

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

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

21.02.2024	<p data-bbox="507 725 930 763">This is an office reference.</p> <p data-bbox="411 837 1513 1205">Heard Mr. Y.S.Thakur, Additional Advocate General for the State/respondent No. 1, 4, 5 and 6, Mr. Prafull N Bharat, Senior Advocate with Mr. Trivikram Nayak, learned counsel for the respondent No. 2, Ms. Surya Kawalkar Dangi, learned counsel for the intervenor.</p> <p data-bbox="411 1279 1513 1646">Pursuant to the order dated 05.02.2024 passed by this Court, an affidavit has been filed by the Chief Secretary, Government of Chhattisgarh, on 20.02.2024 wherein it has been stated that a meeting with all the Commissioners and Collectors was convened on 07.02.2024 wherein the following instructions were issued:</p> <ul data-bbox="587 1720 1473 2067" style="list-style-type: none"><li data-bbox="587 1720 1473 2067">• No sound system shall be sold/ purchased/ supplied/ installed / used/ let out by any manufacturer/ dealer/ shopkeeper/ and agency who lets out the Public Address System / individual without having sound limiter in it. Executive Magistrate/ Municipal Corporation/ Municipal

Council / Gram Panchayat members/ officers are the empowered officers to inspect the use of such sound systems in this regard.

- All Collectors and Commissioners should carefully study the notification F04-03/2018/32 dated 04/11/2019 in this regard. They should instruct the respective Superintendent of Police and obtain information that how many cases have been registered with respect to the violation of the above mentioned notification and if cases have not been registered, what is the future course of action regarding such violations. The committee constituted at the Police Station levels shall also be informed about the same and instruct to take action with regard to the compliance of this notification in letter and spirit.
- Secretary, Housing and Environment should provide a brief note with respect to sound limiters.
- Collector, Bilaspur should specifically inform the new Superintendent of Police with regard to this litigation and also the proceedings taken in this regard and should make sure that necessary action is being taken in compliance of the said notification.”

It has been further stated in the affidavit that the District Administration of all the districts are taking strict action with regard to the compliance of the notification dated 04/11/2019. All the

District Magistrates and Commissioners have strictly instructed all the Police Stations/Chowki's coming under their jurisdiction to strictly comply with the notification dated 04/11/2019. The District Magistrates have also formed inspection teams at District level, Tehsil level and at Police Station level to enforce strict compliance of the notification dated 04/11/2019 and have also circulated the copy of the said notification to their respective Executive Magistrate / Municipal Corporation / Municipal Council/ Gram Panchayat members/ officers.

It is further stated in the affidavit that, in the District Bilaspur, an order has been passed on 07/02/2024 that no sound system shall be sold / purchased / supplied / installed / used / let out by any manufacturer / dealer/ shopkeeper / and agency who lets out the Public Address system / individual without having sound limiter in it. It has been directed to the respective SDM's, Tehsildars, Police Station In charge that the notification dated 04/11/2019. Also, appropriate action against 5 DJ owners (who had not installed sound limiters in their DJ / sound systems) under the respective provisions of the Kolahal Niyantran Adhinyam, 1985 and a total of 102 notices have been served to the DJ / sound system owners as their DJ / sound systems were not equipped with the sound limiter. In addition to the above, the respective inspection teams at District

level, Tehsil level and at Police Station level are regularly and strictly monitoring the compliance of the notification dated 04/11/2019 and are also keeping a close check on all the DJ/sound system owners throughout the State. A total fine of about Rs. 2,10,400/- have been imposed by the District Courts in the State of Chhattisgarh on the persons letting out / using DJ or sound systems without having sound limiters.

The affidavit further states that there is a single manufacturer of the sound limiters i.e. M/s West Bengal Electronics Industry Development Corporation Limited. This single manufacturer of sound limiters is primarily situated in the State of West Bengal. Hence, due to this fact, procurement of the sound limiters as mandated by the notification dated 04/11/2019 is facing a slight predicament. However, the Chief Secretary as well the respective State instrumentalities are trying their level best to implement the said notification in its letter and spirit. The State aims to eradicate the menace of noise pollution completely and is taking strict and positive steps in this regard. The respondents have also initiated discussions with relevant intervener in order to access easy availability and quality of sound limiters.

Ms. Dangi has pointed out that in the aforesaid affidavit, the Chief Secretary has stated that because of the non-availability of

the Sound Limiter anywhere except the State of West Bengal, there was delay in implementation of the notification dated 04.11.2019. According to Ms. Dangi, it appears that till date, none of the authorities were aware of existence of the said notification and further that the Sound Limiter machine is available on various e-commerce service providers and further, it is not for the Government to provide the Sound Limiters but it is for the users / sellers of sound systems who have to procure and install the Sound Limiters.

Mr. Bharat, learned Senior Advocate as well as Mr. Thakur, learned Additional Advocate General submits that in addition to the actions as aforesaid, further necessary steps as may be required, would be taken to curb the menace of noise pollution.

The aforesaid affidavit is taken on record.

Let the matter be listed after four weeks.

Sd/-
(Arvind Kumar Verma)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice