



Shri Pinarayi Vijayan  
Chief Minister  
Govt of Kerala  
Trivandrum  
25.01.18

Subject: Petition against the use of the Myristica swamps of Elavupalam as a site for a hospital waste disposal

Respected Shri Pinarayi Vijayan,

From some media reports (<https://www.thenewsminute.com/article/why-kerala-panchayat-protesting-against-ima-s-bio-medical-waste-plant-74174>), we came to know about a proposal by the Indian Medical Association (IMA) to construct a centralised hospital waste disposal plant at the Myristica swamps of Elavupalam in Peringammala Panchayat of Trivandrum district in Kerala. We are writing to you to express our deep concern about this proposal. Very recently, some of our colleagues had the fortunate opportunity to visit this area when they were in Kerala for a meeting on Alternative ways of being.

(<http://vikalpsangam.org/static/media/uploads/Resources/keralavikalpsangamreport2017.pdf>). They experienced and shared with us the rarity and uniqueness of this area. From its description in various sources, we understand that this area is part of an ecosystems which is now restricted to only about 100 ha in the entire Western Ghats, that it supports more than seven species of rare swamp adapted trees, hosts a large population of the endangered Nilgiri Tahr, is an important elephant habitat, and forms a critical part of the catchment of two rivers flowing through this region. This area is also located within the Agasthyavanam Biosphere Reserve, is part of the eco-sensitive zone (ESZ) of the Chenthuruni Sanctuary, and has been identified as Ecologically Sensitive Area (ESA) both by the Gadgil Committee and the Kasthurirangan Committee. Moreover, the Kerala government's revenue dept has identified this area as wetland. In the context of the above, this area is protected under various laws in India, and the proposed plant involves the breach of various provisions of the Wildlife Protection Act, 1972 (Amendment 2006); Forest Conservation Act, 1980; and Kerala Conservation of Paddy and Wetlands Act, 2008.

We would also like to bring to your notice that Peringammala Panchayat is now globally recognised as it features in the UNDP book on biodiversity governance in India and in the UN CBD Bulletin *Square Brackets* (<https://www.cbd.int/ngo/square-brackets/square-brackets-2012-10-en.pdf>). Because of its efforts towards biodiversity conservation, this panchayat was shortlisted for a UN award (<http://www.undp.org/content/dam/india/docs/DG/RFP-UNDP-INDIA-2013-061.pdf>). The panchayat has also received support by the government of India to prepare a People's Biodiversity Register under the Biological Diversity Act. Additionally, this location is within the vicinity of three Kani Adivasi residential areas. Please note that the Peringammala panchayat and the Trivandrum District Panchayat have passed resolutions to categorically reject the proposal for construction at this site. The Kani Adivasi community, whose rights are protected under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 of India, are also resisting this proposal. Their rejection of this proposal is legally binding under Sec 5 of the Forest Rights Act, which empowers their gram sabhas to:

- Ensure that their habitat is preserved from any form of destructive practices affecting cultural and natural heritage.
- **To ensure that any decision taken by the village assembly to stop activities that will adversely affect forests, biodiversity and wildlife are complied with.**

It is therefore extremely disturbing that a project that involves building of a waste treatment facility is even being considered within such a sensitive ecosystem, threatening an area of such great ecological and socio-cultural significance, disregarding the local people's opposition and violating many provisions of the laws that protect it.

We request you to kindly instruct the concerned statutory bodies to fulfill their mandate by refusing permission for any construction/development activity by IMA or anybody else at this site. We also request you to ensure that the process of recognition and vesting of rights under the FRA, especially recognition of the Community Forest Resource Rights of the local Kani community is completed.

We request you to kindly take urgent cognizance of this matter to prevent this unique ecosystem from being destroyed.

Thanking you,  
Yours sincerely,

Sneha Gutgutia : Neema pathak = Meenal Tatpati

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