

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

ORIGINAL APPLICATION NO. 42 OF 2017

IN THE MATTER OF:

M.Vetriselvan, Advocate,
No.1- P, Pandu Klix Plaza,
330/160, Thambu Chetty Street,
Chennai - 600 001.

... Applicant

-Vs-

Union of India,
Rep. by the Secretary,
Ministry of Environment, Forest & Climate Change,
New Delhi and 10 others

... Respondents

**REJOINDER FILED BY THE 11TH RESPONDENT
TO THE REPORT FILED BY THE TNSPCB - 10TH RESPONDENT**

The 11th respondent respectfully submits as follows:-

1. This respondent being arrayed as the 11th Respondent in the above application has filed a detailed counter and a status report already before this Hon'ble Tribunal. This Rejoinder is filed to clarify the report filed by The Tamilnadu Pollution Control Board, the 10th Respondent in so far as the manner in which Solid waste is being disposed of by the 11th Respondent during and after the Mahashivaratri festival and also regarding the Noise level during the Mahashivaratri Festival.

2. It is submitted that this festival is famous in this area even prior to the formation of the Foundation due to the presence of Velliangiri Andavar Temple also known as Dakshin Kailash. From time immemorial, a large number of pilgrims have been visiting Velliangiri hills during this festival. The Mahashivaratri festival had never been seen as any hindrance to the people and animals in the locality and there had never

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been any environmental concerns. As a matter of fact, lakhs and lakhs of people climb the Velliangiri Hills during MahaShivaratri. It is only seen as a divine calling and religious beliefs.

3. Isha Foundation has over the last 25 years implemented large scale environment restoration initiatives and it has been well recognised by the Government of India (Indira Gandhi Paryawaran Puraskar Award to Isha Foundation, in 2010 which is India's highest environment award by MoEFCC) and the concerned UN bodies. It is therefore established that the respondent organisation is not only committed to the protection and improvement of the environment but has undertaken a number of initiatives towards promoting this cause. So to say that Isha Foundation has acted against the cause of Environmental protection is far from the truth

4. At the outset this 11th Respondent would like to draw the attention of this Tribunal about the applicant's motive and in that context while one of his Writ Petition was disposed, the Hon'ble Chief Justice of the High Court at Madras in order dated 12.03.2015, had categorically held as follows:-

"... Petitioner is an advocate, who has filed a petition in public interest on the issue of construction of school. Moving an application appears to suggest ulterior motive. We, thus, dismiss the application as misconceived".

The applicant has filed several Writ Petitions against this respondent from the year 2013 onwards towards the same motive. In fact, the same applicant filed a writ petition vide W.P. No. 2133/2015 before the Hon'ble

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Madras High Court as PIL and the same was dismissed with a direction to the petitioner to approach the concerned authorities for redressing his grievance.

5. It is submitted that since this Hon'ble Tribunal specifically mentioned in its order dated 05.10.2020 about the two issues, namely concerns on waste disposal and sound regulations, this respondent is responding to the same in the following manner:

A. **SOLID WASTE DISPOSAL/MANAGEMENT:**

i) All these years, this respondent foundation has been conducting the Mahashivaratri festival with utmost care without causing any damage to the environment.

ii) Planning and execution of tasks relating to Mahashivaratri is a mammoth exercise spanning over 4 months prior to Mahashivaratri, involving hundreds of volunteers. Isha Foundation is a volunteer run organization. These include highly educated and committed people who volunteer their services for the cause of the Foundation. Planning process of Mahashivaratri is highly meticulous and comprehensive and nothing is left to chance. Tasks are divided into various processes and coordinated by separate Teams.

iii) The land in which the festival is conducted is not forest lands but patta lands. This respondent has placed sufficient number of volunteers and labourers during the festival time to oversee and collect the waste

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with the sufficient number of bins provided. The waste collected in the bins were segregated into bio-degradable, non-biodegradable and domestic hazardous wastes. The Bio degradable waste used to be converted into manure by the process of mulching. This is being done by this respondent in their compost yards by mixing the waste with cow dung. The Non Biodegradable waste and domestic hazardous waste are disposed off through authorized dealers in an environmentally safe manner.

iv) It is submitted that even in the report filed by the TNPCB they have mentioned that the foundation distributes free food for the volunteers and devotees in areca leaf plates. Further, they have mentioned that the Solid Waste generated is disposed by the 11th respondent by adopting scientific methods as per SWM Rules, 2016.

v) Individual dustbins were placed on the pathways from Isha Yoga Center to program venue, and from program venue to parking. After individual dustbins get filled up, allocated volunteers / sevadhars clear the full dustbins into the tractor-trailer. After the tractor-trailers are filled, they are taken to the segregation yard.

a) Segregation process:

1. Recyclable plastic
2. Non-recyclable plastic
3. Water bottles
4. Paper
5. Areca nut plate
6. Food

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7. Cardboard
8. Domestic Hazardous waste

b) Mode of disposal

1. Plastic bottles
2. Recyclable Plastic waste
3. Paper waste
4. Cardboard

The above wastes were given to waste-collection agents. Non-Recyclable plastics, , and domestic hazardous wastes are given to the Government authorized vendor/s.

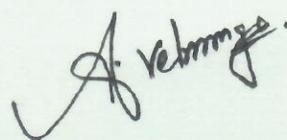
Food waste: Food wastes are used for manure preparation.

Areca nut plates: All areca nut plates are powdered with machine and mixed with cow dung and food waste (if any). This is used to prepare manure. It has multiple layers which is composted and used in the farms and gardens of the 11th Respondent.

Manure bed Preparation Areca nut powdered plates, cow dung, vegetable and food wastes are put in a layer one above the other.

vi) Further the Pollution Control Board itself, after visiting the premises of the 11th Respondent, Isha Foundation, has mentioned in its report that the 11th respondent has its own composting facility for the disposal of biodegradable waste generated in its premises.

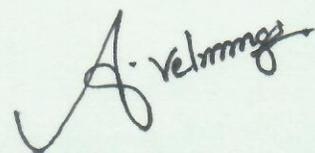
vii) Non-biodegradable waste – is segregated at source using Dustbins placed all around the venue. Volunteers are placed to guide / educate / ensure waste is not littered around the venue



and cleanliness is maintained at all times during and after the festival. The waste is handed over to authorized vendors who deal with waste.

B. **NOISE LEVEL ISSUE:**

- i) The Speakers are kept in the program venue only, which are kept few kilometers away from the forest boundary. There are no speakers kept outside anywhere and there is absolutely no possibility of noise outside the festival venue due to the speakers used by the 11th respondent for the festival.
- ii) Further, speakers used are not cone speakers but latest technology modern speakers which give better clarity and do not create any loud sound or noise. The speakers and the technology used give the best effect towards the stage and participants and does not travel with air and scatter all around the place.
- iii) The light and sound systems are set up for the facilitation of the visitors to the festival and keeping in mind not to cause any disturbance to the ecology of the place.
- iv) The sound system uses directional speakers which ensure that the sound is heard by the audience only and does not spread far and wide. Suffice it to say that in addition to the same all mitigation measures as suggested by Respondent No. 9 are being followed by Respondent No. 11 diligently. Further there is no report from the regulatory authorities to the contrary.



- v) In the report filed by the 10th Respondent, it is submitted that they are not aware on what basis these locations were chosen. In measurement readings submitted it shows that some locations are 500 mts, in some 150 mts, and in another it is 1 km is taken as the point of measurement. Again for readings away from the Source, the distance and place of measurement is not known. It is also not clear about how far away from the source and whether the sound is only from the premises of 11th Respondent.
- vi) As per the TNPCB report at few places it is recorded 80 db readings at source. It is pertinent to note that these readings are taken at source and that there are other contributory factors viz. Crowd noise, vehicular noise etc. at these locations as stated supra. At the periphery of the public places, the noise levels are within the limits. From the report of the Pollution Control Board, it is evident that there are no adverse remarks in the report of the Pollution Control Board since noise is instantaneous and the time duration for which the readings are taken into consideration at each location is also to be considered.
- vii) The 11th Respondent is using line array directional speakers which emit sound only focused towards the audience. This is not like the typical cone speakers which emit sound in all directions. The sound emanating from the event is contained and directed only towards the stage and audience.

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- viii) It is also mentioned in the report that the movement of vehicles and pilgrims will be very high and that the Police and Forest officials regulate the pilgrims in this area on the way to Poondi Temple with the help of public address system. Viz., Mega phones which had contributed to the excess noise level.
- ix) On such occasions when the noise is due to the vehicular movement and crowd, these readings cannot be taken properly. In view of these circumstances it cannot be considered appropriate as the contribution of noise levels are from various factors. Further it is normal that on the festive occasions there may be slight variations where there is an unusual activity than the other days.
- x) It is submitted that TNPCB in its report has mentioned that this Hon'ble Tribunal by its order dated 16.06.2020 has extracted one of the prayer in the application which is as follows:

".....One of the prayers in this application is to give some directions as to how such functions will have to be conducted and the nature of monitoring that will have to be done by the regulatory authorities for which we require the assistance of the regulatory authorities regarding the precautionary steps that have been taken by them while allowing such functions to be conducted in the compound of the 11th respondent."

But it is humbly submitted that there is no such prayer in the O.A.No.42/2017.

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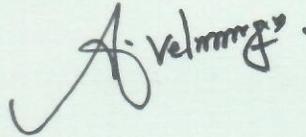
6. The 11th Respondent states that every year at the time of the Mahashivaratri festival, the highest constitutional authorities Viz the Hon'ble Prime Minister of India, Hon'ble President of India, Hon'ble Vice President of India, and other State Dignitaries participate. Given the nature of the function and the guests that Mahashivaratri attracts, planning and execution has always been carried out with the close coordination of the District functionaries such as: District Collector, IG Police, Commissioner of Police, Intelligence Department, Health Department, Forest Department, Environment Department, Local bodies and various other Departments of the Govt. of Tamil Nadu. Further, the District Administration conducts meetings with all departments and officials in which the representatives of the 11th Respondent also participate. The Forest Department issued guidelines which are strictly followed by the 11th Respondent and monitored by the authorities. All these years there has been cooperation from the 11th respondent with other respondents to conduct the event smoothly. So far there were no untoward incidents that have happened at Mahashivaratri in all these years. As regards the Mahashivaratri function it is relevant to point out that the same is also celebrated by pilgrims climbing up the Velliangiri Hills at the same time to have a darshan of Velliangiri Aandavar (Lord Shiva), which is a tradition, belief followed in Hindu tradition throughout the world by venturing into abodes of Shiva. As already opined by this Hon'ble Tribunal that the larger issue is pending disposal before the Hon'ble Madras High Court and on account of the dismissal of the earlier writ petitions to stop Mahashivaratri, this

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application deserves to be dismissed by this Hon'ble Tribunal. It is submitted that there is no merit in the contentions raised by the Applicant and the same are false and denied. This Application is neither maintainable in law nor on the facts hence is liable to be dismissed in limine.

Hence, it is, therefore, prayed that this Hon'ble Court may be pleased to dismiss the above application with exemplary cost and pass such other order or orders as deemed proper and thus render justice.

Dated at Chennai on this the 28th day of October, 2020



COUNSEL FOR 11TH RESPONDENT

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**M/s. NORTON & GRANT
A.M. AMUTHA GANESH (Ms.1953/2008)
A. VELMURUGAN (Ms.109/2009)
V.MANIKANDAN (Ms.2111/2015)**

**COUNSEL FOR 11th RESPONDENT
(Cell No.8428363887)**

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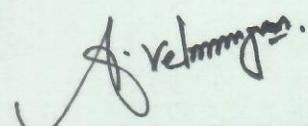
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The above documents are certified to be true copies of their respective originals.

Dated at Chennai on this the 28th day of October, 2020


COUNSEL FOR 11TH RESPONDENT

Composting yard

Compost is simply organic matter, usually kitchen scraps and yard waste, which can be added to the soil to improve soil quality. To make compost, we take advantage of microbial activity. Microbes are always breaking down organic matter, and composting allows us to control that process to a degree and end up with nutrient-rich matter to add to the soil.

Manure Preparation

The first step in composting your waste is to shred it or cut it as much as possible. Smaller pieces will decompose more quickly



Different materials are added in layers.





Manure Final Product: is used in our garden.



Waste Segregation:



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