

**HIGH COURT OF CHHATTISGARH AT 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 & Others

Order Sheet

30/06/2025	<p>Heard Mr. Prafull N. Bharat, learned Advocate General assisted by Mr. Shashank Thakur, learned Deputy Advocate General and Mr. Sangharsh Pandey, learned Government Advocate, appearing for the State/respondents, Mr. Trivikram Nayak, learned counsel, appearing for respondent No.2 as well as Ms. Surya Kawalkar Dangi, learned counsel, appearing for the Intervenor.</p> <p>In compliance of the Court's order dated 29.01.2025 and 15.04.2025, an application for taking facts and documents on record with affidavit has been filed by the Assistant Legal Officer, CECB, District -</p>

Bilaspur, relevant portion of the said application, reads as under :-

“5. That, the committee formed by the order dated 29/01/2025 of General Administration Department, Government of Chhattisgarh had its third meeting on date 29/05/2025. The committee has sought report from the Law Department in relation to the overlap between the Noise Pollution Rules, 2000 and Kolahaal Niyantran Adhiniyam, 1985.

6. The Law Department has done a comparative analysis of the Noise Pollution Rules, 2000 and Kolahal Niyantran Adhiniyam, 1985 in their report, which is as follows-

- The classification of the noise prohibited zones is different in both the enactment.*
- The permitted time and area limits for allowing use of loudspeaker are different in both the enactments.*
- The Kolahaal Act provides more freedom and section 13 of the Act has been declared as unconstitutional by*

the Hon'ble High Court of Madhya Pradesh in Rajendra Verma vs. State of MP and in Umesh Sharma vs. Housing and Environment Department (2018). Section 13 allows the use of loudspeaker freely for 29 religious festivals mentioned in the section. Where, Rule 5(3) of the Noise Pollution Rules, 2000 provided for limited use of loudspeaker and only allow loudspeakers to be used for 15 days in an year.

- *The penalty under Section 15 of the Act of 1985 provides minimum punishment for violation of the provisions of the Act. Whereas, the penalty for violation under Rule 6 of the Rules of 2000 is greater and thus, it enhances the enforceability of the rules.*
- *Section 19 of the Act of 1985 provides State Government with the power to make rules for carrying out the purposes of the Act. Whereas, no such power has been provided in the Rules of 2000.*

7. The report further suggests that the Act of 1985 can be amended by the State Government while considering the comparison done in the report and the State Government can also make rules under section 19 of the Act. The report also discusses that which enactment to be followed in case of conflict between the Act of 1985 and the Rules of 2000. The penalty for use of loudspeaker is very less in the Act of 1985 compared to that in the Rules of 2000. The report states that the Central Law prevails over State Law. As the Act of 1985 is a State enactment and the Rules of 2000 is a Central enactment, thus, the Rules of 2000 will prevail.

8. The report further discusses the two enactments. It states that The Act of 1985 allows for use of loudspeaker by taking permission from the prescribed authority, however, no noise limit/level has been mentioned in the Act of 1985. The Rules of 2000 provide for taking permission from appropriate authority for the use of loudspeakers and also fix a noise limit. The penalty and noise limits are much stringent in the Rules of 2000 compared to that in the

Act of 1985. The report also states that Section 14 of the Act of 1985 makes the violations as non-cognizable and bailable. The report suggests that the Section 14 of the Act of 1985 can be amended by the State Government, which would allow the administration for implementing the enactment in a more effective manner.

9. That, the committee has accepted the report of the Law Department and has stated that the State Government may consider to amend the Kolahaal Adhiniyam, 1985 as per the suggestions submitted by the Law Department. A copy of the minutes of the committee meeting held on date 29/05/2025 and the report of the Law Department is collectively attached as Annexure R-1 (Colly).”

Learned Advocate General has submitted that Noise Pollution Rules, 2000 as well as Kolahal Niyantran Adhiniyam, 1985 have been examined by the State and it is stated that the provisions in Noise Pollution Rules, 2000 is more stringent than Kolahal Niyantran Adhiniyam, 1985, hence the State is proceeding to amend the said provisions.

Let the matter be listed again on 18th of August, 2025 for further monitoring.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice