



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED- POST

File No. A-14011/1/2021-MON

Date: 27/04/2021

To,
Chairman
All SPCBs / PCCs [List enclosed]

DIRECTIONS UNDER SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof; and

WHEREAS, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, following responsibilities are vested with CPCB and SPCBs:

1. The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule, and
2. The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, under section 19 of The Environment (Protection) Act, 1986, No court shall take cognizance of any offence under this Act except on a complaint made by –

- “(a) the Central Government or any authority or officer authorised in this behalf by that Government; or
(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.”

o/c

WHEREAS, section 15(1) of The Environment (Protection) Act, 1986 states that:

"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

WHEREAS, section 9(3) of The Environment (Protection) Act, 1986, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of 'Polluter Pays' principle. Though violation of the rules like the Noise Rules here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine upto Rs. 1 lakh, since prosecution of a non-cognizable offence may have its own limitations, civil liability on 'Polluter Pays' principle can be invoked by the enforcement regulatory authority as per the guidelines which may be laid down by the CPCB. The scale of compensation may have reference to the extent and severity of default and whether the default is a repeated offence."

WHEREAS, in compliance to directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control)Rules, 2000 and submitted report to Hon'ble NGT on 14/11/2019 (copy attached); and

WHEREAS, Hon'ble NGTCPCB vide order dated 15.11.2019 directed CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.
- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored to.

WHEREAS, in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and

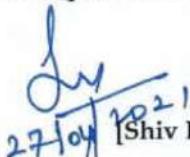
Control)Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020(copy attached); and

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 11/08/2020, Hon'ble NGT further directed CPCB as follows:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs."

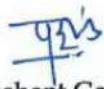
NOW, THEREFORE, in view of the above stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it is hereby directed that Chairman SPCB shall direct designated Authorities of the State to implement *Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000* as accepted by Hon'ble NGT.

The Chairman, SPCB shall acknowledge the receipt of this direction within 15 days and shall communicate the status on the action plan and its implementation.


[Shiv Das Meena]
Chairman

Copy to:

1. The Secretary,
Ministry of Environment, Forests, & Climate Change
Indira Bhawan, Aliganj, Jorbagh Road,
New Delhi-110003
2. The Regional Director, CPCB
(Bengaluru, Bhopal, Chandigarh, Chennai, Lucknow,
Kolkata, Pune, Shillong , Vadodara)
3. The DH-IT Division


[Prashant Gargava]
Member Secretary

o/c

List of SPCBs/PCCs

| Sl. No. | States / UTs |
|---------|---------------------------------|
| 1. | Andaman & Nicobar Islands |
| 2. | Andhra Pradesh |
| 3. | Arunachal Pradesh |
| 4. | Assam |
| 5. | Bihar |
| 6. | Chandigarh |
| 7. | Chhattisgarh |
| 8. | Daman Diu & Dadara Nagar Haveli |
| 9. | Goa |
| 10. | Gujarat |
| 11. | Haryana |
| 12. | Himachal Pradesh |
| 13. | Jammu & Kashmir |
| 14. | Jharkhand |
| 15. | Karnataka |
| 16. | Kerala |
| 17. | Lakshdweep |
| 18. | Madhya Pradesh |
| 19. | Maharashtra |
| 20. | Manipur |
| 21. | Meghalaya |
| 22. | Mizoram |
| 23. | Nagaland |
| 24. | NCT of Delhi |
| 25. | Odisha |
| 26. | Pondicherry |
| 27. | Punjab |
| 28. | Rajasthan |
| 29. | Sikkim |
| 30. | Tamil Nadu |
| 31. | Telangana |
| 32. | Tripura |
| 33. | Uttar Pradesh |
| 34. | Uttarakhand |
| 35. | West Bengal |

| Sl. No. | REGIONAL DIRECTORATE , CPCB | State Covered |
|---------|--|--|
| 1 | Regional Directorate, Bengaluru A-Block, Nisarga Bhavan, 1st and 2nd Floors, 7th D Cross, Thimmaiah Road, Shivanagar, Bengaluru-560079 | 1. Karnataka 2. Telangana 3. Lakshdweep |
| 2 | Regional Directorate, Bhopal Parivesh Bhawan, Paryavaran Parisar E-5, Arera Colony, Bhopal-462016 | 1. Madhya Pradesh 2. Rajasthan 3. Chhattisgarh |
| 3 | Regional Directorate, Chennai Second Floor, No.77-A, South Avenue Road, Ambattur Industrial Estate, Ambattur Taluk, Thiruvallur District, Chennai- 600 058, Tamil Nadu | 1. Andhra Pradesh 2. Kerala 3. Tamil Nadu 4. Puducherry |
| 4 | Sh. Sunil Dave Regional Directorate, Chandigarh | 1. Jammu & Kashmir 2. Himachal Pradesh 3. Punjab 4. Haryana 5. Chandigarh 6. Delhi |
| 5 | Regional Directorate, Kolkata 'South end Conclave' Block-502, 5th & 6th Floor, 1582, Razidanga, Main Road, Kolkata700107 | 1. Andaman & Nicobar Islands 2. Bihar 3. Jharkhand 4. Odisha 5. West Bengal |
| 6 | Regional Directorate, Lucknow PICUP Bhawan, Vibhuti Khand, Gomti Nagar,Lucknow - 226010 | 1. Uttar Pradesh 2. Uttarakhand |
| 7 | Regional Directorate, Vadodara Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura, Vadodara - 390 023 | 1. Gujarat 2. Daman, Diu & Dadra Nagar Haveli |
| 8 | Sh. Bharat Kumar Sharma Regional Directorate, Pune | 1. Goa 2. Maharashtra |
| 9 | Regional Directorate, Shillong "TUM-SIR". Lower Motinagar, Near Fire Brigade H.Q., Shillong793014 | 1. Arunachal Pradesh 2. Assam 3. Nagaland 4. Meghalaya 5. Manipur 6. Mizoram 7. Sikkim 8. Tripura |

AUTHORITY LIST FOR IMPLEMENTATION OF NOISE RULES 2000

The Principal Rules were published in the Gazette of India, vide S.O. 123(E), dated 14.2.2000 and subsequently amended vide S.O. 1046(E), dated 22.11.2000, S.O. 1088(E), dated 11.10.2002, S.O. 1569 (E), dated 19.09.2006 and S.O. 50 (E) dated 11.01.2010 under the Environment (Protection) Act, 1986.)

CPCB has requested to all SPCBs and PCCs for providing information on the identified authority for implementation of Noise Rules in their respective state. As on date following information received.

List of State Pollution Control Boards/Committees, who have responded to CPCBs' request(s)

| S. No. | State / UT | S. No. | State / UT |
|--------|------------------|--------|-------------|
| 1. | Chandigarh | 11. | Karnataka |
| 2. | Daman | 12. | Kerala |
| 3. | Mizoram | 13. | Maharashtra |
| 4. | Andhra Pardesh | 14. | Meghalaya |
| 5. | Bihar | 15. | Nagaland |
| 6. | Goa | 16. | Orissa |
| 7. | Gujarat | 17. | Punjab |
| 8. | Haryana | 18. | Rajasthan |
| 9. | Himachal Pardesh | 19. | Tripura |
| 10. | Jharkhand | 20. | West Bengal |

State / UT: Kerala

| Sl. No. | Name & Designation | Address | Telephone No. | Fax No. | Email |
|---------|---|-------------------------|---------------|---------|-------|
| 1. | District Magistrates | Respective jurisdiction | | | |
| 2. | Commissioner of Police | Respective jurisdiction | | | |
| 3. | Superintendents of Police | Respective jurisdiction | | | |
| 4. | Deputy Superintendents of Police (Sub-Divisional officers) | Respective jurisdiction | | | |

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 519/2016
(with I.A. No. 139/2021 for impleadment and directions)

Hardeep Singh & Ors.

Applicant(s)

Versus

SDMC & Ors.

Respondent(s)

WITH

Original Application No. 496/2018

With

Original Application No. 196/2018

With

Original Application No. 197/2018

Akhand Bharat Morcha

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.02.2022

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Mr. Manish Garg, Advocate for Applicant in OA 519/2016
Mr. R.R. Malik, Adv. for Applicant in OA 496/2018 & OA 196-197/2018
Mr. Somanadri Goud K., Advocate for Applicant in I.A 139/2021

Respondent: Mr. Vikrant Kumar, Advocate for Delhi Cantonment Board
Mr. Narender Pal Singh, Advocate for DPCC

ORDER

1. The subject matter for consideration is the failure of the statutory authorities in Delhi in controlling noise pollution as per statutory mandate of Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules). The matter has been dealt with earlier by this Tribunal in the light

of judgment of Delhi High Court in Free Legal Aid Cell v. Government of NCT of Delhi¹ and of the Hon'ble Supreme Court in In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems.²

2. The Tribunal considered the matter on several dates and passed various orders after seeking factual status report about the compliance of the norms and interaction with the concerned officers who appeared in person during the hearing. The Tribunal inter alia required issuance of appropriate notification for setting up of noise control devices on the instruments used and also to have effective monitoring mechanism for enforcement of norms by taking coercive measures including assessment and recovery of compensation which was also laid down. The Tribunal also directed undertaking awareness programmes and setting up of a dedicated helpline.

3. Vide the last order dated 11.08.2020, Tribunal noted that inspite of directions, there remained grievance against compliance and continued violation of norms. Accordingly, the Chief Secretary and Police Commissioner, Delhi were required to jointly take stock of the situation on regular basis. The statutory authorities were also directed to take effective measures. Tribunal also constituted a Monitoring Committee headed by Justice S.P. Garg, former Judge of Delhi High Court, who was already monitoring compliance of directions of this Tribunal on the issue of restoration of water bodies and installation of Rain Water Harvesting Systems, use of treated water and allied issues, to suggest further measures in the context of failure. The operative part of the order is reproduced below:-

¹ 2001 SCC OnLine Del 713

² (2005) 5 SCC 733

"12. While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. **The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs.**

13. We find that while some regulatory framework is said to have been made operational, there is no effective centralized mechanism for monitoring. Representatives of the Chief Secretary (SDM) and the Police Commissioner (DCP) ought to jointly take stock of the situation on weekly basis. Suitable officers of the rank of the DCP in Delhi Police and SDM in Delhi Government need to be spared for undertaking the assigned responsibility, as already directed. As noticed earlier, though the DCP and the SDM were nominated, on being summoned by this Tribunal, they were found to be non-functional and thereafter, we are informed that even today they are not functional. **This state of affairs must be forthwith remedied by the Police Commissioner and the Chief Secretary respectively.** They may ensure that their representatives are duly and jointly functional and conduct weekly meetings and maintain the minutes of meetings and the website. They may work in tandem with all other regulatory bodies including the DPCC and the Municipal Corporations. **The entire data collected on the noise monitoring equipments may be centralized and placed on their exclusive websites. They may also coordinate and follow-up the corrective measures with all other agencies and may also monitor functioning of the eco-clubs. The DPCC/other authorities may get prepared an appropriate App(like Sameer) to facilitate receiving and addressing complaints. If Delhi becomes a model of compliance for enforcement of pollution norms, it may help all other States/UTs to follow the same.**

14. Having regard to the repeated failures, in the last several years, we find it necessary to constitute a monitoring committee to be headed by a former Judge of the High Court to ascertain the status of compliance in the light of the present order and suggest further measures in the context of Delhi for enforcement of noise pollution control measures. The Tribunal has earlier constituted a committee headed by Justice S.P Garg, former Judge of Delhi High Court, to monitor compliance of directions with regard to restoration of water bodies and installation of Rain Water Harvesting Systems, use of treated water and allied issues. Instead of constituting another committee, we request Justice S.P Garg to head the proposed Committee. Justice S.P Garg may be assisted by nominees of the DPCC, Delhi Police and the Chief Secretary, Delhi. The Committee may take assistance of any other experts/institution and associate such members of public/educational institutions/social organizations as may be found useful. The Committee may give its report before the next date by e-

mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

4. In pursuance of above, a status report has been filed by DPCC on 28.06.2021 mentioning some of the steps taken for enforcement of the noise control norms. The status report has also been filed by Delhi Police on 10.08.2021 about the steps taken by Delhi Police. An affidavit of compliance has been filed by Delhi Cantonment Board dated 18.08.2021 about awareness programmes and other steps taken by Delhi Cantonment Board. Letter has been received from Justice S.P. Garg, former Judge Delhi High Court mentioning several steps taken so far for effective enforcement of noise pollution control measures and also to oversee preparation of District Environment Management Plans in pursuance of another order of this Tribunal 15.07.2019 (in O.A. No. 710/2017 and O.A. No. 360/2018). For the reasons mentioned in the letter, the Committee headed by Justice S.P. Garg could not complete the entire work, some time has been sought. Relevant extract from the letter is reproduced as follows:-

"4. Within a short span, there was frequent change/transfer of Nodal Officers from Delhi Police. Firstly, Ms. Usha Rangnani, DCP (PCR) joined belatedly after the transfer of previous Nodal Officer. On her transfer after some time, Ms. Ishita Pandey, DCP (PCR) took over as Nodal Officer of the Noise Pollution Control Committee. She too was transferred and at her place, Mr. Veenu Bansal, Addl. DCP joined as Nodal Officer. Soon, he was transferred, and presently, Sh. Pankaj Kumar Singh, DCP (Operations) has been designated as Nodal Officer of the said Committee. The newly designated Nodal Officers took their own time to be familiar with the functioning of the Committee and the activities carried out by the former Nodal Officers.

5. *Mr. K.S. Meena, Nodal Officer from Government of NCT of Delhi was also transferred and a new officer has been designated as Nodal Officer. He could not join the meeting held on 28.12.2021 being on leave. Ms. Saumya Sharma SDM Khanjhawala was also on long leave due to her marriage. The Covid-19 pandemic disrupted the functioning of the Monitoring Committee.*

6. *Mr. Vishal Gandhi, Sr. Scientist, CPCB who was requested to suggest the names of experts to be associated in the meeting and also to make available the status of legal framework regarding noise rules in other States such as Maharashtra, West Bengal & Tripura also could not join the meeting on 28.12.2021 due to health issues. Subsequently, five names of experts were furnished by him to the Committee. In the meeting held on 11.01.2020, the Noise Pollution Control Committee associated three experts as suggested in the meeting on 28.12.2021. Mr. K.L. Kamyotra, former Member Secretary, CPCB, Dr. Naveen Garg, Principal Scientist and Head of Acoustic & Vibration Standards, CSIR – National Physical Laboratory Delhi and Dr. Nasim Akhtar, Principal Scientist, CSIR – CRRI were joined the meeting and they gave their suggestions to mitigate noise pollution in Delhi. They have been requested to provide their suggestions in note form or in writing to be considered by the Monitoring Committee. Their reports/suggestions are still awaited.*
7. ***Various deliberations have taken place in the meetings, specifically for preparation of legal framework for enforcement; empowerment of local bodies; delegation of authority to SHOs. DPCC has been requested to pursue the matter with the Ministry of Environment to designate the authority from the Revenue Department, Police Department and local bodies to grant permission for the use of noise emanating instruments like loudspeakers and DJs during public functions and gatherings. In the earlier meetings, Mr. K. S. Meena, had assured that he would pursue the matter at his end and explore the possibility for grant of separate permission with time limit and extent of volume for use of loudspeakers and DJs. Ms. Saumya Sharma, Nodel Officer was requested to pursue the matter with the concerned authorities at Government level and apprise the Committee about the progress. The response from Government of Delhi is awaited. (Minutes of 5th Meeting of the Monitoring Committee are annexed herewith as Annexure A.)***
8. *In view of above, the submission of report requires more time. The Progress Report shall be submitted at the earliest after availability of the reports/suggestions from the experts and the government agencies regarding the decisions taken about preparation of legal framework for enforcement for effective implementation of the noise norms in Delhi.”*

5. We grant time to the Committee to complete its work by 30.04.2022 and to file its report by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF with the Registrar General of this Tribunal. If any further direction becomes necessary, the RG may place the report before this Tribunal. A

copy of the report be also simultaneously forwarded to the Chief Secretary, Delhi, Police Commissioner, Delhi and DPCC for other appropriate action.

6. I.A. No. 139/2021 has been filed by one Mr. Vijay Gopal seeking impleadment in the light of order dated 07.04.2021 passed by the Hon'ble Supreme Court in *Civil Appeal No. 971/2021, Vijay Gopal vs. Union of India & Ors.* and to seek directions against violation of Noise Pollution (Regulation and Control) Rules, 2000 by certain religious places in Hyderabad. It is stated that the applicant earlier filed O.A. No. 93/2020, *Vijay Gopal vs. Union of India & Ors.* before this Tribunal which was disposed of vide order dated 11.08.2020 permitting the applicant to approach the concerned authorities. The order of the Hon'ble Supreme Court is reproduced below:-

"The appellant filed an O.A.No.93 of 2020 seeking enforcement of Noise Pollution (Regulation and Control) Rules 2000 (in short 'the 2000 Rules'). He also prayed for ban on use of loudspeakers at religious Places of Worship and during religious processions. The National Green Tribunal refused to entertain the application on the ground that it had issued directions in OA No.519 of 2016 on similar issues.

Mr. V. K. Shukla, learned senior counsel appearing for the appellant referred to the order passed by the Tribunal to argue that O.A. No. 519 of 2016 pertains to pollution in Delhi in which directions were issued to the authorities to enforce the 2000 Rules. The submission of the learned senior counsel for the appellant is that he is seeking enforcement of the Rules for the entire country. The appellant is permitted to implead himself in OA No. 519 of 2016 and seek appropriate directions.

With the above observation, we dispose of this appeal. Pending application(s), if any, stands disposed of."

7. Earlier order of this Tribunal dated 11.08.2020 in O.A. No. 93/2020 is as follows:-

"This application seeks direction to all the States/UTs in the country to enforce the Noise Pollution (Regulation and Control) Rules,

2000. Further prayer is to ban use of loud speakers by religious places of worship and during religious processions.

In view of detailed order passed today in O.A. No. 519/2016, *Hardeep Singh & Ors. v. SDMC & Ors.* dealing with the issue, no separate order is necessary. It will be open to the applicant to approach the concerned Authorities in light of the said order.”

8. We note that directions sought, as mentioned in the order of Hon'ble Supreme Court, already stand issued in O.A. No. 681/2018, *In Re: News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"*, applicable throughout India which are referred to in the final order of this Tribunal dated 11.08.2020 which has not been brought to the notice of the Hon'ble Supreme Court. Relevant extracts from the said order for ready reference are:

“23. Status with reference to each of the above questions was examined and following directions were issued:

I to X.....xx.....xx.....xx.....xx

XI. Noise Limiters need to be installed on potential noise polluting devices, including retrofitting the existing devices. Appropriate directions be issued by the States/UTs within three months in the same manner as directed by this Tribunal for Delhi vide order dated 01.08.2019 in O.A. No. 519/2016, Hardeep Singh & Ors. vs SDMC & Ors.”

24to26.....xx.....xx.....xx.....xx

27. Separate report on the subject of control of noise pollution gives the gap analysis as follows:

“3.0 GAP ANALYSIS

As per Hon'ble NGT Directions dated 15.03.2019 and 15.11.2019, action Plan submitted by States/UTs are analysed on the basis of following points:

- i. **Noise level monitoring in conjunction with the Police Department and take remedial action.**

- ii. Police Departments of all the States/UTs may obtain the Noise monitoring devices within a period of three months.**
- iii. Police Department of all the States/UTs may also train their staff regarding the use of such devices.**
- iv. Police Department of all the States/UTs may develop a robust protocol for taking appropriate action against the defaulters.**
- v. Use of Sound Limiter(s) in all sound system/public address system for effective control of Noise Pollution.**

Accordingly, action plans submitted by 30 States/UTs were assessed based on its adequacy in addressing above-mentioned points. Detailed assessment of action plan is attached as Annexure-XLVI.

Following are the major observations based on the assessment:

- i. 10 States/UTs (Delhi, Tripura, Bihar, West Bengal, Karnataka, Kerala, Gujarat, Jammu and Kashmir, Sikkim, Uttar Pradesh) have addressed all the five action points as listed above in their action plans.
- ii. 20 States/UTs (Andhra Pradesh, Andaman & Nicobar, Arunachal Pradesh, Assam, Chhattisgarh, Chandigarh, Goa, Daman & Diu & Dadra and Nagar Haveli, Himachal Pradesh, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Manipur, Mizoram, Odisha, Pondicherry, Tamil Nadu, Telangana, Uttarakhand) have partially addressed the above-listed action points in their action plans.
- iii. 05 States/UTs namely Haryana, Jharkhand, Nagaland, Punjab, Rajasthan have not submitted any action plan to CPCB.”

28to36.....xx.....xx.....xx.....xx

37. There are huge gaps in execution of action plans for noise control, including procurement of equipments. Such gaps need to be addressed especially by Police and environment Departments who are entrusted with the responsibility of control of noise under the Noise Pollution (Regulation and Control) Rules, 2000. Atleast from 01.11.2021, the concerned States/heads of police force must be held liable to pay compensation @ Rs. 10 lakhs per month on the same pattern as failure to enforce action plans for control of air pollution.

38to59.....xx.....xx.....xx.....xx

“60. Our directions are summed up as follows:

i&ii.....xx.....xx.....xx.....xx

*iii. Monitoring by NTF may be with reference to the action plans of 124 NACs. The components include installation of monitoring stations, completion of CC and SA studies, shifting, prohibiting and regulating activities beyond carrying capacity (such as shifting to cleaner fuel and declaring regulated/no vehicle zones so as to ensure that the air quality does not go beyond 'poor' for protection of health of the citizens), effectiveness of PGRPs, timelines for execution of the action plans and recovery of compensation for delay, **addressing gap in control of noise pollution**, afforestation drives utilizing CAMPA funds, effective implementation of ERS, revamping of PCBs/PCCs and other monitoring mechanism, remediation of legacy waste sites and effective steps for management of other waste, including biomedical, plastic and e-waste, dust control, public awareness and community involvement programmes and setting up of data grids on all levels. NTF may also evolve and oversee parameters for interse ranking of success of remedial action for 124 NACs and other air polluted areas where air quality is poor and above. Further, accountability for failures and incentives for success also needs to be monitored. NTF is free to take up any other incidental issues.*

iv.....xx.....xx.....xx

v. The Chief Secretaries of all States/UTs may continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers. The issue of noise pollution also needs to be addressed, as earlier directed."

I.A. No. 139/2021 will stand disposed of accordingly.

All the OAs will also stand disposed of subject to directions in para 5 above.

A copy of this order be forwarded to Justice S.P. Garg, former Judge Delhi High Court, Chief Secretary, Delhi, Police Commissioner, Delhi and DPCC by e-mail for further action.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Afroz Ahmad, EM

February 03, 2022
Original Application No. 519/2016
(I.A. No. 139/2021) and connected matters
SN