

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C) .No. 1953 of 2010 (S)

PETITIONER(S) :

K.KAMALAM, AGED 75 YEARS, WIDOW OF LATE
K.N.SREDHARAN PILLAI, KANNANKERIYIL HOUSE
CHITTETHUKARA, KAKKANAD C.S.E.Z. P.O., KOCHI -682037.

BY ADV. SRI.KAPPILLIL ANILKUMAR

RESPONDENT(S) :

1. UNION OF INDIA REPRESENTED BY
SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, LODHI ROAD, NEW DELHI-110001.

2. SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAWAN
NEW DELHI-110001.

3. SECRETARY TO GOVERNMENT OF INDIA,
DEPARTMENT OF TELECOMMUNICATIONS, NEW DELHI -110001.

4. SECRETARY, CENTRAL POLLUTION CONTROL
BOARD, PARIVESH BHAWAN, CBD-CUM-OFFICE
COMPLEX, EAST ARJUN NAGAR, DELHI-110032.

5. DIRECTOR CENTRE FOR SCIENCE AND
ENVIRONMENT 41, TUGHLAKABAD INSTITUTIONAL, AREA
NEW DELHI-110062.

6. STATE OF KERALA REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA
DEPARTMENT OF HEALTH, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.

7. SECRETARY, KERALA STATE POLLUTION
CONTROL BOARD, PLAMOOD, PATTOM P.O.
THIRUVANANTHAPURAM-695004.

8. SECRETARY, THRIKKAKKARA GRAMA PANCHAYATH
THRIKKAKKARA.

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9. M/S.WIRELESS TT INFO SERVICES LTD.,
REGISTERED OFFICE 509092, 5TH FLOOR, KHAN LATEEF
KHAN ESTATE, FATHEH MAIDAN ROAD, HYDERABAD 500001
THROUGH ITS CIRCLE MANAGER, J&CO CHAMBERS
MANIMALA ROAD, EDAPPALLY, COCHIN-682024.

10. K.R.RAMACHANDRAN, H.NO.XIV/388,
CHITTETHUKARA, KAKKANAD GRAMA PANCHAYATH, KAKKANAD
ERNAKULAM DISTRICT.

BY ADV. SRI.T.P.M.IBRAHIM KHAN, ASST.SOLICITOR GENERAL OF INDIA
BY ADV. MR. NAGARESH, ASST.SOLICITOR GENERAL OF INDIA.
BY ADV. SRI.S.SHANAVAS KHAN
BY ADV. SRI.E.K.NANDAKUMAR
BY ADV. SRI.A.K.JAYASANKAR NAMBIAR
BY ADV. SRI.K.JOHN MATHAI
BY ADV. SRI.P.BENNY THOMAS
BY ADV. SRI.P.GOPINATH
BY ADV. SRI.V.J.ANAND
BY ADV. SRI.K.S.BABU
BY ADV. SMT.N.SUDHA
BY ADV. SMT.M.K.ASWATHI
BY ADV. SRI.M.K.CHANDRA MOHANDAS, SC, POLLUTION CONTROL BOARD
BY ADV. MR. M. AJAY, SC, POLLUTION CONTROL BOARD.
BY GOVERNMENT PLEADER MR. P.I. DAVIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE REPRESENTATION DTD. 12.01.2010 TO RESPONDENTS 1 TO 8 BY THE PETITIONER.

EXT.P2 : TRUE COPY OF THE RESEACH REPORT ON 'BIOLOGICAL EFFECTS OF ELECTRO MAGNETIC RADIATION BY NEHA KUMAR, B.TECH, INDUSTRIAL BIOTECHNOLOGY, ANNA UNIVERSITY, CHENNAI AND PRO. GIRISH KUMAR, INDIAN INSTITUTE OF TECHNOLOGY, MUMBAI.

EXT.P3 : TRUE COPY OF THE RESEARCH ARTICLE 'GENETIC DAMAGE IN MOBILE PHONE USERS: SOME PRELIMINARY FINDINGS BY GURSATEJ GANDHI, ANITA, DEPARTMENT OF HUMAN GENETICS, GURU NANAK DEV UNIVERSITY, AMRITSAR PUBLISHED IN INDIAN JOURNAL OF HUMAN GENETICS MAY-AUGUST 2005 VOL.II, ISSUE 2.

EXT.P4 : TRUE COPY OF THE SCIENTIFIC RESEARCH PAPER PRESENTED AT THE IBC-UK CONFERENCE ; MOBILE PHONES: IS THERE A HEALTH RISK? SEPTEMBER 16-17, 1977 IN BRUSSELS , BELGIUM ON NEUROLOGICAL EFFECTS OF RADIOFREQUENCY ELECTROMAGNETIC RADIATION RELATING TO WIRELESS COMMUNICATION TECHNOLOGY BY DR. HENRY LAI,, BIOELECTROMAGNETICS RESEARCH LABORATORY, DEPARTMENT OF BIOENGINEERING UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON, USA.

EXT.P5 : TRUE COPY OF RESEARCH REPORT ON HEALTH SYMPTOMS ASSOCIATED WITH ELECTROMAGNETIC RADIATION - A QUESTIONNAIRE SURVEY BY MARTIN ROOSLI, MIRJANA MOSER, MARTIN MEIER, CHARLOTTE BRAUN FAHRIANDER IN THE AUSPICES OF INSTITUTE OF SOCIAL AND PREVENTIVE MEDICINE, UNIVERSITY OF BASEL, SWITZERLAND AND SWISS FEDERAL OFFICE OF PUBLIC HEALTH, BERNE, SWITZERLAND.

EXT.P6 : TRUE OOPY OF THE STUDY OF THE HEALTH OF PEOPLE LIVING IN THE VICINITY OF MOBILE PHONE BASE STATIONS BY DR R.SANTINI, P. SANTINI, J.M. DANZE, P.LE RUZ, M. SEIGNE, NATIONAL INSITUTE OF APPLIED SCINCES, FRANCE

EXT.P7 ": TRUE COPY OF RESEARCH PAPER PRESENTED BY DR HENRY LAI, BIO-ELECTROMAGNETICS RESEARCH LABORATORY, DEPARTMENT OF BIOENGINEERING , SCHOOL OF MEDICINE AND COLLEGE OF ENGINEERING, UNIVERSITY OF WASHINGTON, SEATTLE, USA AT THE 'WORKSHOP ON POSSIBLE BIOLOGICAL AND HEALTH EFFECTS OF RF ELECTROMAGNETIC FIELDS' MOBILE PHONE AND HEALTH SYMPOSIUM, OCTOBER 25-28, 1998 AT UNIVERSITY OF VIENNA, AUSTRIA

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EXT.P8 : TRUE COPY OF THE RESEARCH ARTICLE ON 'NERVE CELL DAMAGE IN MAMMALIAN BRAIN AFTER EXPOSURE TO MICROWAVES FROM GSM MOBILE PHONES' BY LEIF G. SALFORD, ARNIE E. BRUN, JACOB L. EBERHARDT, LARS MALMGREN AND BERTIL R.R. PERSSON OF THE LUND UNIVERSITY HOSPITAL, LUND, SWEDEN PUBLISHED IN ENVIRONMENTAL HEALTH PERSPECTIVES VOL.III, No.7., JUNE 2003

EXT.P9 : TRUE COPY OF DISCUSSION PAPER COMPLIED BY DON MAISCH OF EMMFACTS INFORMATION SERVICE ON 'THE BREAST CANCER EMF CONNECTION : MELATONIN, TAMOXIFEN, 50-60 HERTZ, ELECTROMAGNETIC FIELDS AND BREAST CANCER' PUBLISHED IN ELECTROMAGNETICS FORUM, VOL.I, NO.4, ARTICLE 3.

EXT.P10 : TRUE COPY OF THE INFLUENCE OF BEING PHYSICALLY NEAR TO A CELL PHONE TRANSMISSION MAST ON THE INCIDENCE OF CANCER BY HORST EGER, KLAUS UWE HAGEN, BIRGIT LUCAS, PETER VOGEL, HELMUT VOIT, PUBLISHED IN UMWELT-MEDIZIN -GESELLSCHAFT 17.4.2004.

EXT.P11 TRUE COPY OF THE ARTICLE PUBLISHED IN AMERICAN JOURNAL OF INDUSTRIAL MEDICINE 32:689:692 (2007) BY DR .JOHN R. GOLDSMITH ENCAPTIONED AS "TV BROADCAST TOWERS AND CANCER: THE END OF INNOCENCE FOR RADIOFREQUENCY EXPOSURES."

EXT.P12 TRUE COPY OF THE RESOLUTION IN THE INTERNATIONAL CONFERENCE ON "THE PRECUATIONAR EMF APPROACH RATIONALE, LEGISLATION, AND IMPLEMENTATION"

EXT.P13 TRUE COPY OF THE JUDGMENT OF THE SUPREME COURT OF ALSKA DATED JULY 6, 2007 IN AT & T'S CASE

EXT.P14 TRUE COPY OF THE JUDGMENT DATE 4.2.2009 OF THE VERSAILLES COURT OF APPEAL, FRANCE .

/TRUE COPY/

P.S. TO JUDGE.

**ASHOK BHUSHAN, CJ &
P.R. RAMACHANDRA MENON, J.**

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Dated this the 16th June, 2015

J U D G M E N T

Ashok Bhushan, CJ:

Heard the learned Counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the 7th respondent/Pollution Control Board. This writ petition has been filed as a Public Interest Litigation raising the issue of health hazards from the Mobile Towers. The writ petition contains several prayers. Apart from the prayer for constitution of a High Power Committee consisting of experts, to study all aspects of the matter, direction has already been sought to the respondents 1 and 6 to take precautionary remedial measures prohibiting putting up of mobile antennas in thickly populated areas. Commissioning of telecommunication antenna by the 9th respondent within 43 meters radius from petitioner's residential

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house has also been challenged.

2. The learned Counsel for the respondents have pointed out that the issues pertaining to the telecommunication towers were considered by a Division Bench vide judgment dated 02.09.2014 in **Indus Towers Ltd. vs. Sub Inspector of Police (2014 (4) KLT 306)**. The petitions were disposed of with the following two directions:

"i) If the D.T.C. or S.T.C has not been constituted by the Government , necessary steps in that regard shall be made and D.T.C. And S.T.C. shall be constituted within a period of two weeks from the date of receipt of a copy of this judgment.

ii) Petitioners in these cases are permitted to approach the D.T.C. for redressing their grievances and on submission of such representations/applications, the D.TC. shall consider the same, after notice to the affected parties and take appropriate steps as expeditiously as possible in accordance with the procedure prescribed."

3. Since almost all the issues have been considered and

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decided by a Division Bench, we are of the opinion that this writ petition also deserves to be disposed of in the same terms as that of the judgment dated 02.09.2014.

The writ petition is disposed of accordingly.

**ASHOK BHUSHAN,
CHIEF JUSTICE.**

**P.R. RAMACHANDRA MENON,
JUDGE.**

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