a Central Sector Scheme co-funded by the World Bank, aimed at, improving water resources information and strengthening management institutions nation-wide, Spring Census Programme (2025-26), a nation wide initiative to systematically collect scientific data on the condition and characteristic of all natural springs. The Department is deputed as the nodal officer for Spring Census Programme and 1st spring census activities (2025-26) are being progressing.



K. The Ground Water Department is also entrusted as the Nodal Department in the State for vitalizing the activities of JSACTR (Jal Shakti Abhiyan – Catch the Rain) from 2022 onwards. This programme aims to improve water security through water harvesting and conservation measures, promoting water conservation and management programmes, strengthening ground water management, and conducting widespread awareness campaigns.

L. In addition to this, the Department also carry out the works entrusted by SGWA from time to time, including activities regarding issue of ground water extraction NOCs for industrial, infrastructural and commercial projects, conducting yield test of groundwater sources, permit / conversion permits in notified areas, CRZ clearance NOCs, private drilling registration, addressing of illegal extraction grievances of public, other various activities as defined by prevailing Groundwater (Control & Regulation) Act 2002, framing of ground water extraction and management policies including formulation of guidelines/Act revisions from time to time, etc.

M. The Department is also facing severe human resource constraints, with the existing officers and employees in discharging all the works mentioned above from time to time. Hence, the Department has to be strengthened with ample manpower and infrastructure for the proper ground water management in the State.

N. In order to ensure effective regulation, compliance monitoring, enforcement against violations, and sustainable management of ground water resources, the SGWA has to be provided with a permanent cadre of regular staff, including qualified scientists and technical officers by sanctioning additional posts in the department. This will enable the SGWA to function as envisaged under the Kerala Ground Water (Control & Regulation) Act, 2002 and meet



the present and future challenges of ground water management in the State.”

(emphasis supplied)

The underlined portions of the affidavit highlight the need for intervention in the interest of this State Ground Water Authority. The Authority needs a permanent and adequately staffed technical cadre, including scientists, engineers, and supporting personnel. It also needs sufficient financial allocation to operationalise its mandate, including funding for field equipment such as pumping test units, vehicles, and office infrastructure, and a revised staffing pattern.

17. Thus, it is a matter of serious concern that the Authority entrusted with regulating ground water exploitation in Kerala remains unable to perform its mandated functions effectively due to inadequate infrastructure and institutional capacity. The functions of the Kerala Ground Water Authority are intrinsically connected with human life, as ground water sustains ecosystems, supports agriculture, and secures drinking water. Under-performance of the Authority will frustrate the legislative intent behind the enactment, which seeks to prevent over-exploitation and contamination of ground water and to establish a dedicated regulatory Authority for its protection and management. Protection and proper management of this resource are vital for safeguarding public health, preserving ecological stability, and ensuring long-term water security. Illegal and unregulated extraction undermines these objectives and poses serious risks. Without an effective framework to prevent such violations, ground



water levels may decline, leading to serious consequences. It is necessary to put in place appropriate regulatory and enforcement measures to curb unlawful withdrawals and misuse of ground water. Further, adequate financial support must be ensured for research, monitoring, and assessment. This will enable the formulation of scientifically based extraction limits and the adoption of sustainable practices.

18. The State has a statutory obligation under the Act of 2002 to ensure the proper functioning of the Ground Water Authority. Under Section 14, the State is required to constitute a dedicated fund for the Authority. Further, in terms of Section 5, the Authority must be provided with its own administrative framework and staff, while the Government may appoint scientists and experts on deputation to support its technical functions. Failure to operationalise the Authority defeats the very purpose of the statute, especially since the problem of ground water over-exploitation was expressly recognised and sought to be addressed by the Legislature through the Act of 2002. In view of the importance of ground water and the risks of its unregulated use, it is necessary that the State ensure that the Ground Water Authority becomes fully functional and performs its responsibilities effectively. The Authority is also expected to perform diligently, convening meetings at least once every two months.

19. Having considered the significance of the Kerala Ground Water Authority, the legislative purpose underlying its creation, the statutory framework governing its functioning, and the present deficiencies in



infrastructure and operational capacity, we are of the view that mandatory directions are now necessary to ensure that the Authority becomes fully functional without further delay.

20. Accordingly, we direct the State of Kerala, through the Chief Secretary, to address the deficiencies faced by the Kerala Ground Water Authority as above, more particularly:

- (i) the absence of a permanent cadre of technical staff in the State Ground Water Authority;
- (ii) the shortage of scientists and technicians required for the effective functioning of the Authority;
- (iii) inadequate allocation of funds for the activities of the Authority;
- (iv) insufficient number of Water Authority offices in each district.

The Chief Secretary will take the necessary steps and issue directions to substantially redress the above-mentioned deficiencies within three months.

21. The Writ Petition is accordingly disposed of.

22. List the petition on 12 March 2026, for reporting compliance.

Sd/-
Nitin Jamdar,
Chief Justice

Sd/-
Syam Kumar V.M.,
Judge

krj/-



APPENDIX OF WP(C) NO. 40728 OF 2024

PETITIONER'S EXHIBITS:-

- | | |
|--------------|--|
| EXHIBIT -P1 | TRUE COMPUTER PRINTOUT OF A NEWS REPORT TITLED 'WEST KOCHI REELS UNDER SEVERE WATER SHORTAGE,' PUBLISHED IN THE TIMES OF INDIA WEB EDITION ON FEBRUARY 21, 2023. |
| EXHIBIT -P2 | TRUE COPY OF THE NEWS REPORT TITLED 'WATER CONTAMINATION LEAVES OVER 300 RESIDENTS OF FLAT COMPLEX SICK', PUBLISHED IN THE HINDU DAILY ON JUNE 19, 2024. |
| EXHIBIT -P3 | TRUE COPY OF THE NOTIFICATION DATED 14TH JANUARY 1997, ISSUED BY THE MINISTRY OF ENVIRONMENT AND FORESTS, CONSTITUTING THE CGWA. |
| EXHIBIT -P4 | TRUE COPY OF THE GUIDELINES TO REGULATE AND CONTROL GROUNDWATER EXTRACTION IN INDIA, NOTIFIED ON 24TH SEPTEMBER 2020 BY THE CGWA, MINISTRY OF JAL SHAKTI, VIDE S.O. 3289(E). |
| EXHIBIT -P5 | TRUE COPY OF THE GUIDELINE FOR BULK WATER SUPPLIERS, ISSUED BY THE CGWA UNDER THE MINISTRY OF JAL SHAKTI. |
| EXHIBIT -P6 | TRUE COPY OF THE COMPLAINT DATED 11.09.2024 MADE BY THE PETITIONER BEFORE THE 12TH RESPONDENT. |
| EXHIBIT -P7 | TRUE COPY OF THE COMPLAINT DATED 11.09.2024 MADE BY THE PETITIONER BEFORE THE 13TH RESPONDENT. |
| EXHIBIT -P8 | TRUE COPY OF THE COMPLAINT DATED 11.09.2024 MADE BY THE PETITIONER BEFORE THE 14TH RESPONDENT. |
| EXHIBIT -P9 | TRUE COPY OF THE COMPLAINT DATED 11.09.2024 MADE BY THE PETITIONER BEFORE THE 15TH RESPONDENT. |
| EXHIBIT -P10 | TRUE COPY OF THE COMPLAINT DATED 11.09.2024 MADE BY THE PETITIONER BEFORE THE 6H RESPONDENT. |
| EXHIBIT -P11 | TRUE COPY OF THE COMPLAINT DATED 11.09.2024 MADE BY THE PETITIONER BEFORE THE 9TH RESPONDENT. |



2025:KER:95421

- EXHIBIT -P12 TRUE COPY OF THE RTI REQUEST DATED 01.10.2024 SUBMITTED BY THE PETITIONER TO THE 6TH RESPONDENT.
- EXHIBIT -P13 TRUE COPY OF THE REPLY DATED 29.10.2024 FURNISHED BY PIO OF 6TH RESPONDENT'S OFFICE TO THE RTI REQUEST.
- EXHIBIT -P14 TRUE COPY OF THE GUIDELINES/CRITERIA FOR EVALUATION OF PROPOSALS/REQUESTS FOR GROUNDWATER ABSTRACTION IN KERALA ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P15 TRUE COPY OF THE NEWS REPORT APPEARED IN MADHYAMAM DAILY DATED 25.11.2024 REPORTING ABOUT FEVER AND DIARRHOEA OUTBREAK IN DLF FLAT IS PRODUCED HERewith ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P16 TRUE COPY OF THE COMPLAINT DATED 22.11.2024 MADE BY THE PETITIONER BEFORE THE 7TH AND 8TH RESPONDENT.
- EXHIBIT- P17 TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 7TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT -P18 TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 8TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT- P19 TRUE COPY OF THE SUPREME COURT'S ORDER DATED 10.12.1996 IN W. P. C NO. 4677 OF 1985 IN THE MATTER OF M. C. MEHTA V. UNION OF INDIA AND OTHERS REPORTED IN 1997 KHC 1544.
- EXHIBIT -P20 TRUE COPY OF THE NOTIFICATION DATED 6.11.2000 ISSUED BY MOEF.
- EXHIBIT -P21 TRUE COPY OF THE NOTIFICATION DATED 13TH MAY 2010 VIDE S.O.1121(E)) ISSUED BY MOEF.
- EXHIBIT -P22 TRUE COPY OF THE GUIDELINES FOR GRANTING OF NOC FOR WITHDRAWAL OF GROUNDWATER BY INDUSTRIES/PROJECTS (EFFECTIVE FROM 1.1.1999 TO OCTOBER 19, 2009) ISSUED BY CGWA.
- EXHIBIT -P23 TRUE COPY OF THE GUIDELINES FOR EVALUATION OF PROPOSALS/REQUESTS FOR GROUNDWATER ABSTRACTION FOR DRINKING AND DOMESTIC PURPOSES IN NOTIFIED AREAS AND INDUSTRY/INFRASTRUCTURE PROJECT PROPOSALS IN NON-NOTIFIED AREAS (EFFECTIVE FROM



2025:KER:95421

20.10.2009 TO 14.11.2012) ISSUED BY CGWA.

- EXHIBIT -P24 TRUE COPY OF THE GUIDELINES/CRITERIA FOR EVALUATION OF PROPOSALS/REQUESTS FOR GROUNDWATER ABSTRACTION (EFFECTIVE FROM 15.11.2012 TO 15.11.2015) ISSUED BY CGWA.
- EXHIBIT -P25 TRUE COPY OF THE GUIDELINES/CRITERIA FOR EVALUATION OF PROPOSALS/REQUESTS FOR GROUNDWATER ABSTRACTION (EFFECTIVE FROM 16.11.2015 TO 11.12.2018) ISSUED BY CGWA.
- EXHIBIT -P26 TRUE COPY OF THE GUIDELINES TO REGULATE GROUNDWATER OVER-EXPLOITATION AND CONSERVE GROUNDWATER RESOURCES IN THE COUNTRY AS PER NOTIFICATION DATED 12.12. 2018 VIDE S.O. 6140 (E) (EFFECTIVE UP TO 23.09.2020) ISSUED BY CGWA.
- EXHIBIT -P27 TRUE COPY OF THE KERALA GROUND WATER (CONTROL AND REGULATION) ACT, 2002.
- EXHIBIT -P28 TRUE COPY OF KERALA GROUND WATER (CONTROL AND REGULATION) RULES, 2004.
- EXHIBIT -P29 TRUE COPY OF THE COMMON ORDER DATED 15 APRIL 2015 FROM THE NGT, NEW DELHI, IN OA NOS. 204/205/206 OF 2014.
- EXHIBIT -P30 TRUE COPY OF THE COMMON ORDER DATED 09 JULY 2015 FROM THE NGT, NEW DELHI, IN OA NOS. 34 AND 37 OF 2014.
- EXHIBIT -P31 TRUE COPY OF THE ORDER DATED 13/07/2017 FROM THE NGT, NEW DELHI, IN OA NO. 200 OF 2014.
- EXHIBIT -P32 TRUE COPY OF THE ORDER DATED 28/08/2018 FROM THE NGT, NEW DELHI, OA NOS. 176 OF 2015 AND 15 OF 2012.
- EXHIBIT -P33 TRUE COPY OF THE ORDER DATED 03/01/2019 IN OA NO. 176 OF 2015 ISSUED BY NGT, NEW DELHI.
- EXHIBIT -P34 TRUE COPY OF THE AFOREMENTIONED ORDER DATED 11/09/2019 IN OA NO. 176 OF 2015.



2025:KER:95421

- EXHIBIT -P35 TRUE COPY OF THE REPORT SUBMITTED BY THE COMMITTEE ON 16.03.2020 BEFORE NGT, NEW DELHI IN OA NO. 176 OF 2015.
- EXHIBIT -P36 TRUE COPY OF THE ORDER DATED 20/07/2020 IN OA NO. 176 OF 2015 OF NGT, NEW DELHI.
- EXHIBIT -P37 TRUE COPY OF THE GUIDELINES FOR REGULATING GROUNDWATER EXTRACTION NOTIFIED ON 24 SEPTEMBER 2020 VIDE S.O. 3289(E).
- EXHIBIT -P38 TRUE COPY OF THE NOTIFICATION DATED 29TH MARCH 2023 VIDE S.O. 1509 (E) AMENDING EXT.P37 GUIDELINE.
- EXHIBIT -P39 TRUE COPY OF THE JUDGMENTS OF THIS HONOURABLE COURT IN DEPLETION OF GROUND WATER RESOURCES V. STATE OF KERALA (2021 KHC 834).
- EXHIBIT -P40 TRUE COPY OF THE JUDGMENTS OF THIS HONOURABLE COURT SANTHOSH KUMAR A.C. V. STATE OF KERALA [2023 (1) KHC 76].
- EXHIBIT -P41 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN SALI M. N. V. STATE OF KERALA [2023 (1) KHC 48]

RESPONDENTS' EXHIBITS/ANNEXURES:-

- ANNEXURE X1 TRUE COPY OF THE G.O.(RT). NO.465/2023/WRD DATED 18.05.2023.
- ANNEXURE X4 TRUE COPY OF THE REMINDER DATED 27-01-2024.
- ANNEXURE X5 DRAFT COPY OF THE PROPOSAL SUBMITTED BY THE DIRECTOR, GROUND WATER DEPARTMENT BEFORE THE GOVERNMENT DATED 11-02-2025.
- ANNEXURE X6 TRUE COPY OF THE QUESTIONNAIRE SENT BY THE AMICUS CURIAE DATED NIL.
- ANNEXURE X8 TRUE COPY OF INSTRUCTION RECEIVED FROM KADUNGALLOOR GRAMA PANCHAYAT DATED 25.3.2025 ALONG WITH ITS TRANSLATION.



2025:KER:95421

- ANNEXURE X9 TRUE COPY OF INSTRUCTION RECEIVED FROM CHOORNIKKARA GRAMA PANCHAYAT DATED NIL ALONG WITH ITS TRANSLATION.
- ANNEXURE X2 TRUE COPY OF THE COMMUNICATION ISSUED BY THE DIRECTOR, GROUND WATER DEPARTMENT DATED 30-06-2023.
- ANNEXURE X3 TRUE COPY OF THE COMMUNICATION ISSUED BY THE DIRECTOR, GROUND WATER DEPARTMENT DATED 1-07-2023.
- ANNEXURE X7 TRUE COPY OF INSTRUCTION RECEIVED FROM ELOOR MUNICIPALITY DATED 24.3.2025 ALONG WITH ITS TRANSLATION.
- EXHIBIT R6(A) TRUE COPY OF THE STOP MEMO DATED 15.03.2025.
- EXHIBIT R6(B) TRUE COPY OF THE GOVERNMENT ORDER DATED 18.05.2023.
- ANNEXURE R6(C) TRUE COPY OF THE COMMUNICATION REGARDING THE RULES AND REGULATIONS DATED 30.06.2023.
- EXHIBIT R2(A) TRUE COPY OF THE GO(RT) 465/2023/WRD. DATED 18.05.2023.
- EXHIBIT R2(B) TRUE COPY OF THE PROPOSAL DATED 11.02.2025.
- EXHIBIT R2(C) TRUE COPY OF THE GO(P) 17/2023/WRD. DATED 05.08.2023.
- EXHIBIT R2(D) TRUE COPY OF THE GO(RT) 3620/2025/FINANCE AND GO(RT) 3621/2025/FINANCE DATED 15.04.2025.
- EXHIBIT R2(E) TRUE COPY OF THE MINUTES OF THE 32TH MEETING HELD ON 20.09.2023.
- EXHIBIT R2(F) TRUE COPY OF THE MINUTES OF THE 33RD MEETING HELD ON 21.02.2024.
- EXHIBIT R2(G) TRUE COPY OF THE MINUTES OF THE 34TH MEETING HELD ON 24.07.2024.
- EXHIBIT R2(H) TRUE COPY OF THE MINUTES OF THE 35TH MEETING HELD ON 05.02.2025.



2025:KER:95421

- EXHIBIT R2(E) TRANSLATION OF EXHIBIT R2(E) - MINUTES OF THE 32ND MEETING ON 20.09.2023.
- EXHIBIT R2(F) TRANSLATION OF EXHIBIT R2(F) - MINUTES OF THE 33RD MEETING ON 21.02.2024.
- EXHIBIT R2(G) TRANSLATION OF EXHIBIT R2(E) - MINUTES OF THE 34TH MEETING ON 24.07.2023.
- EXHIBIT R2(H) TRANSLATION OF EXHIBIT R2(E) - MINUTES OF THE 35TH MEETING ON 05.02.2025
- EXHIBIT R2(I) TRUE COPY OF THE MINUTES OF THE 36TH MEETING HELD ON 30.07.2025 ALONG WITH ENGLISH TRANSLATION.

//TRUE COPY//

P.A. TO C.J.