

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE V.G.ARUN

Tuesday, the 20th day of January 2026 / 30th Pousha, 1947
CONTEMPT CASE(C) NO. 693 OF 2025(S) IN WP(C) 8348/2022

PETITIONER/ADDL. RESPONDENT NO.6 IN WP(C) NO.8348/2022:

ALL KERALA HOUSE BOAT OWNERS ASSOCIATION,
REG. NO. 489/200, FINISHING POINT ALAPPUZHA - 13,
REPRESENTED BY ITS GENERAL SECRETARY, VIJAYAN K,
PIN - 688 001.

BY ADVS. M/S. DENIZEN KOMATH, DEAN DENIZEN KOMATH, MEGHA MADHAVAN,
ANUSREE K., SHIMI MOL S., ANJU K.A. & AJEESH A.

RESPONDENT/RESPONDENT NO.1 IN WP(C) NO.8348/2022:

K. SRINIVAS IAS, SECRETARY, DEPARTMENT OF PORT,
STATE OF KERALA, SECRETARIAT, PUTHIRUVANANTHAPURAM,
PIN - 695 001.

BY GOVERNMENT PLEADER



This Contempt of court case (civil) having come up for orders on 20.01.2026, the court on the same day passed the following:

P.T.O.

W.P.(C)No.25340/23 & con.cases

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V.G.ARUN, J

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W.P.(C).Nos.25340 of 2023,
7409 & 8882 of 2024, 37190, 7911 & 9221 of 2025
& Con.Case(C) No.693 of 2025
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Dated this the 20th day of January, 2026

ORDER

Of the 34 lakes in Kerala, the Vembanad lake is the largest, stretching more than 80 kms and covering an area of approximately 23500 hectares. The Vembanad lake was once a major navigational channel and means of livelihood for the people who live on its shores. The Vembanad-Kol Wetland is designated as a Ramsar Site requiring measures to maintain its ecological character. The wetland is the lifeline for the villages situated on its banks. The major commercial and economic activities include agriculture, fisheries, lime-shell mining and backwater tourism. With backwater tourism gaining momentum, large barges and kettuvallams carrying people and merchandise gave way to house boats and shikaras cruising

with tourists. Unfortunately, apart from other factors like reclamation and construction leading to environmental degradation of the wetland, the exponential increase of house boats, way beyond the carrying capacity of the lake, also resulted in large scale pollution due to unscientific disposal of septage, garbage, non-biodegradable waste and oil spillage. Way back in 2015, the Port Department of the Government of Kerala conducted an impact assessment of inland vessels on the water quality in the Vembanad lake, with the aid of the Centre for Water Resources Development and Management ('the CWRDM' for short). Going by the report submitted by the CWRDM in October 2015, 567 registered houseboats and numerous unregistered houseboats were plying in Vembanad lake. Since then, the number of house boats has gone up. While the dispute in these writ petitions is mainly centered on whether the houseboats registered at Kodungallur Port can be permitted to operate in Alappuzha and Kumarakom area, the immediate concern of this Court is regarding the pollution

generated by the houseboats. This Court is therefore of the considered view that, it should first be ensured that all houseboats plying in the Vembanad lake are pollution compliant. The provisions of the Inland Vessels Act, 2021 ('the Act' for short) also mandate such compliance.

2. In this context, it is essential to note that as per Section 52(2) of the Act, the sewage and garbage from a mechanically propelled inland vessel shall be discharged or disposed of only in the manner prescribed by the Central Government. Section 53(1) requires the Central Government to make rules specifying the standards of construction and equipment of the mechanically propelled vessels to ensure compliance with the requirement of preventing pollution. Going by sub-section (2) of Section 53, it is the duty of the State Government to appoint or authorise officers to ensure construction, installation and maintenance of equipment of all mechanically propelled inland vessels and issue certificate of prevention of pollution. As per the mandate of sub-section (4) of Section 53, every mechanically

propelled inland vessel should carry a valid certificate of prevention of pollution and furnish the same on demand by the concerned officers.

3. For convenience, Section 54 of the Act, which is also contextually relevant, is extracted below;

"54. Reception facilities and containment of pollution:-

(1) The Central Government shall, by rules made in this behalf, specify the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals.

(2) The owner or operator of all cargo terminals or passenger terminals shall provide reception facilities to discharge oil, oily mixture, hazardous chemicals, sewage or obnoxious substances at such cargo or passenger terminal, as the case may be, in compliance of sub-section (1).

(3) The owner or operator of all cargo terminals or passenger terminals, providing reception facilities shall receive charges, at such rates as may be prescribed by the State Government.

(4) For the purposes of minimising the pollution already caused, or for preventing the imminent threat of pollution, the Central

Government or such other officer appointed by the State Government may, by order in writing, direct the owner or operator of cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipment and pollutant removing materials, at such cargo and passenger terminal, as may be specified in such order.

(5) The owner or operator of the passenger or cargo terminal shall submit a report of compliance to the Central Government or such other officer appointed under sub-section (4), in such form as may be prescribed by the State Government.

(6) The owner, operator or master of any mechanically propelled vessel used or plying within inland waters, shall discharge the pollutants at the port reception facilities in such manner as may be prescribed by the State Government."

4. The Central Government has made the Inland Vessels (Prevention and Containment of Pollution) Rules, 2022 ('the Prevention of Pollution Rules' for short) in exercise of the powers conferred by sub-section (2) of Section 52, sub-sections (1) and (3) of Section 53 and sub-section (1) of Section 54 of the Act.

5. Rule 4 of the Prevention of Pollution Rules mandates

compliance of the pollution norms by existing vessels, while Rule 5 deals with issuance of Prevention of Pollution Certificate and Rule 7 sets out the general responsibilities of the owner or operator of the vessel. The manner in which the garbage is to be discharged is dealt with in Rule 8, Rules 10 & 11 deal with engine emissions and oily waste and Rule 12 is concerning discharge of sewage. The provisions of the Act read along with Rules leaves no room for doubt that it is mandatory for all inland vessels to comply with the requirements for preventing pollution and obtain the certificate of compliance

6. Learned Standing Counsel for the Maritime Board submits that it has requisite number of Surveyors and the wherewithal to conduct inspection and issue the Prevention of Pollution Certificate. It is also submitted that several detentions have been made pursuant to inspections and many vessel operators penalised for violating the provisions of the Act and the Rules thereunder.

7. Taking the above factors into consideration and bearing

in mind the immediate requirement of controlling the pollution caused by non-complaint houseboats, the following directions are issued;

- i) The owners/operators of the houseboats plying in Vembanad lake shall present their boats for inspection by the Kerala Maritime Board, and obtain certificate of prevention of pollution as mandated in Section 53(2) of the Act within one month.
- ii) The Kerala Maritime Board shall thereupon conduct inspection and issue the certificate to houseboats having the requisite equipment, systems, fittings and arrangements.
- iii) The Kerala Maritime Board can collect the prescribed fee for carrying out the inspection and issuing the certificate.
- iv) Houseboats without the certificate of compliance of prevention and containment of pollution

shall not be permitted to ply in the Vembanad lake after three months of this order.

v) The above directions are not applicable to Shikara boats and it will be open to the Kerala Maritime Board to grant registration to Shikara boats in accordance with the provisions of the Inland Vessels Act and the Rules thereunder.

Post on 10.04.2026.

sj



Sd/-
V.G.ARUN, JUDGE