

R.

W.P(C)No. 72 OF 1998

ITEM No.1

Court No. 4

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.72/1998

IN RE:NOISE POLLUTION -IMPLEMENTATION OF THE LAWS FOR RESTRICTING USE
OF LOUDSPEAKERS AND HIGH VOLUME PRODUCING SOUND SYSTEMS

(With appln.(s) for impleading party and directions and exemption
from filing O.T. And clarification) (For Final Disposal)

Date : 10/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. Jitendra Sharma, Sr. Adv. (A.C.)
Er. Anil Kumar Mittal, Adv.
Mr. Sandeep Narain, Adv.

For Respondent (s)
Govt of NCT of DelhiMr. SWA Qadri, adv.
Mr. Deepak K. Singh, adv.
Mrs Anil Katiyar,Adv.

Mr. Raju Ramachandaran, ASG.
Ms. Indra Sawhney, Adv.
Mr. P. Parmeswaran,Adv.
Mr. S.N. Terdol, Adv.

Mr. A. Mariarputham, Adv.
for M/s Arputham,Aruna & Co.,Adv.

Mr. Jagjit Singh Chhabra, Adv.

Ms. Krishna Sarma, Adv.
Ms. Asha G.Nair, Adv.
Mr. V.K.Sidharthan, Adv.
M/s. Corporate Law Group, Adv.

For Applicant in IA No. 5-6Mr. Rajiv Dutta, Sr. adv.
Mr. P.V. Yogeswaran, Adv.
Mr. S. Ravi Shankar, Adv.

For Applicant in IA No. 9Mr. R. Venkataramani, Sr. adv.
Mr. Ashok Panigrahi,Adv.
Mr. S. Ravi Shankar, Adv.

For Applicant in IA No. 12Mr. A.K. Ganguli, Sr. adv.
Mrs. Yamunah Nachiar,Adv.
Mr. S. Ravi Shankar, Adv.

For Applicant in IA No. 11Mr. P.N.Mishra, Sr. Adv.
Ms. Sri Vidhya, Adv.
Mr. S. Ravi Shankar, Adv.

For CPCBMr.Vijay Panjwani, Adv.

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UPON hearing counsel the Court made the following

O R D E R

We have heard the learned Amicus and the learned counsel for the parties appearing in the main matter as also on the several I.As. seeking some interim directions/modifications in the earlier orders passed by this Court. We do not think that any variation in the interim orders passed by this Court is called for as on the day excepting for a correction of typing error in the order dated 27.9.2001. On page 2 of the order, in para 2, the words 'between 6.00 p.m. and 10.00 p.m.' shall be read corrected as 'between 6.00 a.m. and 10.00 p.m.'

On 1st September, 2003 an affidavit sworn by Dr. (Mrs.) Sunita V. Auluck, Additional Director, Ministry of Environment and Forests, New Delhi has been filed on behalf of the Central Government. Pursuant to the directions issued by this Court a meeting was held by the Govt. of India wherein ministries of Environment and Forests, Road Transport and Highways, Industry, as also the Department of Explosives, Police Headquarters Delhi, Govt. of NCT of Delhi and the Central Pollution Control Board participated. On the suggestions made by the learned Amicus Curiae the Govt. of India have after deliberations recorded their approval on most of the suggestions made excepting for a few where they have expressed some reservation on account of impracticality or difficulty of implementation. This meeting was held only on 22.8.2003. A reasonable time needs to be given to the Govt. of India to monitor the implementation of the suggestions and then report the status of compliance to the Court.

The hearing is adjourned by four months.

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In the meantime, the Govt. of India shall continue to monitor the implementation of the suggestions made by the learned Amicus Curiae, to the extent they have been accepted by the Govt. of India. The meetings may continue to be held periodically so as to review the situation, learning by experience.

Through the I.As. filed in this Court the following two suggestions deserve notice.

Firstly, it is submitted that certain local festivals and celebrations are accompanied customarily by bursting of fire crackers which is at times at such hours as is not permissible under the order of this Court dated 27.9.2001. Secondly, it is pointed out that the industry of fire works may face serious difficulty, even partial closure, on account of the directions made by this Court.

We have grave doubts if the abovesaid considerations can come in the way of the enforcement of fundamental rights guaranteed by the Constitution for the citizens and people of India to live in peace and comfort and in an atmosphere free from pollution of any kind, such as one caused by noise and foul/poisonous gases. However still, without expressing any final opinion on the pleas advanced, we allow the parties adversely affected the liberty to make representation to the respective State Governments and the State Governments may, in their turn, if satisfied of the genuineness of the representation made, invite the attention of the Govt. of India to the suggestions made. If any alteration or modification in the interim orders of this Court is called for, it will be for the Govt. of India or the learned Amicus to move this Court, in case they agree with any proposals made by the State Governments.

After four months the matter shall be listed for final hearing and disposal. We request all the learned counsel appearing in the case, as also the learned Amicus Curiae to be ready with written submissions

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in brief and invite attention of this Court to such of the issues as need to be finally adjudicated upon so that the matter can be disposed of fully and finally on the next date of hearing.

All the pending I.As. shall be listed on the next date of hearing.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master