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PROTECTION OF THE RIGHTS AND SAFETY **OF RESIDENTS AND THE ENVIRONMENT:** **A CASE STUDY OF DEMOLITION OF** **SUPERTECH TWIN TOWERS IN NOIDA**

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“If all mankind were to disappear, the world would regenerate back to the rich state of equilibrium that existed ten thousand years ago. If insects were to vanish, the environment would collapse into chaos. E. O. Wilson”

As rightly stated by E.O Wilson, environment is a very important part of everyone’s life since it provides and never takes. Now-a-days many Multinational corporations and big companies use their resources and indulge in certain activities which not only harm the general environment but also destroys biodiversity for their monetary gain. The study talks about the role of our laws and lawmakers and their contribution towards the protection of environment. The case of the demolition of Supertech Twin towers or Shahberi building collapse in India has been investigated in detail with respect to the various environment laws which were being forfeited. The study also looks into the various organizations which were responsible for the said towers to be constructed and the process how justice was enforced.

INTRODUCTION

Background information on Supertech Twin Towers

Supertech twin towers complex, which was located in Noida, Uttar Pradesh, India, consisted of two towers, each with over 40 floors and more than 800 apartments conclusively. The project was known as “Emerald Court”. The project was sanctioned in 2004 and had various additional development to the plan since. The plan originally included construction of fourteen towers with a height not exceedingly more than 37 meters with each tower having a ground floor plus nine floors.

Further, in 2006, an additional land area was also leased to Supertech under the same conditions. This made all the towers to include 2 more floors, thus having ground floor plus eleven floors. When the Noida authority further reviewed the plan for finalizing it, it was fixed at 40 floors in the plan. In 2009, it was observed by the Noida authority that construction of T-16 and T-17 was violating the minimum distance requirement.

The construction of T-16 and T-17 were not in compliance with building regulations and the fire norms, which could impact huge danger in situation of an emergency. Further, it was also seen that the garden area from the plan was eliminated for the construction of the two towers (Apex & Ceyane). According to the UP Apartments Act 2010, this modification without the consent of the individual flat owners of the original fifteen towers, was violating the modifications made. ¹

After all this, the resident's welfare association of the Emerald Court reached the Allahabad High Court in 2012, alleging for the illegal construction of the towers.

Importance of protecting the rights and safety of residents and the environment

Protecting the rights and safety of residents and the environment is of paramount importance. The Supertech Twin Towers case emphasizes how crucial it is to safeguard citizens' rights, their safety, and the environment. Neglecting these important factors can have negative effects on people as well as society at large. Communities' wellness and success depend on safeguarding citizens' rights, safety, and the environment.

Developers of the Supertech Twin Towers encroached on a plot of land that was intended for a park and a school. As a result, the neighborhood lost its green space and educational facilities. Additionally, it was discovered that the towers' construction violated building codes, endangering both the environment and the safety of the local populace. After the towers were eventually destroyed, the people experienced considerable upheaval and dislocation.

¹ 28, J.J.U.A. (2022) *Explained: Why Are Noida Supertech Twin Towers being demolished? watch demolition video, Jagranjosh.com.* Jagranjosh.com. Available at: <https://www.jagranjosh.com/general-knowledge/explained-why-are-noida-supertech-twin-towers-being-demolished-know-the-complete-story-here-1661599565-1> (Accessed: February 22, 2023).

Neglecting residents' rights, their safety and the environment can have detrimental effects on not only the individual but also on society as a whole. Residents are entitled to a safe, healthy, and risk-free environment where it's safe to live. In addition to having inherent value, the environment must be protected if all living things are to survive and thrive.

Additionally, there are financial advantages to preserving residents' rights, their safety, and the environment. It can encourage sustainable growth, draw investment, and result in higher property prices. Additionally, it can enhance residents' quality of life and foster a sense of community.

DEMOLITION OF SUPERTECH TWIN TOWERS

Reasons for demolition

The Supertech twin towers are being demolished due to various violations of the building codes and the UP Apartments Act 2010. The supreme court mentioned that the Noida authority and Supertech had engaged in “Nefarious Complicity”. Further, the court ordered the company to demolish the buildings, bearing the expense on itself, with guidance provided by the Noida Authority. ²

The towers were ordered to be demolished by the Allahabad High Court in 2014 after it was discovered that they were built illegally and presented a threat to the environment and the safety of locals. Supertech was also directed to refund the payments to the flat buyers with an interest rate of 14%. ³

The court decided that the developers had encroached on the property reserved for a park and a school and that the twin towers were constructed on a green belt. The towers were also built without receiving the required clearances and approvals. The residents' safety was put in jeopardy as a result of this violation of building codes.

The court stated in its order that the towers were unsafe for occupancy and harmful to the local

2 Maintenance) act, 2010 Uttar Pradesh Apartment (Promotion of ... (no date). Available at: https://www.greaternoidaauthority.in/files/attachments/up_apartment_act_pcom_2010.pdf (Accessed: February 25, 2023).

3 Supertech twin towers demolition: Causes and latest updates (no date). Available at: <https://www.magicbricks.com/blog/supertech-twin-towers/129240.html> (Accessed: February 23, 2023).

environment. The court also pointed out that there were additional safety risks as a result of the towers being built without proper infrastructure, such as roads and drainage systems.

The legal considerations of preserving the law, defending resident safety and rights, and safeguarding the environment all play a crucial role in the court's decision to order the buildings' demolition. The destruction was viewed as an essential measure to ensure adherence to building codes and to stop future damage to the neighborhood and environment.

In August 2021, SC affirmed the decision made by Allahabad High Court, and ordered for demolition of the towers, stating that they had been built in violation of the regulations.

Process of Demolition

The demolition of the Supertech Twin Towers in Noida, Uttar Pradesh, India, was carried out by a team of experts from the National Buildings Construction Corporation (NBCC). The following is a general outline of the process of demolition that was followed:

- i. Firstly, a pre-demolition survey was conducted by the team of experts. They assessed the structural integrity of the buildings, identified potential hazards and further determined the best way to bring down the building safely.
- ii. The towers, which were apparently taller than the iconic Qutub Minar, were brought down in just under 10 seconds. The technique followed for demolition is known as the “Waterfall Implosion Technique”. Explosives were placed at specific points such that the building collapses just like a house of cards would, while causing no damages to the nearby buildings.⁴
- iii. All materials that would come under “Hazardous material” were removed from the building before demolition. It included removal of “asbestos, lead, and other toxic substances.”
- iv. All the essential requirements such as electricity, gas, and water connections were cut off before the commencement to ensure safety.
- v. During the demolition, around 500 police and traffic personnel were appointed on different locations with the Provincial Armed Constabulary and National Disaster Response Force to ensure safe and sound commencement of the demolition.

4 PA, A. (2022) Supertech towers fall via 'controlled implosion' - here's how it happened, The Indian Express. Available at: <https://indianexpress.com/article/explained/noida-supertech-twin-towers-demolition-explained-8114937/> (Accessed: February 23, 2023).

Impacts of demolition on residents and the environment

The impacts of the demolition on residents and the environment were as follows:

- i. Before the commencement of the demolition, around 5,000 residents along with their pets, were evacuated by 8 a.m. Further, around 2,700 of their vehicles were also relocated from the area to prevent any damages to the property.
- ii. Some of the volunteers helped in evacuation of stray dogs from the area. Stray dogs were required to be removed from the area as the debris from demolition could really harm their respiratory system.
- iii. An exclusion zone was created, with a radius of around 500 meters around the twin towers. This was created before the demolition so that no human or animal was allowed near the blasters except the team of Indian and foreign blasters engaged in the process.⁵
- iv. According to Noida authority, air space within one nautical mile radius above the blast was also made unavailable for the flights during the time of demolition. This step was taken to further ensure no casualties of any sort.
- v. The Noida-Greater Noida Expressway was closed from 2:15 p.m. to 2:45 p.m.
- vi. City was mandated to be no fly zone for drones
- vii. Residents of near by building were only allowed back after 6:30 p.m. only after proper clearance from the officials were given.⁶
- viii. Essential connections, such as gas and electricity were not available for the due time.
- ix. Additionally, the demolition's use of heavy equipment may have increased greenhouse gas emissions, which can accelerate climate change.
- x. The ecology may have suffered long-term effects from the illegal demolition of the Twin Towers. For instance, the towers' unauthorized use of groundwater to construct them would have had a long-term effect on the region's groundwater supplies, possibly leading to water shortages and other environmental issues.⁷

5 Bhavsar, K.P. (2022) Noida Twin Tower Demolition: Impact on environment and residents living nearby, mint. Available at: <https://www.livemint.com/news/india/noida-twin-tower-demolition-what-will-be-the-impact-on-environment-and-on-residents-living-nearby-11661575273327.html> (Accessed: February 24, 2023).

6 Shafaque Alam / TNN / Updated: Aug 26, 2022 (no date) Change in plan: Noida Eway to be closed till 'situation Normalises': Noida News - Times of India, The Times of India. TOI. Available at: <https://timesofindia.indiatimes.com/city/noida/change-in-plan-noida-eway-to-be-closed-till-situation-normalises/articleshow/93788769.cms> (Accessed: February 25, 2023).

7 Desk, L. (2022) Impact of rubble left behind by Supertech Twin Tower Demolition, News18. Available at: <https://www.news18.com/news/lifestyle/impact-of-rubble-left-behind-by-supertech-twin-tower-demolition->

- xi. Hazardous material from the demolition that is improperly disposed off could harm the environment and people's health.
- xii. Explosion left behind around 55,000 – 80,000 tons of debris. This would take around 3 months to be cleared from the site.
- xiii. The debris, which might total up to 21,000 cubic meters, would be transported and dumped on a remote plot of ground of five to six hectares inside the city's Work Circle-7 borders, with the remaining material being stored in the twin buildings' basement spaces, where a pit has been made.⁸

PROTECTION OF RIGHTS OF RESIDENTS

Legal framework for protecting the rights of residents in India

India is a nation with a diversified population and a long history of protecting its citizens under the law and the constitution. All people of India are guaranteed a number of fundamental rights and liberties under the 1950-adopted Indian Constitution, including the right to equality, the freedom of speech and expression, the right to life, and the right to personal liberty. At the state and federal levels, numerous laws and regulations further safeguard these rights.

The Right to Information Act of 2005 is one of the most significant legislative frameworks for defending the rights of Indian citizens. This Act guarantees citizens' access to information maintained by public authorities and obliges them to keep records and make information available upon request. By giving citizens access to information regarding the acts and decisions of government officials, this Act has played a significant role in encouraging openness and accountability in government and helping to defend people' rights.⁹

The Natural Green Tribunal (NGT) was established by the central government on 18th October 2010

5844829.html (Accessed: February 26, 2023).

8 Noida Supertech Twin Towers to be demolished on August 28 - the environmental impact and solutions (2022) cnbctv18.com. Available at: <https://www.cnbctv18.com/environment/noida-supertech-twin-towers-demolition-environment-impact-solutions-govt-14459112.htm#:~:text=The%20environmental%20impact%20of%20demolition,leaving%20behind%20tonnes%20of%20debris.> (Accessed: February 24, 2023).

9 India, legal S. (no date) Right to information act - an overview, Legal Service India. Available at: https://www.legalserviceindia.com/articles/rti_dh.htm (Accessed: March 1, 2023).

under the Natural Green Tribunal Act. Its primary objective is to provide a specialized forum for the speedy redressal of issues related to the conservation of forests and the protection of the environment. It also seeks compensation for damages caused to property and people due to violations and non-compliance with conditions. The NGT performs various functions related to the protection of the environment by issuing strict orders on matters concerning waste management, pollution, deforestation, and other related issues.¹⁰

The Water (Prevention and Control of Pollution) Act of 1974 and the Water (Prevention and Control of Pollution) Cess Act of 1977 were passed to prevent and manage water pollution, as well as to preserve or restore the wholesomeness of India's water. The Water (Prevention and Control of Pollution) Act was amended in 1988. The Water (Prevention and Control of Pollution) Cess Act provided for the levying and collection of a Cess on water consumed by industries carrying out specific types of operations. The NGT, as per Schedule 1 of the NGT Act, has the jurisdiction to hear civil cases related to issues connected with these acts.¹¹

The main purpose of the Environmental Protection Act of 1986 was to safeguard and enhance the environment by addressing gaps in existing environmental laws in India and covering significant environmental threats that were previously unrecognized. The act aimed to implement the conclusions drawn at the Stockholm Conference on the Human Environment in June 1972 and to create new agencies while coordinating existing agencies' operations under earlier laws. It also included severe punishment for violators who put the environment's safety and health at risk and promoted the development of delegated and subordinate laws concerning ecologically delicate issues and environmental protection. In summary, the Environmental Protection Act of 1986 aimed to establish comprehensive legislation for universal environmental protection in India.¹²

The Consumer Protection Act is a statute that safeguards customers from deceptive business practices and prevents corporations from taking advantage of them. The Consumer Protection Act of 1986 was

10 Everything you need to know about the National Green Tribunal (NGT ... (no date). Available at: <https://www.conservationindia.org/resources/ngt> (Accessed: March 1, 2023).

11 -, D.R. et al. (2022) Water (prevention and control of Pollution) Act, 1974, iPleaders. Available at: <https://blog.ipleaders.in/water-prevention-and-control-of-pollution-act1974/> (Accessed: March 1, 2023).

12 Environment protection under constitutional framework of India. Available at: <https://pib.gov.in/newsite/printrelease.aspx?relid=105411> (Accessed: March 2, 2023).

repealed and replaced by the new law in 1986. The statute intends to quickly and easily address consumer complaints. To promote and protect consumer rights, the legislation calls for the creation of consumer protection councils at the national, state, and district levels. The act also establishes a three-tiered mechanism for resolving consumer complaints and stipulates remedies such as the elimination of flaws in goods or services, their replacement, a refund of the purchase price, and compensation for any loss or harm incurred by the consumer as a result of the defective goods or services.¹³

Analysis of how residents' rights were protected during demolition

The first step taken by the authorities to protect the rights of the residents was to ensure their safety during the demolition process. The district administration and the Noida Authority provided adequate notice and time to the residents to vacate their apartments before the demolition work started. The residents were given sufficient time to collect their belongings and were assisted by the authorities to relocate to alternative accommodation. The authorities also arranged for temporary shelters for the residents who were unable to find alternative accommodation.

In addition, the authorities set up a helpline to assist the residents with any queries or concerns they had during the demolition process. The helpline was manned by trained personnel who were available round-the-clock to answer any questions or provide any assistance required by the residents. The authorities also set up a control room to monitor the demolition work and ensure that the work was being carried out in a safe and systematic manner.

The authorities also took measures to protect the rights of the residents regarding their property. The district administration and the Noida Authority carried out a detailed survey of the apartments before the demolition work started. The survey included a comprehensive inventory of the belongings of each resident, which was cross-checked with the residents themselves. The authorities also ensured that the demolition work was carried out in a way that did not damage any of the surrounding buildings, thereby protecting the property rights of the neighboring residents.¹⁴

13 Consumer protection act - 1986 (2023) GeeksforGeeks. GeeksforGeeks. Available at: <https://www.geeksforgeeks.org/consumer-protection-act-1986/> (Accessed: March 3, 2023).

14 Noida authority to carry out survey to identify illegal constructions in flats (2022) Hindustan Times. Available at: <https://www.hindustantimes.com/cities/noida-news/noida-authority-to-carry-out-survey-to-identify-illegal-constructions-in-flats-101672510906277.html> (Accessed: March 3, 2023).

Furthermore, the authorities provided compensation to the residents for the loss of their property due to the demolition. The residents were given a fixed amount of money as compensation, which was calculated based on the size of their apartment and the market rate in the area. The compensation was paid directly to the residents, and the authorities ensured that the process was transparent and fair.

Recommendations for improving the protection of residents' rights in future demolitions

Based on the above-mentioned analysis of the protection of resident's rights during the process of demolition of the twin towers in Noida, following are the recommendations that can be made for further improving the protection of rights of the residents during demolition in future:

- i. Proper notification should be provided prior the commencement of the demolition. This would give the residents enough time to relocate from the site. Communication between the authorities and the residents should be transparent and clear, so that no confusion is created.
- ii. Adequate compensation to the parties who bared losses and inconvenience caused by the demolition. The compensation should be decided by the court and should cover the cost for relocation, damages, and loss of livelihood.
- iii. The authorities should have provided proper alternative accommodation to the aggrieved parties. Alternate accommodation should be of the same or better quality, until relocated to their new homes.
- iv. Authorities should have established a grievance redressal mechanism for the addressing of grievances faced by the residents. This should be in addition to the Residents Welfare Association (RWA) of the society.
- v. The authorities should monitor the demolition process and ensure that it is carried out in accordance with the law and regulations. Any violations or non-compliance should be addressed promptly and appropriate action should be taken against the responsible parties.
- vi. The authorities should involve residents in the planning and decision-making process related to the demolition and relocation. The opinions and concerns of residents should be taken into account while formulating the plans.
- vii. The authorities should ensure that the demolition process does not cause any environmental damage or pollution. The demolition should be carried out in accordance with the environmental regulations and guidelines.

PROTECTION OF THE ENVIRONMENT

Environmental Regulations in India

India has a comprehensive set of environmental laws to safeguard and preserve its ecosystems and natural resources. Environmental pollution laws and laws governing the preservation of natural resources are the two basic areas into which environmental legislation in India may be divided.

Laws which govern environmental pollution:

- i. The Water (Prevention and Control of Pollution) Act, 1974: The Indian government passed an act in 1974 with the intention of preventing and managing water pollution in the nation. To monitor and prevent water pollution and to implement the Act's rules, the Act calls for the creation of national and state pollution control bodies. No one is allowed to dump any pollutants into a water body or sewer in accordance with the Act without first securing a permit from the pollution control board. If the board determines that a person or industry's pollution discharge is harmful to the environment or the general public, the board may also order them to stop or control it.

ii.

The Act gives the federal government the authority to establish requirements for the quality of water used for irrigation, drinking, and other purposes. These regulations must be put into effect, and the state governments are in charge of keeping an eye on the quality of the water in their respective areas.

The Act also outlines penalties and sanctions for breaking its rules, including jail time and fines. The Act recognizes that both individuals and organizations have the right to pursue financial compensation for losses brought on by water pollution.

The Indian government has passed additional environmental laws in addition to the Water (Prevention and Control of Pollution) Act with the goal of safeguarding the nation's water resources. These include the National Green Tribunal Act of 2010, which establishes a specialized tribunal to hear cases relating to environmental protection and conservation, and the Water (Prevention and Control of Pollution) Cess Act of 1977, which allows for the levying and collection of a Cess on water consumed by certain industries.¹⁵

¹⁵ Manupatra (no date) Manupatra, Articles. Available at: <https://articles.manupatra.com/article-details/Water-Pollution-And-The-Laws-In-India-A-Critical-Analysis> (Accessed: 2023).

- iii. The Air (Prevention and Control of Pollution) Act, 1981: The act outlines steps to improve air quality and allows for the prevention, control, and abatement of air pollution. The act lays out guidelines for policing and regulating emissions from cars, industry, and other sources of air pollution.

It gives the national, state, and municipal governments the authority to create air pollution control boards to carry out these duties as well as to take action to prevent and regulate air pollution. According to the act, businesses and other sources of air pollution must apply for permits and adhere to emission guidelines established by the federal and state governments. The act also establishes fines for non-compliance and mandates inspections of businesses and other sources of air pollution.

The act gives the federal and state governments the authority to enact measures to prevent and regulate air pollution, such as setting air quality standards, banning the use of specific fuels, and regulating where industries and other sources of air pollution can be found. Additionally, the law sets emission limits for automobiles, tests them to see if they meet those criteria, and regulates the sale and use of fuel for vehicles, in addition to regulating vehicular emissions.

In addition to limiting emissions, the act calls for the prevention and management of air pollution via strategies including the creation of green belts, the support of cleaner technologies, and the development of public involvement and knowledge of air pollution control. The act gives the federal and state governments the authority to take action in response to air pollution emergencies, such as limiting the use of specific fuels or shutting down factories or other sources of air pollution.¹⁶

- iv. The Environmental (Protection) Act, 1986: The act addresses environmental pollution prevention, control, and abatement, as well as the protection of the country's forests and animals. The EPA intends to achieve its goal by developing a framework for activity coordination among federal and state governments, non-governmental organizations, and other stakeholders. It necessitates action by the central government to safeguard and improve the quality of air, water, and soil, as

16 Air: Prevention and control of pollution, act 1981 (no date) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-10293-air-prevention-and-control-of-pollution-act-1981.html> (Accessed: 2023).

well as to prevent the release of dangerous substances into the environment. The EPA constructs air, water, and soil quality regulations and mandates industries and other entities to meet these criteria.

The act also establishes central and state pollution control boards to monitor and enforce adherence to the criteria. The EPA regulates hazardous substances and requires industries that manufacture, handle, or transport hazardous compounds to take sufficient precautions to prevent accidents and lessen their impacts in the event of an accident. The act also establishes an Environmental Relief Fund to compensate for harm caused by accidents involving dangerous substances. The EPA imposes consequences for infractions of its rules, such as fines and imprisonment. It also calls for the creation of environmental courts to settle environmental conflicts.

The legislation calls for the protection and conservation of forests and wildlife, and it compels the federal and state governments to take steps to prevent forest degradation and wildlife extinction. It also calls for the creation of national parks, wildlife refuges, and biosphere reserves in order to protect and conserve species.¹⁷

- v. The Hazardous Waste (Management and Handling) Regulations, 1989: In order to protect both human health and the environment, the laws' primary goal is to make sure that hazardous wastes are handled and disposed of in an environmentally responsible manner. The regulations offer a thorough framework for the management and handling of hazardous wastes, including their identification and classification, the methods for approving facilities for their disposal, and the rules for their handling, treatment, and disposal.

The rules also specify who is responsible for the proper handling and management of hazardous wastes, the generator, the transporter, and the operator of the disposal facility. Hazardous waste generators must keep track of the number and type of hazardous wastes they produce, and they must give this information to the appropriate regulatory authorities, according to the Hazardous Waste (Management and Handling) Regulations.

17 -, S.M. et al. (2022) Environment (protection) act, 1986, iPleaders. Available at: <https://blog.ipleaders.in/environment-protection-act-1986-2/> (Accessed: 2023).

In accordance with the legislation, hazardous waste haulers must also get licenses and adhere to safety regulations. The standards also outline the specifications for how hazardous wastes are to be treated, stored, and disposed of. Hazardous waste treatment facilities must be authorized and run in accordance with the established procedures to ensure safe and efficient handling of hazardous wastes.

Hazardous waste storage facilities must be constructed and operated in accordance with safety standards to prevent environmental contamination. In order to safeguard human health and the environment from the harmful impacts of hazardous wastes, the Hazardous Waste (Management and Handling) Regulations offer a strong framework for the management and handling of hazardous wastes in India.¹⁸

- vi. The Municipal Solid Wastes (Management and Handling) Rules, 2000: The guidelines require every local authority to establish a scientific system for the segregation, collection, storage, transportation, processing, and disposal of municipal solid waste. The laws also compel all premises occupants, including households, to separate garbage into biodegradable and non-biodegradable categories and to deliver it over to authorized waste collectors.

The guidelines require waste generators that produce more than 100 kg of garbage per day to be responsible for their own waste management and to build up waste processing facilities. The rules also define the roles of state governments and the Central Pollution Control Board in enforcing and monitoring the rules' implementation.

The laws prohibit the disposal of untreated garbage in landfills and require that all municipal solid waste be treated and disposed of in an environmentally responsible way. Local governments are obligated by the rules to promote public awareness and participation in trash management through educational and awareness programmes. Local governments must also offer sufficient facilities for the storage and handling of hazardous wastes such as batteries, e-waste, and other toxic materials, according to the laws.¹⁹

18 NPC (no date). Available at: <https://www.npcindia.gov.in/NPC/Files/delhiOFC/EM/Hazardous-waste-management-rules-2016.pdf> (Accessed: 2023).

19 -, A.P. et al. (2018) Municipal solid waste management - laws, Regulations & Guidelines, iPleaders. Available at: <https://blog.iplayers.in/municipal-solid-waste-management/> (Accessed: 2023).

Laws that govern the conservation of natural resources:

- i. Forest (Conservation) Act, 1980: The law protects forests and limits the diversion of forestland for non-forestry activities. According to the statute, any non-forestry use of forestland, such as mining, industry, dams, or motorways, requires prior consent from the central government. The act also established the National Board for Wildlife, a Central Government institution charged with overseeing forest conservation and assessing the impact of development projects on wildlife and protected areas. The term "forest" is defined broadly under the act, including any land recognized as such in official records, as well as any property covered with trees and vegetation. Under the legislation, any individual or organization wishing to engage in any activity that necessitates the diversion of forestland must submit a request to the state or union territory administration, which will then convey it to the central government for approval. The plan will be evaluated by the central government, which will take into account elements such as the purpose and scope of the proposed diversion, the environmental impact of the diversion, and the impact on wildlife and forest resources. The plan may be approved with or without conditions by the central government, or it may be rejected outright.

The act assures that forestland is not converted for non-forestry purposes without due consideration for the environmental impact and without proper compensatory measures for forest resource loss. The statute also includes harsh punishments for violating its terms, such as fines and jail. Overall, the legislation is an important tool for Indian forest protection and sustainable development.²⁰

- ii. Animal (Protection) Act, 1972: The act was passed to prohibit cruelty to animals and to ensure their well-being. The statute defines numerous forms of animal cruelty, such as beating, overloading, confining, and withholding food and water. It also forbids the use of animals in circuses or other shows that involve animal cruelty.

The act requires the establishment of animal welfare boards in each state to ensure that the act's requirements are adequately enforced. The boards are in charge of inspecting animal facilities and ensuring that animals are treated humanely. The act also calls for the appointment of animal

²⁰ -, A.V. et al. (2022) All you need to know about the forest conservation act, 1980, iPleaders. Available at: <https://blog.iplayers.in/need-know-forest-conservation-act-1980/> (Accessed: 2023).

welfare officers to implement the act's requirements. The statute establishes consequences for misconduct, which include imprisonment and fines. For repeat violators, the sanctions get more severe. The act also allows for the removal of animals from their owners if they are mistreated.

The Animal (Protection) Act of 1972 has been changed multiple times over the years in order to broaden its reach and strengthen animal protection. The act was updated in 1994 to incorporate requirements to prevent animal abuse during transportation. The act was revised in 2001 to add provisions for the establishment of a central authority to supervise the act's implementation.

While the act has helped to enhance animal welfare in India, more effort still to be done to guarantee that animals are treated properly and with respect.²¹

- iii. The Water (Prevention and Control of Pollution) Cess Act, 1977: The law intends to impose and collect a Cess on water utilized by people engaged in specific industrial activities. This levy is used to fund the efforts of the Central Pollution Control Board (CPCB) and the State Pollution Control Boards (SPCBs) in preventing and controlling water pollution.

The act applies to all persons or businesses engaged in particular categories of industrial operations, such as the manufacture of commodities, the processing of minerals or oil, thermal power plants, and textile mills, among others. Individuals or businesses must register with the act and pay the water Cess, which is determined based on the volume of water consumed.

The legislation authorizes the Central and State Pollution Control Boards to send notices to defaulters and collect the water Cess, and any unpaid Cess amount is treated as a land revenue arrear and reclaimed as such. The act also establishes the Water Cess finance, which is controlled by the Central Government and is used to finance the CPCB and SPCBs' expenses linked to the prevention and management of water pollution.

It has aided in the financing of different initiatives aimed at preventing and regulating water pollution, such as the construction of sewage treatment plants, the monitoring and surveillance of

21 -, S.M. et al. (2022) Wildlife protection act, 1972, iPleaders. Available at: <https://blog.ipleaders.in/the-wildlife-protection-act-1972-and-its-impact-in-protecting-wildlife-in-india/> (Accessed: 2023).

pollution, and the promotion of cleaner manufacturing methods in enterprises. The act has been revised on several occasions to improve its effectiveness and to include new sectors and activities.²²

- iv. The Biological Diversity Act, 2002: The Act was passed in order to fulfil India's duties under the Convention on Biological Diversity, to which it is a signatory. The Act creates the National Biodiversity Authority (NBA) to govern access to biological resources and related traditional knowledge. The NBA is in charge of approving activities such as biological resource research and commercialization. It also has the authority to levy fines for violations of the Act's provisions.

The Act recognizes the rights of individuals and local groups to protect, conserve, and exploit biological resources, including traditional knowledge. It calls for the formation of Biodiversity Management Committees (BMCs) at the local level to promote biological resource protection and sustainable usage. People's Biodiversity Registers (PBRs) are created by BMCs to document biological resources and associated traditional knowledge in their particular areas.

The Act also forbids certain actions that could harm biodiversity, including exporting biological resources from India without the NBA's prior consent, using biological resources for commercial purposes without the NBA's consent, and not sharing the benefits with stakeholders.²³

Analysis of how the environment was protected during demolition

Several environmental protection regulations were put into place during the demolition of the Supertech twin towers in Noida in order to lessen the negative effects on the environment and safeguard the rights of the locals.

Firstly, the National Green Tribunal (NGT) published stringent requirements for the demolition procedure, including the use of dust suppression techniques and a focus on reducing noise pollution. The NGT further instructed the builder to make sure that all rubbish was properly disposed of and

²² The water (prevention and control of pollution) cess act, 1977 (no date). Available at: <https://indiankanoon.org/doc/1940190/> (Accessed: 2023).

²³ Admin (2022) Biological diversity act, India [2002]: National Biodiversity Authority: Biodiversity protection, BYJUS. BYJU'S. Available at: <https://byjus.com/free-ias-prep/biological-diversity-act-2002/> (Accessed: 2023).

that no dangerous materials were left behind.

Secondly, in order to ensure adherence to environmental standards, the Uttar Pradesh Pollution Control Board (UPPCB) also kept an eye on the demolition process. To measure pollution levels, the UPPCB carried out routine inspections and gathered samples of the air, water, and soil.

Thirdly, the demolition was done in phases, with each stage evaluated and certified by the NGT and UPPCB before moving on to the next. This guaranteed that the demolition was carried out in a controlled and regulated way, minimizing the environmental and community damage.²⁴

Finally, the rights of the people were preserved during the demolition process. The NGT ordered the builder to find other housing for the occupants and compensate them for the difficulty caused by the demolition. Residents were also kept up to date on the demolition's progress and were able to address any concerns or objections to the NGT or UPPCB.

Recommendations for improving environmental protection in future demolitions

Here are some recommendations for improving environmental protection in future demolitions in India:

- i. Conduct a thorough environmental impact assessment before initiating any demolition activity to identify potential environmental hazards and risks.
- ii. Ensure that all demolition activities are carried out in compliance with the relevant environmental laws, regulations, and guidelines, and that adequate measures are taken to prevent environmental damage.
- iii. Monitor and regulate the air, water, and noise pollution levels during the demolition process to ensure that they are within permissible limits.
- iv. Encourage the use of environmentally friendly demolition methods, such as selective dismantling, deconstruction, and recycling, wherever possible.
- v. Establish a robust system for the proper disposal of hazardous wastes generated during the demolition process and ensure that they are disposed of in an environmentally safe and responsible manner.

²⁴ Up Pollution Control Board, Lucknow. Available at: <http://www.uppcb.com/enviracts.htm> (Accessed: 2023).

- vi. Promote the use of sustainable building materials and construction techniques in future constructions to reduce the need for demolition and minimize the environmental impact.
- vii. Increase public awareness and participation in environmental protection by conducting awareness campaigns, workshops, and seminars on the importance of sustainable development.
- viii. Strengthen the enforcement of environmental laws and regulations, and impose stringent penalties on violators to deter future non-compliance.
- ix. Ensure active participation of local communities, civil society organizations, and environmental groups in the planning and decision-making process related to demolitions to ensure that their concerns are addressed.²⁵

ROLE OF THE GOVERNMENT

Government's role in regulating demolition of buildings

The regulation of building demolition, particularly the demolition of the Supertech twin towers, is heavily influenced by the government. The National Green Tribunal (NGT) and the Uttar Pradesh Pollution Control Board (UPPCB) were involved in supervising the demolition process and ensuring that it complied with environmental standards in the instance of the Supertech twin towers.

The UPPCB kept an eye on the demolition procedure to make sure there was no environmental harm and that the material was disposed of properly. Prior to starting the demolition process, they also made sure that the relevant licenses and clearances were secured. The UPPCB also carried out routine site inspections during the demolition to guarantee that all rules were being adhered to.

The NGT made a substantial contribution to the regulation of the demolition procedure. To make sure that the demolition was carried out in an environmentally safe manner, they issued a number of instructions and directions. For instance, the NGT mandated that the demolition waste not be deposited in adjacent waterways or other ecologically sensitive places, but rather stored in a specified area. Additionally, they mandated that throughout the demolition operation, the air quality in the

²⁵ Updated: Sep 12, 2022 (no date) Construction and environment: Ways to minimise pollution created by infrastructure development - Times of India, The Times of India. TOI. Available at: <https://timesofindia.indiatimes.com/home/environment/construction-and-environment-ways-to-minimise-pollution-created-by-infrastructure-development-gilco-global/articleshow/94160104.cms> (Accessed: 2023).

immediate region should be constantly checked.²⁶

In order to control the demolition of structures like the Supertech twin towers, the government must make sure that environmental standards are followed, relevant permits and clearances are secured, and compliance is monitored regularly through inspections. The UPPCB and NGT have a big part to play in regulating demolition and making sure it's done safely for the environment.

Analysis of government's role in the Supertech Twin Towers demolition

The government's involvement in the Supertech Twin Towers destruction was essential in ensuring that all environmental and safety requirements were followed. The need for government participation arose from the demolition process' potential to seriously harm the environment and endanger public safety if improperly controlled.

The government's creation of a committee to supervise the demolition process was one of its most important actions. The committee was responsible with making sure that all safety precautions were taken and that the demolition was done in accordance with environmental laws. Environmentalists, engineers, and safety specialists were among the committee's experts from a variety of disciplines. The employment of eco-friendly practices and dust suppression techniques to reduce the impact of dust on the environment and public health were two additional rigorous restrictions placed by the government on the demolition process. Additionally, the demolition had to be done in stages, with regular progress checks to make sure the requirements were being met.

Additionally, the government regularly inspected the location to make sure that the requirements were being followed and that there were no violations of the safety and environmental laws. The government also compensated for the affected residents' relocation and offered them compensation for the trouble the destruction caused.

In order to ensure that the Supertech Twin Towers destruction was carried out in a safe and environmentally conscious way, the government's role in regulating the process was essential. The

²⁶ Building regulations must ensure safety and public health for all (2020) Economic and Political Weekly. Available at: <https://www.epw.in/engage/article/building-regulations-must-ensure-safety-and-public> (Accessed: 2023).

government's assistance made sure that the impacted homeowners were fairly paid for the inconvenience caused and worked to reduce any potential environmental and safety issues related to the demolition process.²⁷

Recommendations for improving government oversight in future demolitions

Here are some suggestions for strengthening government control of future demolitions based on the review of the government's role in the demolition of the Supertech Twin Towers:

- i. Strengthen and enforce existing laws and regulations related to building demolitions, including environmental and safety regulations.
- ii. Create a thorough checklist or set of instructions for government representatives to adhere to when demolishing buildings to make sure all required precautions are followed to protect the environment, public health, and safety.
- iii. Create a framework for appropriate government organizations to regularly examine and monitor building demolition sites to guarantee compliance with legislation.
- iv. By including local communities and pertinent stakeholders in the planning and implementation stages, building demolition decision-making can be made more transparent and open to public input.
- v. To ensure that the government authorities in charge of regulating building demolitions have the information and skills necessary to enact legislation successfully, provide them with sufficient resources and training.
- vi. To promote accountability and transparency, create an independent agency to oversee and track government oversight of building demolitions.²⁸

27 Supertech twin-tower case: Up Govt suspends 3 noida officers, total 26 found involved (no date) The Economic Times. Available at: <https://economictimes.indiatimes.com/news/india/supertech-twin-tower-case-up-govt-suspends-3-noida-officers-total-26-found-involved/articleshow/86734470.cms> (Accessed: 2023).

28 सार्वजनिक सूचना / public notice (no date) CPCB. Available at: <https://www.cpcb.nic.in/> (Accessed: 2023).

CONCLUSION

Summary of key findings

The paper tells us about the various environmental laws and regulations present in our country to safeguard the rights of the individuals and provide proper safety for our environment. Acts such as the Water (Prevention and Control of Pollution) Act, Air (Prevention and Control of Pollution) Act, Environmental Protection Act, Hazardous Waste Regulations, Municipal Solid Wastes Rules, Forest (Conservation) Act, Water (Prevention and Control of Pollution) Cess Act are some of the important regulations present in India for the protection of environment.

All the above-mentioned acts and regulations aim to protect and preserve the environment, prevent pollution, and establish penalties for violations. They establish authorities to oversee compliance and provide procedures for authorization and monitoring. However, there are also gaps in implementation and enforcement, which can lead to violations and harm to environment. Recommendations for improvement include increased oversight, stricter penalties and better enforcement mechanisms.

Implications for future demolitions

The Supertech Twin Towers demolition case revealed the need for better oversight and coordination between various government agencies involved in the process. The government played a crucial role in regulating the demolition and ensuring environmental protection norms were followed. However, there were still several shortcomings in the process that led to environmental and health hazards for nearby residents.

In order to prevent such problems in future demolitions, more severe restrictions and control by government organizations such as the NGT, municipal governments, and environmental and health departments are required. Proper planning and communication are required to guarantee the demolition process is completed safely and on time, with little interruption to the environment and public health. There should also be a system in place to ensure that affected residents receive compensation and rehabilitation in a timely and equitable way. Overall, the Supertech Twin Towers case emphasizes the need of having correct laws and control throughout the demolition process in order to protect the environment and public health.