

HIGH COURT OF CHHATTISGARH, BILASPUR

WPPIL No. 88 of 2023

In The Matter Of Suo Moto Public Interest Litigation, Regarding Noise Pollution Based
On News Item **Versus** The Chief Secretary

10.10.2023	<p>The present public interest litigation has been registered on suo moto cognizance taken by this Court on the basis of news item published in Dainik Bhaksar on 28.9.2023 and 29.9.2023, which is in relation to use of sound amplifiers during the current festive season.</p> <p>Shri SC Verma, learned Advocate General with Shri Chandresh Shrivastava, Addl. Advocate General for the State/ respondents 1, 4 to 6.</p> <p>Shri Trivikram Nayak, counsel for respondent No.2.</p> <p>Shri Vinay Pandey, Advocate submits that he has filed an application for intervention on behalf of Shri Ashish Dubey.</p> <p>Ms. Surya Kawalkar Dangi, Advocate submits that she has filed an application for intervention on behalf of Chhattisgarh Nagarik Sangharsh Samiti.</p> <p>Learned Advocate General submits that in compliance of order dated 29.9.2023 passed by this Court, an affidavit has been filed by Chief Secretary, Government of Chhattisgarh stating that stringent measures have been taken to curb the noise pollution across the State. Relevant portions of the affidavit are reproduced below:-</p> <p>“3. Thus, in Compliance of the Hon'ble Court order dated 29-09- 2023 a meeting was held on 04.10.2023 with The Director General of Police, all Divisional Commissioners, all Inspector General of Police, all District</p>

Magistrates and all Superintendents of Police of Chhattisgarh with regard to the steps being taken by the instrumentalities of the State to curb the menace of Noise Pollution. Copy of the minutes of the meeting held on 04-10-2023 is annexed herewith as Annexure-R/1.

7. That further, it was also directed to the Police Department that no device causing Noise Pollution shall be allowed to be used from 10 pm to 6 am and that team should be formed to give information regarding provisions of Noise Pollution (Control and Regulation) Rules, 2000 and the Chhattisgarh Kolahal Niyantaran Adhiniyam 1986 and mobilize awareness campaign to prevent Noise Pollution.

8. That, a request was also made by the Police Department to increase the Sound Limiters so that the Noise Pollution is further curbed in the State in the meeting.

9. That, District Magistrate, Kanker, informed that they have taken action against 5 persons who are operating DJs and their vehicles have been ceased and their sound boxes also were taken in Custody and that in the past 5 years 200 cases have been reported and in the past 3 days proceedings have been initiated in 65 to 70 cases.

10. That, the District Magistrate, Raipur, informed that teams have been formed Zone wise and that steps are being taken to curb the menace of Noise Pollution and the District Magistrate Bilaspur, Superintendent of Police Bilaspur has informed that Rupees 5 Lakh 39 thousand has been imposed as fine on vehicle owners and 6 complaints have been taken into consideration and in all cases DJs have been seized and also meeting was held with DJ owners in which they were issued warning and also they were directed to take registration in both Rural and

Municipal areas, the SP Bilaspur, further informed that during the Ganesh Visarjan Procession 42 DJs were seized and sound control app was used during that period.

11. Also, the In-charge Secretary, Urban Administration and Development Department informed that boards would be placed near School, Colleges, Hospitals, Courts to prevent the menace of Noise Pollution as they fall under the category of silent zones.

12. That Member Secretary, Chhattisgarh Environment Conservation Board and Deputy Secretary, Housing and Environment Department was directed to instruct the use of sound limiters in view of the notification dated 04-11-2019 and it was also directed to ensure the compliance of the acts, rules and directions for control of Noise Pollution effectively.

13. That pursuant to the meeting information was called from all districts in the State of Chhattisgarh. That, the Special Secretary, Environment and Housing Department directed all the District Magistrates, Superintendent of Police to take action against noise pollution as per The Noise Pollution (Regulation & Control) Rules, 2000 and the order dated 06-12-2016 passed by the Honorable Court in WP PIL 112/2016 by his letter dated 05-10-2023. The said letter also directed the above-mentioned officers to comply with the notification dated 04-11-2019 issued by the Housing and Environment Department, State of Chhattisgarh, which says that no sound system shall be sold/supplied/installed/let out by any manufacturer/shopkeeper/dealer/agency without having sound limiter in it. By the said letter, information regarding the proceedings done in compliance of the Noise Pollution Rules, 2000, Kolahal Niyantaran Adhiyam, 1985, the notification published by the Housing Environment

Department on 04-11-2019 and proceedings done against pressure horn from 2017 to 2023 were required. As per the information received, total 145 cases have been booked in compliance of Noise Pollution Rules, 2000, 968 cases have been booked in compliance of Kolahal Niyantran Adhinyam, 1985, 60 cases have been booked in compliance of the notification published by the Housing and Environment Department on 04-11-2019 and 29,644 cases have been booked against the use of pressure horn from 2017 to 2023. The copy of the letter dated 05-10-2023 is annexed herewith as ANNEXURE/2 and a chart detailing the abovementioned information year wise is annexed as ANNEXURE R/3.”

It transpires from the above affidavit that earlier also the Principal Secretary, Housing and Environment Department has issued several directions to the District Magistrates and the Superintendent of Police by letter dated 29.12.2012 to comply with order dated 06.12.2016 passed in Writ Petition (PIL) No.112/2016 and to follow the Noise Pollution (Regulation & Control) Rules, 2000, which contain following directions:-

“16. That, it is also pertinent to note that when the directions were issued in WP PIL 112/2016, directions were issued to all the Collectors and Superintendent of Police of all Districts in the State of Chhattisgarh to comply with the directions issued by the Hon'ble Court in WP PIL 112/2016 and it was clearly informed to initiate awareness campaigns to curb the menace of Noise Pollution through initiation of awareness campaigns and ensure that noise pollution is curbed in residential areas.

17. That, The Principal Secretary, Housing and Environment Department issued several directions to the District Magistrate and the Superintendent of Police by letter dated 29-12-2016. The said letter clearly specified about the compliance of order dated 06-12-2016 passed in

WP PIL 112/2016 and The Noise Pollution (Regulation & Control) Rules, 2000 and contained the following directions:

i. If any Loud Speakers or Noise producing device is used at any public place then the Noise/sound produced by such device shall not be more than 10 DB of the ambient noise limit or 75 DB, whichever is lesser.

ii. The use of Loud Speakers or Mic sets should only be done with the written permission of District Magistrate. Also, between 10pm to 6am, no permission of using any kind of Drum, Tom-Tom or Trumpet shall be given.

iii. No fire crackers shall be used within 100- meter radius of sensitive areas like Hospital, Education Institution, Hospital, Courts, Religious Institutions etc. Similarly, no pressure Horn or Musical Horn or any kind of Sound Amplifier shall be used within 100-meter radius of the above-mentioned areas.

iv. If any person is using his own sound instruments, then the Noise produced by such instruments shall not be more than 5 DB of the ambient noise limits of that area.

v. Vehicles Horns are not be used in residential areas from 10pm to 6am.

vi. All Development institutions, Local institutions and other related departments should strictly follow Noise Pollution norms while conducting various activities related to development.

vii. The Officer nominated by State Government for controlling Noise Pollution (such Officer shall not be below

the rank of District Commissioner or DSP) can take action against Noise Pollution.

viii. After the 1987 amendment in Air (Prevention and Control of Pollution) Act, 1981 noise has been included in the definition of Air Pollution. Therefore, Provisions of Air (Prevention and Control of Pollution) Act, 1981 can also be used for curbing Noise Pollution.

ix. Sections 268, 290 and 291 of the Indian Penal Code, 1860 are related to Noise Pollution. Under Section 133 of CrPC District Magistrate, SDM, any other Executive Magistrate has been given power to control Noise Pollution.

x. For spreading awareness regarding noise pollution, help of local newspapers, TV channels, NGO's, Rotary Club, Lions Club etc can be taken to organize awareness programs.

xi. For controlling Noise Pollution, there is need to include local educational institution, religious institutions etc. There is need to direct the competent officer, who can ensure the compliance of noise pollution norms with the help of transport department.

Thus, from perusal of the aforesaid affidavit, it transpires that time and again, this Court has passed various orders for curbing the noise pollution in the districts across the State of Chhattisgarh. But, the same has not been implemented in letter and spirit and the authorities concerned were also very casual in their approach knowing the rules and regulations for curbing the noise pollution created by loud speakers, pressure horns, musical horns and any kind of sound amplifiers. During the festive season, it is being noticed that in spite of said rules and regulations for curbing the

menace of noise pollution, not much has been done by the State machinery. Under the compelling circumstances, on the basis of suo moto cognizance taken by this Court on 29.9.2023 on the basis of news items, published in the newspaper, the State machinery has taken action for controlling the menace of noise pollution which was causing great hardship to senior citizens, old aged persons, children and people living in the residential area who were ailing with several health issues. It has been brought to the notice of the Court that still there are instances which are causing discomfort for the citizens while they are traveling on the road or they are having their residential houses and shopping centres at the road side as pressure horns are being used in the vehicles and two wheelers, motor cycles without silencers are being driven on high speed which are causing great disturbance in the peaceful living of the citizens. These vehicles are being driven in a very fast speed on the road during night and sometimes during the busy hours of the day which may cause danger to the lives of the persons who are on the road for going on their duty or the school children who are also rushing to their school through various means of transports etc.

Hence, Chief Secretary of the State is directed to ensure that use of such pressure horns and two wheeler without silencers creating noise be curbed and for any violation thereof, strict action would be taken in accordance with law against the persons who are violating aforesaid norms.

Shri Vinay Pandey, learned counsel appearing on behalf of intervenor Shri Ashish Dubey submits that action which has been taken against the intervenor appears to be not by the competent authority.

Ms. Surya Kawalkar Dangi, learned counsel appearing on behalf of intervenor Chhattisgarh Nagarik Sangharsh Samiti states

that she has projected various photographs showing the havoc caused by the loud speaker which has been played in high volume, violating all the norms, rules and regulations. She would further submit that the intervenor has already filed contempt petition before this Court in this regard, which is pending for consideration.

In view of the above, let Chief Secretary, Govt. of Chhattisgarh file an affidavit in respect of above mentioned intervening applications and also file a detailed affidavit with regard to the steps taken by the State machinery in order to curb the menace being created also by pressure horns and two wheeler without silencers, by the next date of hearing.

Let this matter be listed on **20th November, 2023.**

Sd/-

(NK Chandravanshi)

Judge

Sd/-

(Ramesh Sinha)

Chief Justice