

Item No.15:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 12 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion Suo Motu

based on the news item in Mathrubumi,

Malayam newspaper dated 19.01.2020,

“The removal of debris in Maradu not according
to Norms – National Green Tribunal”

...Applicant(s)

With

The Chief Secretary,
Kerala and Ors.

...Respondent(s)

Date of hearing: 18.03.2020.

CORAM:

HON’BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON’BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Suo Motu by Court.

For Respondent(s): M/s. Nivedita Menon
For V.K. Rema Smrithi for R2

ORDER

1. The above case has been taken Suo Motu by this Tribunal and on 22.01.2020 this Tribunal has passed the following order:

“(1) The above case has been taken Suo Motu by this Tribunal on the basis of the paper report published in Mathrubhumi Daily dated 19.01.2020 under the caption of “The removal of debris in Maradu not according to Norms-National Green Tribunal” Monitoring Committee Chairman Justice A.V.Ramakrishna Visits Maradu.” (മരടിമെ

കെട്ടിടാവശിഷ്ടം നീക്കുന്നത് ഇങ്ങനെ പോരാ - ദേശീയ ഹരിത ട്രിബ്യൂണൽ, മേൽനോട്ട കമ്മിറ്റി ചെയർമാൻ ജസ്റ്റിസ് എ.വി.രാമകൃഷ്ണ പിള്ള മരട് സന്ദർശിച്ചു)
indicating the violation of disposal of construction and demolition waste in Maradu which was noticed by the State Monitoring Committee Chairman Justice A.V. Ramakrishna Pillai appointed by this Tribunal of the Principal Bench in Original Application No.606/2018.

(2) It is seen from the report that after demolishing the illegally constructed flats on the basis of orders of the Apex Court, Municipality as well as the Contractor who undertook the work are not doing the removal of debris in accordance with the provisions provided under the Construction and Demolition Waste Management Rules, 2016

(3) It is seen from the report that on account of use of heavy machinery, huge sound pollution is caused affecting the peaceful life of the people in the locality. Further, the mechanism provided for controlling dust is also not proper and thereby dusted emanated from the

area in depositing on the nearby houses causing health hazards to the people.

(4) It is also seen from the report that some portion of the debris had fallen in the nearby Koyal. It is also seen from the report that there is no proper action plan by the Municipality or by the Contractor to whom the work was entrusted to dispose of the debris in a scientific manner which prompts this Tribunal to take the matter Suo Motu.

(5) So, considering the circumstances we feel it appropriate to appoint a joint committee consisting of the Secretary, Maradu Municipality, Kerala State Pollution Control Board, District Collector, Ernakulam and Kochi Sub Collector who has been nominated to supervise the work of demolition and removal of the waste by the Government who shall inspect the area in question and prepare an action plan for remediation of the menace that has caused on account of deposit of the demolition waste in that area and also the manner of execution within a shorter timeline. They must also suggest/recommend necessary Pollution Control mechanism to arrest the pollution caused on account of noise and dust pollution and remove the construction waste that has fallen in the Koyal so as to protect the koyal from encroachment and submit a factual and action taken report in this regard within a period of one month.

(6) This must be done under the supervision of the State Monitoring Committee appointed by this Tribunal in O.A.606/2018 and the monitoring committee is also directed to submit periodical report about the progress of the work to the Tribunal independently after evaluating the steps taken by the officials responsible for compliance with the rules.

(7) M/s. V.K. Rema Smrithi entered appearance for the Kerala State Pollution Control Board.

(8) The Registry is also directed to communicate this order to the above said officials immediately through e-mail so as to enable them to comply with the direction. The Registry is also directed to communicate this order to the Chairman of the State Monitoring Committee appointed by this Tribunal in O.A.606/2018 for his information and compliance of the direction."

and posted the case to today for consideration of the report.

2. The committee has submitted a status report which reads as follows:

"It is respectfully submitted that the committee was informed by the Nodal Officer that the Board had prepared an action plan well before the demolition and constituted a committee for close watching the demolition and monitoring of the post demolition activities.

As per the proceedings dated 08.01.2020 of the Member Secretary, KSPCB the team camped at Ernakulam to co-ordinate the activities of the Board from 10.02.2020 onwards till the demolition was over. The surveillance team of the Regional Office also were being deployed for monitoring the pre demolition scenario and post demolition as well. Copy of the interim report submitted before the SLMC by the Chief Environment Engineer on 06.02.2020 is produced.

1. *It is respectfully submitted that specific directions were given to the Secretary, Maradu Municipality to co-ordinate the activities strictly as per the C&D Waste*

Management Rules, 2016 with copies to all concerned. Copy of the letter dated 13.01.2020 issued to Secretary, Maradu Municipality and its translated version is produced. Notices issued on various occasions are produced. The secretary handed over only one response by him during the meeting convened by the committee which was presided over by the Chairman, SLMC on 03.02.2020 at Guest House, Ernakulam. The action plan regarding the disposal of concrete debris was submitted by the service provided to the Member Secretary, KSPCB on 18.01.2020.

- 2. In compliance with the order mentioned above it is respectfully submitted that the Committee constituted by the Hon'ble National Green Tribunal had convened the above mentioned meeting on 03.02.2020 to formulate an action plan to remove the entire debris deposited at four demolition sites at Maradu. As per the order of the Hon'ble Tribunal the meeting was convened under the supervision of Hon'ble Justice A.V. Ramakrishna Pillai, Chairman, State Level Monitoring Committee (NGT). After the meeting all the sites where demolition occurred were jointly inspected along with the Chairman. During inspection conducted by the officials of the Pollution Control Board, it was observed that the service providers were separating steel debris using breakers and transferring both steel and concrete debris to different places. There was no waste management plan submitted prior to demolition due to paucity of time and urgency of demolition, the waste management plan was submitted after the demolition. Maradu Municipality only had submitted the letters explaining the details of the transfer of debris along with the log explaining such details. Copy of the letters*

received from the Secretary dated 07.02.2020 are produced. Also the Secretary, Maradu Municipality has submitted letters dated 10.02.2020 intimating the quantity and details of units to which the disposal of steel segregated from these demolition sites.

3. The Committee may humbly submit that in the meeting convened on 03.02.2020 by the Committee, it was decided to prepare an action plan comprising the duties of each department and service providers. Decision was also taken to periodically review the actions initiated and modification of the debris disposal plan if any, by the service providers so that the actions on debris removal will be carried out strictly adhering to respective action plan on which elaborated discussions were carried out within the committee. Accordingly different meetings of the joint committee were convened on 07.02.2020, 10.02.2020, 17.02.2020, 25.02.2020 and 12.03.2020 and reviewed the progress of works initiated.

4. It is respectfully submitted that the SPCB has posted Sri. M.A. Baiju, Chief Environmental Engineer, Regional Office, Ernakulam as Nodal Officer of the Committee as per the proceedings dated 30.01.2020. Reports from the Pollution Control Board were placed before the committee for detailed discussions and further follow up actions. Apart from monitoring, consolidated reports on the findings during monitoring were also placed by the Surveillance team which were also discussed in detail by the committee.

5. It is respectfully submitted that the Board after having elaborate discussion and presentation from the side of the service provider for concrete debris allowed to carry out reprocessing facility at Kumbalam where enough

land is available for such a facility. After obtaining application for authorization, the Bard had issued authorization to install reprocessing facility at this site. It is important to note that the reprocessing facility is an important factor as per the C& D Waste Management Rule and shall be practiced properly. But it is unfortunate to note that the said service provider neither installed any machinery there nor start deposition of any debris complaining about the local political issues. The committee in its third sitting strictly instructed the service provider to specifically report if any complaint is there preventing them to install a reprocessing facility so that the District Magistrate will be able to provide police protection if needed to strictly adhered to relevant provisions of the C&D Waste Management Rules.

6. It is also to be respectfully submitted that CCTV cameras are not seen installed till date. This was recommended to ensure that the dismantling and removal of debris, water sprinkling, transportation of debris is covered vehicles and wetting of roads are done satisfactorily. In this case, the Secretary Maradu Municipality informed that it is not practical and they have already provided manual supervision by appointed officials there.
7. Regarding transfer of debris, no action has been taken till date of process the material in the plant at Kumbalam where an authorization has been obtained by M/s. Prompt Enterprises, the service provider for the removal of concrete debris. It is important to note that, the action plan regarding the disposal of concrete debris was submitted by the service provider to the Member Secretary, KSPCB on 18.01.2020. They have

transported the debris to other sides which are not included in the plan without prior information. The information of the sites was given only after the disposal. Specific details along with statutory documents of different land/units etc. where these service providers are shifting the debris, reprocessing are submitted on 07.02.2020, 10.02.2020, 17.02.2020, 22.02.2020, 02.03.2020 and 09.03.2020.

8. It is noticed that debris deposited in the water body were not completely removed and the time line given to the demolition agency for the complete removal of debris is already over by 01.03.2020.

9. It is also respectfully submitted that the inspection report from different district offices shows that the practice of land disposal shall be avoided so that the assessment of the actual quantity will be a herculean task since no mechanism other than that described by the service providers are available. Hence the committee, after elaborate discussions decided to give specific directions to concerned revenue authorities to inspect land on which the service provider proposes to dispose concrete debris. The committee also discussed in detail the action already taken by different departments and service providers and found following shortfalls as per C & D Waste Management Rules and the alternatives being used.

- (i) Wind breaking walls (metal sheet) having height 10m minimum specified as per the notification is not installed till date. But the committee view that they have provided metal sheets of 15 feet height around one demolition site only i.e., at Alfa serene. Other three sites, they have*

provided geo textile sheets as a control measures. Specific details are as follows:

- a. Provided 10ft height geo textile barrier in the backwater side of Golden Kayaloram.*
- b. Provided 10ft height geo textile barrier in the backwater side of Holy faith, H₂O.*
- c. Provided 10ft height geo textile barrier in the front side of Jain Coral Cove.*

- (ii) Though the dust pollution is seen physically controlled, the water sprinklers are not seen installed there. From the beginning itself they are practising manual water pouring using hoses. The pumps being used instead are high power (40 HP) and the details of the fire hoses such as Holy faith, H₂O: 2-4 fire hoses, Alfa Serene: 2-4 fire hoses, Jain Coral Cove: 2-4 fire hoses and Golden Kayaloram: 1-2 fire hoses. This is not as per the mentioned guidelines, but is a practical approach used by the company to cover the maximum area under water sprinkling. The method which is being used may or may not be better than the water sprinkling. Water is being sprinkled manually rather than using small pumps of water sprinkler.*
- (iii) Air and Sound quality have been monitored and the following results are explained (from 21.01.2020 to 06.03.2020)*

KSPCB had conducted monitoring for 36 days and taken 111 samples. Out this 111 samples, only 4/111 have been found having PM₁₀ concentration higher than the prescribed limit of 100 microgram/m³ and

53/111 samples have been found having $PM_{2.5}$ concentration higher than 60 microgram/ m^3 . Sound monitoring have been carried out by KSPCB for 18 days at a distance of 1 m outside the boundary. Out of which only two values having readings of 75.9 dB(A), higher than the prescribed limit of 75dB(A) specified in the guidelines.

10. The time line fixed for the removal of debris is not adhered to. The time line fixed for the segregation of steel (salvageable) was 18.02.2020, removal of steel was 01.03.2020 and additional 25 days for the removal of debris. It is pointed out salvageable are still not removed and the entire work will finish by 25th March 2020.

11. It is respectfully submitted that the Joint Committee had carried out the duties assigned and continuing to ensure that all relevant provisions of the C & D Waste Management Rules, 2016 are strictly complied with at all the sites of Maradu Municipality where they had managed demolition activities successfully.”

3. The Chairman of the State Level Monitoring Committee appointed by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 also filed a separate report as we have directed the monitoring work will have to be done under the supervision of the Chairman Justice Mr. A.V. Ramakrishna Pillai formerly Judge of High Court of Kerala which reads as follows:-

“As per orders of the Hon'ble Supreme Court in Civil Appeal Nos.4784-4785 of 2019 (Arising out of SLP (C) Nos.4227-4228 of 2016), which aims at the protection of the ecology of Vembanad Lake renowned for its bio-diversity, five high rises within the local of Maradu Municipality in Ernakulam District, Kerala were demolished on the 11th and 12th of January, 2020. The process of demolition was completed successfully as per schedule, ensuring the safety of the residents in the neighbourhood throughout the entire ordeal.

Taking into account the environmental issues that would crop after the demolition of the buildings, the State Level Monitoring Committee (SLMC for short) in its meeting held on 13.12.2019, (i.e. prior to the implementation of the order of the Supreme Court) considered the pollution control measures taken/to be taken in the matter. The true extract of the relevant portion of the minutes relating to the issue is attached as Appendix – X1 to this report.

Subsequently, on 24.01.2020 (i.e., after the demolition) the SLMC considered the post demolition monitoring measures and issued certain specific directions to the Maradu Municipality. Considering the seriousness of the issue, the Chairperson and the Secretary of the Maradu Municipality were asked to attend the meeting. Though the Secretary was present in the meeting, the Chairperson did not respond to the notice.

The true extract of the relevant portion of the minutes of the SLMC meeting dated 24.1.2020 is attached as Appendix-X2. The following were the directions given.

- (i) Covering a height of thirty five feet using metal barriers shall be provided around*

all demolition sites till the debris are removed completely.

(ii) Instead of hoses, water sprinklers should be used for dust supersession till the debris are removed completely.

(iii) The leach ate arising on account of water sprinkling over the debris should be collected and filtered, and only thereafter the same be allowed to percolate through the ground.

(iv) Water contaminated with cement dust and other particles shall not reach the nearby water bodies under any eventuality.

(v) Ensure that all the Construction and Demolition Waste are transported in covered vehicles only. If this direction is violated steps shall be taken to get the vehicle seized by the authorities concerned.

(vi) The roads adjacent to the demolition site along which the debris are being transported, shall be wetted as often as required to avoid spreading of dust emanating from the spillovers.

(vii) Ensure that adequate number of vehicles is made available for the transportation of waste from the site.

(viii) The possibility of leasing land for setting up Construction and Demolition Waste processing plant shall be explored.

(ix) The KSPCB, through its Regional Office, Ernakulam, shall convey the aforesaid

directions to all concerned and shall closely monitor whether the aforesaid directions are complied with in letter and spirit. CC TV cameras shall be directed to be installed at the strategic points of all sites to make the monitoring process effective. Weekly reports regarding the activities shall be submitted by the KSPCB to the SLMC. The first report shall be filed within a week.

However, even prior to that, i.e. on 22.01.2020, this Hon'ble Tribunal Suo Motu registered O.A. No. 12/2020 (SZ) on the basis of a news item in Madhrubhoomi daily dated 19.01.2020 relating to the inspection of the demolition sites by the Chairman and Member Secretary of the SLMC. This Tribunal ordered the formation of the Joint Committee consisting of the Secretary, Maradu Municipality; Kerala State Pollution Control Board, District Collector, Ernakulam and Sub Collector, Kochi to inspect the area of the demolished high rises in Maradu Municipality and to prepare an action plan for remediation of the menace that has caused on account of deposit of the demolition waste in that area and also the manner of execution within a shorter timeline.

It was also ordered to suggest/recommend necessary pollution control mechanisms to arrest the pollution caused on account of noise and dust and to remove the demolition waste that has fallen into the nearby water body and to submit a factual and action taken report in this regard within a period of one month.

This Hon'ble Tribunal also ordered that this must be done under the supervision of the State Level Monitoring Committee ([SLMC](#), Kerala) appointed by this Tribunal in O.A.606/2019.

The monitoring committee was directed to submit periodical reports about the progress of the work to the Tribunal independently after evaluating the steps taken by the officials responsible for compliance with the Rules.

In accordance with the Order, a Committee of the District Collector, Ernakulam; the Sub Collector, Kochi; the Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Ernakulam and the Secretary Maradu Municipality was constituted vide order No.PCB/HO/ EE4/NGT/O.A.12/2020(SZ) dated 29.01.2020.

The start up meeting of the aforesaid committee was held on 03.02.2020 which was chaired by the Chairperson, SLMC, Kerala. The Member Secretary of the SLMC was also present in the meeting. Apart from the committee members, the representatives of the service providers engaged in the segregation and removal of waste also attended the meeting. The Committee reviewed the decisions of the SLMC Meeting held on 24.01.2020 regarding the pollution control measures to be followed during segregation at site and transportation of debris to the crusher/recycling plant.

The true copy of the minutes of the start up meeting of the Joint Committee is attached as Appendix-X3. The directions given are shown in bold italics in Appendix-X3.

The Committee visited all the four demolition sites on the same day and assessed the way of segregation and verified the pollution mitigation measures at the site.

As it was found that the directions by SLMC were not complied with, the KSPCB was directed to closely monitor the process and submit an interim report on 06.02.2020. The copy of the report so submitted is attached as Appendix-X4.

Though it was the duty of the Maradu Municipality to prepare a detailed action plan for the removal of the demolition wastes, it was not done. Therefore, the KSPCB was directed to prepare a draft action plan and to place the same before the Joint Committee for finalization with the necessary modifications, if any. The copy of the action plan approved by the Joint Committee is attached as Appendix-X5.

The KSPCB was also directed to submit the action taken report by 10.02.2020. The copy of report so received is attached as Appendix-X6. The tabular form in Appendix-X6 marked as Annexure-1 gives a brief picture of the steps taken so far and the major gaps.

DISCUSSION

It is relevant to note that no action plan for waste management was prepared by the municipality prior to demolition. Presumably, the same might have been forgotten as they were pre-occupied with the arrangements for the completion of the demolition process.

Now it is reported that the two service providers (one engaged in the segregation of steel from the concrete waste and the other engaged in the removal of concrete

debris) have submitted the waste management plans after the demolition. Reportedly, they were forwarded by the Secretary, Maradu Municipality on 07.02.2020. Copies of those actions plans are shown as Annexure -1 (A) (1) and 1 (A) (2) in Appendix – X6.

The service provided engaged in the segregation of waste is Vijay Steels, Contractors & Merchants, No.200-A, Madhavaram High Road, Madhavaram, Chennai – 600 060. (E-mail: vijaysteel@ymail.com) (Local address – Vijay Steels, No.12/121, Vakayil House, VTJ Enclave, Maradu, Ernakulam – 682 304). The service provider engaged in the concrete debris is Prompt Enterprises, Nochima, N.A.D P.O., Aluva – 683 563 (E-mail: achyuthjoesph@gmail.com).

The Environment (Protection) Rules, 1986 was amended as per GSR.94 (E) dated 25.01.2018 by inserting entry No.106 in Schedule-I of the Rules. The copy of the said notification is attached as Appendix-X7. As per the amended rules wind breakers of approximate height i.e., 1/3rd of the building height and maximum up to 10 meters shall be provided. The rules also provide for the installation of sprinkling system at the site. Prominent display of dust mitigation measures at the site for easy public viewing is also insisted upon by the rules.

However, the last inspection by the KSPCB on 09.02.2020 reveal that the Metal sheet barriers, that too only at a height of about 15 ft, are provided on the road side of Alfa Serene - tower 1 only. It was also seen that Geo Textile barrier at height of 10 ft is provided by the side of the back water near Golden Kayaloram site which would hardly prohibit the escape of dust into the surrounding areas. Similarly, Geo textile barriers at a

height of 10 feet are seen provided by the side of the back water near Holly Faith H₂O site and Jain Coral Cove sites. These are also totally ineffective in preventing the spread of dust to the nearby areas. Reportedly, the Secretary, Maradu Municipality has informed that these were done as per the recommendations of the technical committee constituted by the Government for supervising the demolition process. Evidently these were provided for preventing the pieces of debris falling into the back waters and the nearby roads at the time of demolition and not for preventing the environmental pollution caused due the emanation of dust from the demolition site.

Though it was directed that water sprinklers should be used covering the entire demolition sites during the process of segregation and transportation, the service providers are simply pumping water to the points where the segregation is being done. For this also, the Secretary, Maradu Municipality takes the stand that it is as per the advice of the technical committee.

The Maradu Municipality was always trying to shift their responsibility over the shoulders of the technical committee. The technical committee was ad-hoc committee formed by the Government with the Sub Collector, Kochi as the Chairman, for implementing the directions of the Hon'ble Supreme Court successfully. The Committee has performed its duties with the seriousness expected, and completed the mission in an excellent manner. For this reason, the SLMC in its meeting held on 24.01.2020 passed a resolution recording its appreciation over the successful completion of the demolition without causing any harm to the residents in the locality and the environment. The technical committee has practically

ceased to exist after the demolition is over. Now it is absolutely within the competence of the local body to see that the demolition wastes are removed as per statutory mandates.

There are specific reasons for directing the use of water sprinklers for wetting. The spreading of dust is on account of segregation, loading and transportation. Pumping water at particular only will suppress dust. The use of water sprinklers will create a humid atmosphere over the demolition site and it will allow the dust to settle down. Moreover, if water sprinklers are used, comparatively only lesser quantity of water is required thereby avoiding the chance of reaching leach ate contaminated with cement to the back water. Such reverse flow was noticed near the site of Golden Kayaloram during the site inspection. Water contaminated with cement reaching the back waters is harmful to fish and other micro organisms. Though at present (as on 09.02.2020) no reverse flow is seen found, there are chances for the flow of contaminated water to the nearby water body during rain. It is relevant to note that Kerala may have summer showers because of its peculiar climatic conditions. If the existing state of affairs is allowed to continue, the situation may worsen during rain fall. Though trenches are seen provided near the lake side of Alfa Serene and Golden Kayaloram, no protective measures like the use of Geo textile is seen provided.

The Secretary, Maradu Municipality as well as the service providers are under the false notion that statutory directions can be overlooked or diluted accordingly to their convenience. According to them, most of the directions are impossible to be carried out. In the start up meeting it was

pointed out that barriers as envisaged by the rules cannot be erected on account of scarcity of space. However, this could have been done easily. Had the debris at a width of 3 to 4 meters around the site been cleared at the initial stage, it would have provided sufficient space for the erection of wind breakers.

It is reported by KSPCB that the level of noise at the demolition site is beyond the tolerance level. This is because of the use of heavy duty machines for breaking concrete pieces.

The KSPCB reports that presently the dust pollution in the area is within the tolerance level. However, during the site inspection, dust was seen spreading over the entire area. Some of the residents near the Alfa Towers had complained that though it was assured that measures would be taken to control dust, nothing has been done. The present observation by the KSPCB that the density of dust at the demolition sites is comparatively lower cannot be branded as permanent. Being a coastal area, there is likelihood of the dust being carried to the outskirts by wind flow thereby reducing the density of dust at the demolition site. The situation may vary from time to time depending upon the climate condition and the quantity of waste processed. Therefore, it cannot be said that everything is going smooth and nothing is required to be done.

The direction to install CCTV Camaras is to make the continues monitoring effective. This was not done and according to Secretary, Maradu Municipality necessary supervising staff would be deployed in the demolition sites to ensure that all activities are to be done as per the

direction. However, it is crucial to note that none of such staff was seeing deployed during the time of site inspection. It is practically impossible to resort to such a procedure as it is reported that materials are being loaded during night also.

Though the copy of the log book was submitted by the Maradu Municipality to the KSPCB no specific details are given in the log book. IT is reported that the Secretary, Maradu Municipality had agreed to submit the consolidated details of the log book before the 15.02.2020.

Prompt Enterprises who are engaged in the removal of concrete debris has pointed out a site at Kumbalam for setting up C & D waste processing facility. The KSPCB has already issued an authorization vide RULES/VOL.II/17/19 dated 28.01.2019. However, a verification on 09.01.2020 revealed that no such plant is installed and no waste is seen deposited there. On the other hand, Annexure -1(A)(2) in Appendix-X6 reveals that the concrete debris were taken to four other sites viz., Varappuzha, Anachal, Choondamala and Pallippuram.

Unless there are proper records to show the exact quantity of debris taken from sites and the exact quantity of debris deposited at each site, it may not be possible to ensure that the demolition waste is not being used for unauthorized purposes. The claim of the service provider that the concrete debris would be processed at the site at Kumbalam which was approved by KSPCB appears to be without bona fides and their attempt is only to make it appear that the waste collected are processed as per statutory norms.

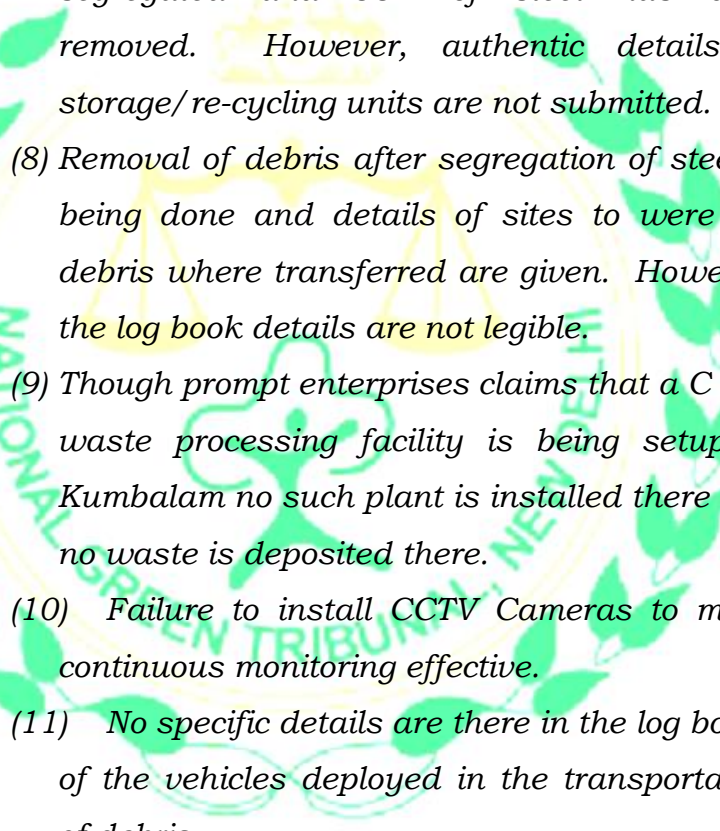
It is unfortunate to note that though specific directions were given by the Hon'ble Supreme Court as well as this Tribunal to remove the concrete debris fallen into the nearby back waters, no steps have been initiated so far to remove the same.

The only compliance reported is regarding the directions to transport the debris is covered vehicle and to wet the adjoining roads as often as required. Reportedly, the vehicle carrying debris from the site are covered at the adjoining roads are wetted satisfactorily.

It is apt to note that the progress of segregation and removal of waste is not at the expected speed. During the start up meeting of the Joint Committee, it was informed by the Sub Collector, Kochi that the time for removal of debris fixed by the Hon'ble Supreme Court is forty five days. If things are moving at the present pace, the process would not be completed within the time specified. In the action plan submitted by the service providers, they have sought a larger period for complete removal. However, neither the SLMC nor the Government can enlarge time as it is absolutely within competence of the Hon'ble Supreme Court.

Major short comings in brief:

- (1) Maradu Municipality has not been able to collect all the specific details till date.*
- (2) In the updated status of removal of waste as on 10.02.2020, submitted by the Municipality, the details given are vague and without specific details.*
- (3) Wind breakers around the sites as mandated by statute are provided.*

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- (4) Sprinkle system are provided by the statute are not provided.
- (5) There is no display of dust mitigation measures at site for public viewing.
- (6) No protective measures like use of Geo textile are seen provided in the trenches near the lake side of Alfa Serine and Golden Kayaloram to prevent the flow of contaminated water to the back waters.
- (7) Physical verification reveals 40% of steel was segregated and 35% of steel has been removed. However, authentic details of storage/re-cycling units are not submitted.
- (8) Removal of debris after segregation of steel is being done and details of sites to where the debris were transferred are given. However, the log book details are not legible.
- (9) Though prompt enterprises claims that a C & D waste processing facility is being setup at Kumbalam no such plant is installed there and no waste is deposited there.
- (10) Failure to install CCTV Cameras to make continuous monitoring effective.
- (11) No specific details are there in the log books of the vehicles deployed in the transportation of debris.

Conclusion

The KSPCB has been directed to continue the monitoring process and submit periodical reports. It is distressing to note that the directions given by the SLMC as well as the Joint Committee have gone into deaf ears. If the lethargic and recalcitrant attitudes of the authorities

who are duty bound to follow this statutory mandates are allowed to continue the life of the nearby residents as well as the preservation of the environment would be at peril. Apart from the duties conferred by the environmental laws, the local body consisting of elected representatives of the people in the locality, has a moral obligation to see that the right of people whom they are representing, to live in a health environment, is protected. Same is the case with public servants who are paid out of State exchequer.

Therefore, strict time bound directions, the violation of which would entail penal consequences, may be issued to all concerned to complete the process of removal of demolition wastes from all the four sites in Maradu Municipality adhering to statutory mandates.”

4. It is seen from the report submitted by the committee as well as the Chairman of State Level Monitoring Committee that there were serious lapses on the part of the Maradu municipality and also service provider in removing the debris which has collected due to the demolition of buildings.
5. Though there was certain direction given by the committee to suppress the air pollution and possible contamination of the Kayal water, no serious steps have been taken either by the Maradu municipality or by the service provider. It appears that Maradu municipality is not interested in carrying out the directions given by the committee, instead they were sticking on to the recommendations made by the technical committee which was appointed by the Government earlier for the purpose of

supervising the demolition of the building as directed by the Hon'ble Supreme Court.

6. The committee is only expected to supervise the possible pollution that is likely to cause at the time of demolition of the building and their recommendations are nothing to do with the removal of the debris collected and also the steps to be taken by the Maradu municipality as well as the service provider to avoid the possible pollution that is likely to be caused on account of the collection of the debris in the demolition site till it is disposed of in a scientific manner as provided under the Construction and Demolition Waste Management Rules, 2016. There is a responsibility cast on the Maradu municipality to implement these rules in its letter and spirit.
7. If there is any violation found in implementing the rules and if there is any non-compliance of the directions given by the committee appointed by this Tribunal, either to the Maradu municipality or to the service provider which results in the pollution being caused to the environment as well as to the nearby Kayal then regulating authority namely, Pollution Control Board is duty bound to impose environmental compensation against those persons who are violating the norms and causing pollution.

8. Such an attempt is not seen taken in this case, though there were observations in the committee report that there were serious violations and deficiencies in carrying out the directions issued by the State Level Monitoring Committee as well as the committee appointed by this Tribunal.
9. So under such circumstances, we direct the Pollution Control Board to take appropriate legal action against those persons who are violating the directions and causing pollution and affecting the environment including possible contamination of Kayal water which is likely to cause on account of the seepage of water that is likely to happen on account of pouring the water on the debris instead of sprinkling the same without providing necessary protective measures to avoid seepage.
10. They are also directed to take sample of the Kayal water to find out as to whether there was any damage caused to the Kayal water on account of the negligent act on the part of the service provider and the Maradu municipality in taking action to remove the debris collected after demolition and not complying with the provision of the Construction and Demolition Waste Management Rules, 2016.
11. The committee is directed to submit the report to this Tribunal by e-mail at ngtszfiling@gmail.com or by e-filing.

12. The Registry is directed to communicate this order to the service provider as well as Maradu Municipality for their compliance and also to make them understand the possible action to be taken for non-compliance of the directions given by the Pollution Control Board, State Level Monitoring Committee and the joint committee appointed by this Tribunal in this regard.
13. The Registry is also directed to communicate this order to the State Level Monitoring Committee as well and also to the committee members appointed by this Tribunal.
14. For filing further report, post on 11.05.2020.

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Shri. Saibal Dasgupta)

**O.A. No.12/2020
18th March, 2020.
Mn.**