

The following report was handed over on April 26, 2004, at the Collectorate, Kancheepuram District by a delegation of ECCO members. The covering letter seeking intervention had 28 signatories.

Report on environmental violations by leisure resorts in Muttukkadu village

Summary:

Three major commercial, leisure establishments --Green Coconut Resort [GCR], MGM DizeeWorld [MGMD] and MGM Beach Resort [MGMBR] -- operate in Muttukkadu, a village on the East Coast Road [ECR]. Residents have been aggrieved for years by the various violations committed by them in environmental matters like water, noise and waste management. Repeated representations having elicited no sincere response from them to address the issues, citizens have organised themselves, shared their experiences and prepared this detailed report using professional help, to pursue the matter in all fora available to them.

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A : Basic questions of law :

Citizens of Muttukkadu ask the following direct questions. The reasons why these questions arise, will become apparent as one goes deeper into this report and reads the various sections.

The questions we ask are:

1-- Do the laws on noise pollution that are actively enforced in the city of Chennai, become inapplicable just 20km outside?

2-- Is it permissible for an establishment to mount loud-speakers and play them all day long and into the night just because they own the land on which the

speakers are mounted?

3-- If the answer to 2 is 'no', are they are not obliged to take written permission from the Police Commissioner for every day they use these speakers, with usage times stipulated in them?

4-- If the answer to 2, is 'yes', can individuals mount speakers on their roof-tops and play them without Police permission?

5-- What might be the reason that the Police do not take active cognition of citizens' complaints on noise from resorts, but prefer to ignore them or make just notional gestures by way of response?

6--In a state that is reeling under water shortages is it proper that natural water bodies are illegally filled over?

7-- Can laundry, sanitary and wash effluents be disposed off without due process into the ground?

8-- Can land leased from temples, ostensibly for the harvest of produce, be turned into party centres where drinking and dancing goes on late into the night?

The report that follows will explain the reasons why we ask the above questions. Preparation of this report was preceded by extensive consultation with lawyers and environmental activists who have not only helped prepare this report, but also confirm that the questions above are legitimate for us to ask. We will describe specific instances that beg the above questions. We will produce documentation to substantiate our claims. We offer to respond if you have further queries.

B : Who are we?:

We are all citizens of India interested in the rule of law and environmental protection. We are part of a group known as East Coast Citizens Organisation [ECCO]. Of those members, homeowners and residents of Muttukkadu directly affected by the violations committed by the above resorts have prepared this report. We have met as a group to share our experiences and provide inputs for this report. We reside to the south of GCR and north and south of MGMD and MGMBR. Among our members are elderly residents of the Senior Citizen Resort , and others of all ages, resident elsewhere. There is even a nine year old girl who has been so stressed by noise from MGMBR that she is facing severe difficulties at school.

While we, the relatively well-to-do members are about twenty in number, we have interacted with many poor citizens who are too frightened to join this group and be signatories to this report, although they freely express their ordeal with noise. Many of them believe that would only provoke the resorts into aggression against them. They believe the Police will not come to their help if there was a crisis. Some of them depend on the resorts for employment. They reside in huts and modest homes near the resorts and quietly endure the

constant oppression. We are willing to lead any investigator to several of these for interviews. An independent survey will bring out the state of terror these poor people --and their many children-- are in.

C : Notes for investigators:

Wherever we have cited dates and events, we can further substantiate the information with correspondence, Police complaints with receipts, representation to the TN Pollution Control Board [TNPCB] and other corroborative evidence. Investigators can also approach the cited parties to check whether or not the episodes we narrate took place. In short, there is ample evidence for an investigating authority if they chose to probe the situation diligently.

Please also note that the cited events are only representative of the type of offences that take place routinely. They are not the only ones that have occurred. Nor have they ended; they continue to occur. We highlight them because we have firm evidence with us of the dates. In some cases, participants at the cited events themselves have confirmed the event. On many occasions the Police were aware of the events as they happened, in real time.

D : Calendar of noise related events:

Entry No:01

Date: Feb 18, 2003

Venue: MGMBR on the beach side temple lands in their private use.

Description: A huge open air party for Indian Oil Dealers [or it may have been, for Indane Gas dealers]. Began early in the evening with loud music, announcements and fireworks. Repeated requests for shut down were met by hostile reaction by Mr Subrata Bannerjee of MGMBR, who said, "I can do nothing about it. Complain to whoever you want'. Citizens endured the oppression till 1Am on Feb 19.

Follow-up: A letter by a citizen brought up a visit by Mr Sanjay Yash Roy and Mr Don of MGM on March 22, 2003. They promised that they will not book outdoor music parties after the current ones on order ended. Thereafter all parties would be only indoors in a newly to be constructed auditorium. They sought co-operation and understanding for 4 to 6 months.

Entry No:02

Dates: 5 events in May and June, 2003

Venue: MGMBR on the beach side temple lands in their private use.

Description: Noisy parties however continued despite the promise of Mr Yash Roy. On May 17 , [till 12.45pm], May 18, [11.50pm], May 28, [11 pm], June 10, [11.45pm], June 11, [1.45 am]. Repeated calls were made to Mr Ram, Mahadevan and Antony of the resort office. Despite polite responses from them,

the parties did not stop until they ran their course till the late hours shown above.

Follow-up: Wrote a letter to MGMBR on June 18, enclosing a set of rules of the TNPCB on noise, articles on the public health hazards of loud noise and a calendar of events with the times noted as described above.

Entry No: 03

Date: July 12, 2003

Venue: MGMBR on the beach side temple lands in their private use.

Description: An event that the resort called, 'A Grand Party' for several hundred people, in a communication addressed to the Neelangarai Police Station, asking for policemen to be posted for security. Unbearably loud music, announcements and fireworks. Repeated complaints to the Police and the resort are ignored. The party goes on till 2am on July 13.

Follow-up: Several citizens with their children went over to the Neelangarai Police station and met the Inspector and lodged a written complaint. He admitted it was wrong on the part of the Police not to have intervened and that the next time it happens they will take strong action.

Entry No: 04

Date: July 17, 2003

Venue: MGMBR on the beach side temple lands in their private use.

Description: Loud music again began at around 8pm. Deciding to take up the Inspector on his word, a couple of citizens went over to the Neelangarai Police Station, demanding action. After 30 minutes of persuasion he sent a Sub Inspector to the venue.

Follow-up: When the SI and residents reached the venue, the high decibel music system was being hurriedly dismantled, on a possible tip-off. A meeting with Mr M G M Anand, Director and Mr Sanjay Prakash followed in their office with the SI as a witness. They claimed that they had only been testing the sound levels in order to verify safe limits. They would not again play at high levels. Mr Prakash declared he was aware of the laws on noise and held up a copy of the Hoteliers' Association handbook that detailed the laws. The SI promised that he would get a written undertaking from MGMBR that such events would not take place. After several days, he conceded that he had been unsuccessful in getting such a commitment. Delegations of citizens therefore, went to the District Collector and the Chairperson of the TNPCB and presented petitions to them.

Entry No: 05

Date: Dec 07, 2003

Venue: Green Coconut Resort campus

Description: The wedding of the owner's son took place with unbearably loud music. When an immediate neighbour complained to the Police and the

management of GCR no help came forth and he was in fact threatened in menacing terms by Mr Amanullah, the owner of GCR, who suggested that his business was in a commercial area and he was entitled to play music however loud he pleased.

Follow-up: Fearing a personal threat, this citizen filed a complaint at the Neelankarai Police station. The Inspector promised to be aware of the situation. In late March, 2004, the Neelankarai Police Station called this complainant for a 'compromise' with the resort owner. In the meeting that followed, in the presence of an ASP, the resort owner repeated his business compulsions and gave no undertaking to obey the laws.

Entry No: 06

Date: Mar13, 2004

Venue: Green Coconut Resort campus, pool side party

Description: This was another of the several pool side parties that routinely occur at GCR. We record this as we have other citizens as witnesses as they were visiting GCR's immediate neighbour's family. Repeated requests to the resort and the Police brought no respite. The noise was unbearable from 3 pm. Inspector from Neelankarai Police Station finally arrived at 9 pm but went direct to the resort and spent a long while there, even as the noise continued. On emerging from the resort, he refused to visit the house next door to assess the noise level. He said he was very busy but satisfied that the noise was low.

Follow-up: Citizens concluded that while all leisure establishments at Muttukkadu violated laws, GCR was in a class by itself, combining as it does brazen violations with arrogance. The matter was also take up with TNPCB and senior police officials.

Entry No: 07

Date: Apr 11, 2004

Venue: Green Coconut Resort campus, pool side party

Description: Loud party music from GCR again with antakshari, karaoke, housie, dancing all done over high decibel amplifiers. Several citizens were visiting an ailing lady in a house next to GCR. They were unable to carry on normal conversation.

Follow-up: Repeated phone calls to Mr Jamal Babu by several citizens, elicits the response: "I have permission from the Police to play music till 10.30pm." or "Come to my office and hear from yourself. The sound is very low", without mentioning that his office was air-conditioned. Repeated calls to the Neelankarai Police station ends the noise at 9.30 pm

Entry No: 08

Date: Apr 14, 2004

Venue: MGMBR on the beach side temple lands in their private use.

Description: Party for over 500 people belonging to Midas Communication Technologies, East Coast Road. The party began at 2.30 pm and went on with the usual level of loud music. Repeated calls to the resort brings no relief. It was clear MGMBR have decided on a strategy of polite responses but doing nothing on a permanent basis to stop the violations. Mr Ramalingam of the resort even feigned he was not aware of any illegality in playing loud music out-door. The noise ceases only at 11pm.

Follow-up: Citizens gathered to discuss the situation and concluded that neither resort had any intention of going legal. Their strategy was somehow to manage the irritated citizens on an event by event basis. While their end objectives are the same MGMBR and MGMD were polite, but GCR was arrogant. The local Police are not unduly interested in the matter. The poor are frightened. The citizens therefore concluded that they must come together and take up this matter at every forum that a democracy allows its citizens.

Entry No: 09

Date: This entry is applicable to all dates as these are daily issues

Venue: GCR and MGMD

Description: a--Generators at both these resorts do not seem to conform to the current standards prescribed for them. Their drone can be heard at the Senior Citizens Resort who are at the northern fence of MGMD and by residents south of GCR.

b--In addition, announcements and music from MGMD's public address systems, speakers at special stalls like the 'High Striker' are a constant noise we have to endure. It is not clear why all their communication needs within the resort, cannot be met by numerous speakers at 3 feet level, spread throughout their property. This would keep the neighbourhood noise free as happens in drive-in cinemas.

c--The various machines at MGMD also grind away throughout the day, and it is not clear what standards of noise and maintenance apply to them.

In the evenings the amphitheatre at MGMD is an open air venue for loud music, games, dancing and competitions run by shrill announcers.

d--The noise menace in fact began in 1997 when MGMD was being constructed using noisy earth-moving equipment round the clock. There is evidence with us of citizens actively complaining about them with no relief.

E : Matters relating to land, water and waste management

Entry No: 10

In these times of water scarcity, and when the whole state is being exhorted by the Chief Minister to restore or create water storage bodies it is strange that resorts like GCR and MGM have gone in the opposite direction.

a-- In the residential campus south of GCR, there is a pond common by legal right to all title owners in that campus. GCR which also owns a few plots in this campus has brazenly filled up the common pond and denied access to other owners. This is a double illegality.

b-- To the west of the car-park in the village that MGM operates, there used to be a centuries old natural pond to which all villagers had access. Today it has been filled over and used exclusively by MGM for parking and storing materials.

c-- None of the three resorts follow due process of waste disposal. They dump wherever it is not unsightly for their guests. While we do not have specific evidence, we believe they should be subject to active environmental audits by the government with citizens participation.

d-- GCR ran a crude resort laundry , that pollutes the ground water. On April 14, 2004, officers of TNPCB made a surprise visit and ordered the closure of this laundry and served a show cause notice on the resort. They have required that an effluent disposal plant be commissioned for laundry activities.

e-- MGMBR has claimed private and exclusive access to about two acres of land belonging to two temples in the village. It is not clear by what contract or agreement they are empowered to use these lands. These lands face the sea and are to the south of the resort. In 2002, these acres were extensively reshaped using earthmovers round the clock for several months. The 'remodeled' land has been laid over now, by an extensive lawn and the whole area is the venue for the various noisy, open air parties mentioned in Section D. Normally when temples auction or lease the use of their land it is for agricultural purposes or for the harvesting of tree produce. Here we have the travesty of religious lands being used for noisy late night partying with drinks and meat served on its soil.

F : Interactions with TNPCB

Entry no: 11

a-- We have been interacting with TNPCB and have received their co-operation on many occasions. Soon after the event described in Entry No:01, we approached the TNPCB because the Police at Neelankarai said they were waiting for 'a signal' from TNPCB. An inspection of MGMD and MGMBR by the District Environmental Engineer, Kancheepuram of TNPCB, on Feb 21, 2003 recorded unacceptable levels of noise. The MGMBR was cited for various violations of environmental laws. They were asked to desist from such acts and were directed to respond within a week on actions taken. MGMBR responded with a pathetic photograph of rickety pole scaffoldings draped with blue plastic sheets. This they claimed was their answer to stop noise from propagating. Apparently a schoolboy's knowledge that noise propagates in all directions and the best place to stem it is at the source is not available to MGMBR . The matter

rested here for a while.

b--It is not Muttukkadu citizens' case that the three resorts being discussed in this report are the only offenders. We are aware that VGP's EC41 at Injambakkam is notorious for unlawful open air parties that go on throughout the year. EC41 publicly advertised on bill boards, a series called 'Dandiya Wave' parties for October 4, 11, 18 and 25. These beach-side open-air, parties were advertised as beginning at 10 pm-- ie a good one hour after the law says public speakers must go silent.

A few citizens photographed this billboard and filed a public interest litigation [PIL] seeking an injunction against all resorts along ECR organising such parties in brazen violation of laws of the land. The court took this case on file and sought a report from the TNPCB.

Somewhat earlier, in August, 2003 a few citizens wrote to the TNPCB asking it to take suo moto notice of an article that had appeared in the Hindu on August 19, 2003. Entitled, "Touching base at EC41", this article, inter alia said:

--"The setting --the VGP Beach on ECR-- was perfect for a party, with DJs Graeme Lloyd and Steve Douglas **playing all night** ."

--"And before he could bring the sun up, he surely brought the rains down. About 500 youngsters lived it up on Saturday night..."

-- "As the night got wilder with rain... there were others who took their breaks by the sea"

Without seeming to be moral Police, concerned citizens felt there were several crucial issues involved here.

--night-time, out door, open air parties with loudspeakers are unlawful

--they disturb and stress residents in the neighbourhood

--party goers, driving back late, have been frequently involved in accidents -- many of them fatal--on the ECR

--such noisy revelry with bright lights, disturb the coastal eco-system and intrudes into the breeding cycle of threatened species like the Olive Ridley turtles

--beaches are left littered with plastic plates, cups, empty liquor bottles and condoms which become huge disposal issues for the local communities.

--fishermen living in the nearby villages may not be complaining because of fear of retaliation by the resorts or out of indifference, but authorities must take note that there are effects of noise that are subliminal, ie, 'below the threshold of conscious perception'. A fisherman who puts out to sea before dawn, will be below par in attention because of the unconscious noise stress he endured the previous night. This can even result in fatalities. At a minimum, such stress impairs his response mechanism and impacts his earnings.

As an upshot of our representation to the TNPCB and the Hon'ble Court seeking a report from it, we believe the TNPCB is now in the process of investigating the

environmental menace all along the ECR.

c-- As already noted under Entry No.10-d, TNPCB has quite commendably stopped the unlawful laundry run by GCR. It is such pro-activism that can nail the game of deception indulged in, by resorts along the ECR. We understand, TNPCB has conducted another series of inspections all on resorts along the ECR on April 10, 2004.

G : What do the citizens seek?

Although this report is specific to the three cited resorts in Muttukkadu, the questions raised herein are relevant to all or many of the resorts operating along the ECR. Therefore the following demands may be seen as being applicable to them all.

a-- TNPCB must communicate to the Police in writing giving the existing rules on noise pollution, and state that it is the Police's job and duty to enforce the rules. Ambiguity in this area is the single most important reason for the resorts' brazen-ness.

b-- A joint citizen+authorities survey should be commissioned on all resorts to examine their facilities and practices in managing, garbage, sanitation, land and water use

c-- No public announcement speakers should be mounted higher than 3 feet. Many of these distributed throughout the resort campuses will serve their needs and at the same time restrict the noise from invading the neighbourhood. This is a practice followed in open air cinemas satisfactorily

d-- All filled-in water bodies should be restored to their earlier status. Leased public lands should be examined for appropriate use

e-- All generators and equipment in resorts must be examined for maintenance and conformity to noise laws.

H : Appendix

This report was published on April 26, 2004

All resorts may be addressed by their name followed by Muttukkadu Village, Chennai 603112.

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