

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 519/2016
WITH
ORIGINAL APPLICATION NO. 496/2018
(M.A. NO. 1159/2018)
WITH
ORIGINAL APPLICATION NO. 196/2018
WITH
ORIGINAL APPLICATION NO. 197/2018**

IN THE MATTER OF

HARDEEP SINGH & ORS.

APPLICANT(S)

VERSUS

SDMC & ORS.

RESPONDENT(S)

WITH

AKHAND BHARAT MORCHA

APPLICANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

INDEX

SL NO.	PARTICULARS	PAGE NO.
1.	REPORT ON " SCALE OF COMPENSATION TO BE RECOVERED FOR VIOLATION OF NOISE POLLUTION IN COMPLIANCE OF THE HON'BLE NGT ORDER, DATED 01.08.2019.	
2.	ANNEXURE- I NOISE LIMITS FOR AUTOMOBILES.	
3.	ANNEXURE- II NOISE RULES FOR DOMESTIC APPLIANCES AND CONSTRUCTION EQUIPMENTS AT THE MANUFACTURING STAGE.	
4.	ANNEXURE- III NOISE STANDARDS FOR FIRE CRACKERS.	
5.	ANNEXURE- IV NOISE LIMIT FOR GENERATOR SETS RUN WITH PETROL OR KEROSENE.	
6.	ANNEXURE- V NOISE LIMIT FOR GENERATOR SETS RUN WITH DIESEL.	
7.	ANNEXURE- VI NOISE LIMIT FOR CNG AND LPG DUAL FUEL/ BIOFUEL/DEDICATED GENERATOR SETS.	
8.	ANNEXURE- VII HON'BLE NGT ORDER DATED 01.08.2019.	

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SCIENTIST 'E'**

**CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR
DELHI- 110032**

REPORT ON

**“SCALE OF COMPENSATION TO BE RECOVERED FOR
VIOLATION OF NOISE POLLUTION (REGULATION AND
CONTROL) RULES, 2000”**

**SUBMITTED IN COMPLIANCE TO HON'BLE NATIONAL
GREEN TRIBUNAL (NGT) ORDER DATED 01.08.2019
IN THE MATTER O.A NO. 519 OF 2016 TITLED; HARDEEP
SINGH & ORS VS SDMC & ORS**



**CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)
Parivesh Bhawan East Arjun Nagar,
Delhi-110032**

October, 2019

1.0 BACKGROUND

Hon'ble NGT vide order dated 01/08/2019 in the matter of O.A No. 519 of 2016 titled; Hardeep Singh &Ors Vs SDMC &Ors directed as:

"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."

2.0 LEGAL FRAME WORK WITH RESPECT TO NOISE POLLUTION (REGULATION AND CONTROL) RULES, 2000

2.1 Existing rules and standards

- Noise pollution (Regulation and Control) Rules, 2000 are notified by MoEF&CC and responsibilities and restrictions are defined with authorities for further implementation.
- Standards have been fixed for most of the major sources of noise, as well as ambient noise level in different category areas such as Silence Zone, Commercial, Industrial and Residential Area. The maximum permissible levels of Ambient Noise in Indian Cities notified by Ministry of Environment & Forests vide its notification no. S.O. 123 (E), (14-02-2000), Noise Pollution (Regulation & Control) Rules, 2000 is as follows:

Area Code	Category of Area/Zone	Limit in dB (A) Leq	
		Day	Night
A	Industrial Area	75	70
B	Commercial Area	65	55
C	Residential Area	55	45
D	Silence Zone	50	40

Note:

1. Day time shall mean from 6 AM to 10 PM.
2. Night time shall mean from 10 PM to 6 AM.
3. Silence Zone is defined as areas up to 100 meters around such premises as hospitals, educational institutes and courts. The Silence Zones are to be declared by competent authority. Use of Vehicular horns, loudspeaker and bursting of crackers shall be banned in these

Area Code	Category of Area/Zone	Limit in dB (A) Leq	
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<p>Note:</p> <ol style="list-style-type: none"> 1. Day time shall mean from 6 AM to 10 PM. 2. Night time shall mean from 10 PM to 6 AM. 3. Silence Zone is defined as areas up to 100 meters around such premises as hospitals, educational institutes and courts. The Silence Zones are to be declared by competent authority. Use of Vehicular horns, loudspeaker and bursting of crackers shall be banned in these zones. 4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority. *dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing. A "decibel" is a unit in which noise is measured. "A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear. 5. Leq: It is an energy mean of the noise level over a specific period 			

- Under Noise Pollution (Regulation and Control) Rules, 2000, responsibilities are vested with State Governments, District Magistrate, Police Commissioner, or any other officer not below the rank of Deputy Superintendent of Police, as per detail given below:
 - i. Restriction on the use of Loud Speakers/Public Address system.
 - ii. Restriction on the use of Horns, Sound emitting construction equipment and bursting of Fire crackers.
 - iii. Prohibition of continuance Music Sound or Noise.

Noise limits are notified under EPA Rules, 1986 and other provisions of Noise Rules, 2000 are listed below:

- i. Noise limits for Automobiles (Free Field) at one meter in dB (A) at the Manufacturing Stage. Limits are attached as Annexure-I.
- ii. Noise rules for Domestic Appliances and construction Equipment's at the manufacturing stage. Standards are attached as Annexure-II.
- iii. Noise standards for Fire Crackers. Standards are attached as Annexure-III.
- iv. Noise Limit for Generator sets run with Petrol or Kerosene. Standards are attached as Annexure-IV
- v. Noise Limit for Generator Sets run with Diesel. Standards are attached as Annexure-V
- vi. Noise limit for CNG and or LPG dual fuel/biofuel/dedicated generator sets. Standards are attached as Annexure-VI

2.2 Penal provision for violation of Noise Rules

- As per rule 7 (2), it is mentioned that Authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.
- Noise Rules are defined in Environment (Protection) Act, 1986. Section 15 of EPA, 1986 refers to penalty and action to be taken against violators and same is mentioned below:

Penalty for contravention of the provisions of the act and the rules, orders and directions -

1. 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 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.
2. If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

3.0 SCALE OF COMPENSATION FOR VIOLATION OF NOISE RULES

- Source of noise pollution have been identified based on provisions mentioned in section 2.1.
- 10-25 % of cost of instrument has been considered as compensation for violations of provisions of noise rules and repeated violators to be imposed fine which has deterrent effect.
- Accordingly, compensation to be paid by the defaulter and action to be taken by authority for violations of Noise Rules by usage of equipment like Public Address System, Construction Equipment, Generator Sets and Music DJ system are recommended as per details given in Table 1.

Table 1: Enlistment of Violation of Noise Rules and their respective Scale of compensation.

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1.	USE OF LOUD SPEAKERS / PUBLIC ADDRESS SYSTEM ¹ (Clause 5(1)- 5(2), 6(i, ii, iii and v) ¹⁻⁵	₹ 10,000	Seizure
2.	VIOLATION WRT GENERATOR SETS NORMS(Standards attached as Annexure -IV to VI)		
a)	DG sets more than 1000 KVA	₹ 1,00,000	Sealing of DG sets
b)	DG sets 62.5 to 1000 KVA	₹ 25,000	
c)	DG sets up to 62.5 KVA	₹ 10,000	
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENTS ⁶	₹ 50,000	Seizure / Sealing of Equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv) ⁷⁻⁸	₹ 1000	-
Note:			
<ol style="list-style-type: none"> 1. Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority. 2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency. 3. Clause 6 (i) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited. 4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument in any place covered under the silence zone/area are prohibited. 5. Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited. 6. Clause 5(A) (3): Sound emitting construction equipment shall not be used or 			

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
<p><i>operated during night time in residential areas and silence zones</i></p> <p>7. <i>Sound emitting fire crackers shall not be burst in silence zone or during night time in each zone;</i></p> <p>8. <i>As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers:</i> <i>Diwali: 8pm to 10pm</i> <i>Gurpurb: 4am to 5am and 9pm to 10pm</i> <i>New Year and Christmas: 11.55 P.M to 12.30 A.M</i></p> <p>9. <i>It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019</i></p>			

4.0 LIMITATION OF NOISE RULES WITH RESPECT TO LOUDSPEAKER

- i. Existing standards for loud speaker defined under clause 5(4) of Noise Rules, 2000 states that Noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower.
- ii. In order to verify compliance, ambient noise monitoring is to be carried out for 16 hours (day time) and violation by specific source of noise can not be identified due to background noise. Further, as impact of the noise source; duration of which mostly varies from a few seconds to few minutes gets leveled when monitoring for long duration (16 hours) is carried out.
- iii. Recently, CPCB has carried out demonstration of Sound limiters and it was found that sound limiter is not a full proof system and same can easily tamper with. It is difficult for authorities to set limits for sound limiter in absence of source standards for loudspeaker while granting permission for public address system.
- iv. Source specific standards have been notified for firecrackers, Generator sets, construction equipments, vehicles etc. However, source specific standards for Loudspeakers and Public Address System (PAS) yet to be framed.

In view of (i-iv) above, it is suggested that source specific standards be framed for Loud speaker and Public Address System with specific usage type

5.0 RECOMMENDATIONS

1. Designated authorities defined as per clause 2 (c) of Noise Pollution (Regulation and Control) Rules, 2000 shall imposed penalty and take necessary action against the defaulters as per details given in Table 1.
2. The compensation to be paid shall be 02 times / 03 times the original fine for the second and third violation respectively and permission for installation / operation of the equipment shall be withdrawn thereafter.

Sl.No.	Category	Standards dB(A)
1	2	3
46.	NOISE LIMITS FOR AUTOMOBILES (FREE FIELD) AT ONE METER IN dB(A) AT THE MANUFACTURING STAGE TO BE ACHIEVED BY THE YEAR 1992.	
	(a) Motorcycle, Scooters & Three wheelers	80
	(b) Passenger Cars	82
	(c) Passenger or Commercial Vehicles upto 4 MT	85
	(d) Passenger or Commercial Vehicles above 4 MT and upto 12 MT	89
	(e) Passenger or Commercial Vehicles exceeding 12 MT	91
47.	DOMESTIC APPLIANCES AND CONSTRUCTION EQUIPMENTS AT THE MANUFACTURING STAGE TO BE ACHIEVED BY THE YEAR, 1993	
	(a) Window Air Conditioner of 1 ton to 1.5 tons	68
	(b) Air Coolers	60
	(c) Refrigerators	46
	¹ [(d) ***.....]	-]
	(e) Compactors (rollers) Front loaders, Concrete mixers, Cranes (movable), Vibrators and Saws.	75

¹ The words and figures 'Diesel generators for domestic purposes ... 85-90' omitted by Rule 2(a) of the Environment (Protection) Second Amendments Rules, 2002 published vide Notification No.G.S.R.371(E), dated 17.5.2005

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Noise Standards for Fire-crackers

(The Noise standards for fire-crackers were notified by the Environment (Protection) (Second Amendment) Rules, 1999 vide G.S.R.682(E), dated the 5th October, 1999 and inserted as serial no. 89 of Schedule I of the Environment (Protection) Rules, 1986. Subsequently these Rules were amended by the Environment (Protection) Second Amendment Rules, 2006 vide G.S.R. 640(E), dated the 16th October, 2006, under the Environment (Protection) Act, 1986)

- A. (i) The manufacture, sale or use of fire-crackers generating noise level exceeding 125 dB(AI) or 145 dB(C)_{pk} at 4 meters distance from the point of bursting shall be prohibited.
- (ii) For individual fire-cracker constituting the series (joined fire-crackers), the above mentioned limit be reduced by $5 \log_{10}(N)$ dB, where N = number of crackers joined together.
- B. The broad requirements for measurement of noise from fire-crackers shall be-
- (i) The measurements shall be made on a hard concrete surface of minimum 5 meter diameter or equivalent.
- (ii) The measurements shall be made in free field conditions i.e., there shall not be any reflecting surface upto 15 meter distance from the point of bursting.
- (iii) The measurement shall be made with an approved sound level meter.
- C. The Department of Explosives shall ensure implementation of these standards.
- D. The fire-crackers for the purpose of export shall be exempted from the sub-paragraphs A, B and C above, subject to the compliance of the following conditions, namely:-
- (i) the manufacturer shall have an export order;
- (ii) the fire-crackers shall conform to the level prescribed in the country to which it is exported;
- (iii) they shall have a different packing colour code, and

- (iv) there shall be a declaration on the box "not for sale in India" or "only for export in other countries."

Note: dB(AI) : A-weighted impulse Sound Pressure Level in decibel
dB(C)_{pk}: C-weighted Peak Sound Pressure Level in decibel."

91. NOISE LIMIT FOR GENERATOR SETS RUN WITH PETROL OR KEROSENE

1. Noise limit

Noise limit for new generator sets run with petrol or kerosene shall be as given below:

	Noise Limit from	
	¹ [September 1, 2002]	² [September 1, 2003]
Sound Power level L _{wa}	90 dBA	86 dBA

2. Applicability

These rules shall apply to all new generator sets using petrol or kerosene as fuel, manufactured in or imported into India:

Provided that these rules shall not apply to:

- a) any genset manufactured or imported for the purpose of exports outside India, or
- b) the genset is intended for the purpose of sample only and not for sale in India.

3. Requirement of certification

Every manufacturer or importer (hereinafter referred to as "supplier") of genset (hereinafter referred to as "product") to which these rules apply must have a valid certificate of type approval for all the product models being manufactured or imported after the specified dates.

4. Verification of conformity of production (COP)

Every supplier shall subject its products to the verification for conformity of production, by certification body specified in clause 8, every year.

5. Sale of generator sets not complying with these rules

The sale of product model, not having valid type approval certificate, or not complying with the noise limits, as determined by the verification for conformity of production, shall be prohibited, in India.

¹ Substituted by Rule 2 of the Environment (Protection) Amendment Rules, 2001 published vide Notification No.G.S.R.628(E), dated 30.8.2001 from 'September 1, 2001 to September 1, 2002'.

² Substituted by Rule 2 of the Environment (Protection) Amendment Rules, 2001 published vide Notification No.G.S.R.628(E), dated 30.8.2001 from 'September 1, 2002 to September 1, 2003'.

6. Requirement of conformance labelling

- 6(1) The supplier of the 'product' must affix a conformance label on the product meeting the following requirements:
- a) the label shall be durable and legible
 - b) the label shall be affixed on a part necessary for normal operation of the 'product' and not normally requiring replacement during the 'product' life.
- 6(2) The conformance label must contain the following information:
- a) name & address of the supplier (if the address is described in the owners manual, it may not be included in the label)
 - b) statement that "this product conforms to the Environment (Protection) Rules, 1986
 - c) type approval certificate number and time phase (i.e. Sept 2001 or Sept 2002)

7. Nodal agency

- (1) The Central Pollution Control Board shall be the nodal agency for implementation of these rules.
- (2) In case of any dispute or difficulty in implementation of these rules the matter shall be referred to the nodal agency.
- (3) The nodal agency shall constitute a Standing Committee to advise it on all matters; including the disputed matters, related to the implementation of these rules.

8. Certification body

The following agencies are authorised for type approval and for verification of conformity of production.

- (1) Automotive Research Association of India, Pune;
- (2) National Physical Laboratory, New Delhi;
- (3) Naval Science & Technology Laboratory, Visakhapatnam;
- (4) Fluid Control Research Institute, Palghat; and
- (5) National Aerospace Laboratory, Bangalore.

9. Compliance and testing procedure

The compliance and testing procedure shall be prepared and published by Central Pollution Control Board, with the help of the certification agencies.

Annexure-1

NOISE LIMIT FOR GENERATOR SETS RUN WITH DIESEL

(Noise Limit for Generator Sets run with Diesel were notified by Environment (Protection) second Amendment Rules vide GSR 371(E), dated 17th May 2002 at serial no.94 and its amendments vide GSR No 520(E) dated 1st July 2003; GSR 448(E), dated 12th July 2004; GSR 315(E) dated 16th May 2005; GSR 464(E) dated 7th August 2006; GSR 566(E) dated 29th August 2007 and GSR 752(E) dated 24th October 2008; G.S.R. 215 (E), dated 15th March, 2011 under the Environment (Protection) Act, 1986)

Noise Limit for Generator Sets run with Diesel

1. **Noise limit for diesel generator sets (upto 1000 KVA) manufactured on or after the 1st January, 2005**

The maximum permissible sound pressure level for new diesel generator (DG) sets with rated capacity upto 1000 KVA, manufactured on or after the 1st January, 2005 shall be 75 dB(A) at 1 metre from the enclosure surface.

The diesel generator sets should be provided with integral acoustic enclosure at the manufacturing stage itself.

The implementation of noise limit for these diesel generator sets shall be regulated as given in paragraph 3 below.

2. **Noise limit for DG sets not covered by paragraph 1.**

Noise limits for diesel generator sets not covered by paragraph 1, shall be as follows:-

- 2.1 Noise from DG set shall be controlled by providing an acoustic enclosure or by treating the room acoustically, at the users end.
- 2.2 The acoustic enclosure or acoustic treatment of the room shall be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure/acoustic treatment. Under such circumstances the performance may be checked for noise reduction upto actual ambient noise level, preferably, in the night time). The measurement for Insertion Loss may be done at different points at 0.5 m from the acoustic enclosure/ room, then averaged.
- 2.3 The DG set shall be provided with proper exhaust muffler with insertion loss of minimum 25 dB (A).

2.4 These limits shall be regulated by the State Pollution Control Boards and the State Pollution Control Committees.

2.5 Guidelines for the manufacturers/ users of Diesel Generator sets shall be as under:-

01. The manufacturer shall offer to the user a standard acoustic enclosure of 25 dB (A) insertion loss and also a suitable exhaust muffler with insertion loss of 25 dB(A).
02. The user shall make efforts to bring down the noise levels due to the DG set, outside his premises, within the ambient noise requirements by proper citing and control measures.
03. Installation of DG set must be strictly in compliance with the recommendations of the DG set manufacturer.
04. A proper routine and preventive maintenance procedure for the DG set should be set and followed in consultation with the DG set manufacturer which would help prevent noise levels of the DG set from deteriorating with use.

3.0 Limits of Noise for DG Sets (upto 1000 KVA) Manufactured on or after the 1st January, 2005

3.1 Applicability

01. These rules apply to DG sets upto 1000 KVA rated output, manufactured or imported in India, on or after 1st January, 2005.
02. These rules shall not apply to –
 - a) DG sets manufactured or imported for the purpose of exports outside India; and
 - b) DG sets intended for the purpose of sample and not for sale in India.

3.2 Requirement of Certification

Every manufacturer or assembler or importer (hereinafter referred to as the "manufacturer") of DG set (hereinafter referred to as "product") to which these regulations apply must have valid certificates of Type Approval and also valid certificates of Conformity of Production for each year, for all the product models being manufactured or assembled or imported from 1st January, 2005 with the noise limit specified in paragraph 1.

3.3 Sale, import or use of DG sets not complying with the rules prohibited

No person shall sell, import or use of a product model, which is not having a valid Type Approval Certificate and Conformity of Production certificate.

3.4 Requirement of Conformance Labelling

- i) The manufacturer of the 'product' must affix a conformance label on the product meeting the following requirements:
 - (a) The label shall be durable and legible,
 - (b) The label shall be affixed on a part necessary for normal operation of the 'product' and not normally requiring replacement during the 'product' life.
- ii) The conformance label must contain the following information:
 - (a) Name & address of the manufacturer (if the address is described in the owner's manual, it may not be included in the label),
 - (b) Statement "this product conforms to the Environment (Protection) Rules, 1986",
 - (c) Noise limit viz. 75 dB(A) at 1 m
 - (d) Type Approval certificate number
 - (e) Date of manufacture of the product

3.5 Nodal Agency

- i) The Central Pollution Control Board shall be the nodal agency for implementation of these regulations.
- ii) In case of any dispute or difficulty in implementation of these regulations, the matter shall be referred to the nodal agency.
- iii) The nodal agency shall constitute a Committee to advise it on all matters; including the disputed matters, related to the implementation of these regulations.

3.6 Authorised agencies for certification

The following agencies are authorized to carry out such tests as they deem necessary for giving certificates for Type Approval and Conformity of Production testings of DG sets and to give such certificates:

- i) Automotive Research Association of India, Pune;
- ii) Naval Science & Technology Laboratory, Visakhapatnam;
- iii) Fluid Control Research Institute, Palghat;

- iv) National Aerospace Laboratory, Bangalore;
- v) International Centre for Automotive Technology, Manesar, Haryana; and
- vi) National Test House (Northern Region), Ghaziabad, Uttar Pradesh.

3.7 Compliance and Testing Procedure

The compliance and testing procedure shall be prepared and published by the Central Pollution Control Board, with the help of the certification agencies.

4.0 Exemption from the provisions of paragraph 1 and 3, for the products (diesel generator sets upto 30 KVA) purchased by the Ministry of Defence, Government of India.

The products manufactured in or imported into India till 30th April, 2007 for the purpose of supplying to the Ministry of Defence, shall be exempted from the regulations given in paragraphs 1 to 3 above, subject to the following conditions, namely:-

- i) The manufacturer shall manufacture or import the products only after getting purchase order from the Ministry of Defence and shall maintain the record of receipts, production / import, dispatch, etc., for inspection by the Central Pollution Control Board.
- ii) The special dispensation for noise norms shall be only for the mobile Defence vehicles which, with the present design / configuration, cannot carry the gensets with acoustic enclosures.
- iii) Director, Ministry of Defence shall ensure and maintain the serial number of all gensets for the Army and he shall also direct the manufacturers of these gensets to emboss on the engine and the main body of the gensets, the words "**For the use of Army only**".
- iv) The genset serial number shall be specially assigned by the Ministry of Defence with the request for proposal and contract purchase order and this information shall be forwarded to the Central Pollution Control Board for inspection as and when required.
- v) Registers shall be maintained at the manufacturers premises and in the Ministry of Defence to ensure that the number of gensets manufactured under special dispensation are not misused.
- vi) The gensets procured under this dispensation shall be operated in the remote areas and not in the cities.

- vii) This shall be a one-time exemption during which the Army shall remodel its vehicles to contain the new gensets and also obtain the necessary Type Approval of the gensets.

5.0 Exemption from the provisions of paragraph 1 and 3 for sixteen Diesel Generator sets of 45 KVA purchased by the Ministry of Defence, Government of India.

The 45 KVA DG sets manufactured in India for the purpose of their use in Mobile Decontamination System for use by the Ministry of Defence shall be exempted from the regulations given in paragraph 1 to 3 above subject to the following conditions, namely:-

- i) The special dispensation for the noise norms shall be only for the DG sets to be used in Mobile Decontamination System (MDS) by Army which, with the present design/configuration cannot carry the gensets with acoustic enclosures.
- ii) The Director, Ministry of Defence, shall ensure and maintain the serial numbers for sixteen gensets and he shall also direct the manufacturers of these generator sets to emboss on the engine and main body of the gensets, the words "For the use of Army only in Mobile Decontamination System (MDS)"
- iii) A register shall be maintained at the manufacturers premises and in the Ministry of Defence to ensure that only sixteen numbers of 45 KVA gensets are manufactured under special dispensation and are not misused elsewhere.

6.0 Transportation of Diesel Generator Sets (above 250 KVA)

- i) Diesel Generator set shall be transported after fulfilling the requirement of certification specified in paragraph 3.2 as a complete unit with acoustic enclosure, or dismantled, with relevant genset number specified on acoustic enclosure and silencer for reassembling at the site of its operation.
- ii) Compliance with the noise norms shall be monitored after reassembling the DG set at the location of the installation by the concerned State Pollution Control Board or, as the case may be, the Union Territory Pollution Control Committee.

(ख) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, सभी संबद्ध व्यक्तियों के लिए छह मास का समय अनुज्ञात करते हुए, अनुपालन और जांच प्रक्रिया को यथास्थिति, विकसित या पुनरीक्षित कर सकेगा।

(ग) ऊपर पैरा क और ख में निर्दिष्ट संस्थान, यथालागू उत्सर्जन और/या ध्वनि के संबंध में जांच और प्रमाणन संबंधी ब्यौरे वार्षिक रूप से केन्द्रीय प्रदूषण बोर्ड को प्रस्तुत करेगा और केन्द्रीय प्रदूषण नियंत्रण बोर्ड जांच के पर्यावलोकन के लिए अपने पदधारियों को तैनात करने के लिए स्वतंत्र होगा।

11. डीजल और एनजी या एलपीजी पर चलने वाले सभी जेनसेट इंजन सुरक्षा अपेक्षाओं का अनुपालन करेंगे।

12. डीजल और एनजी या एलपीजी के लिए लागू वाणिज्यिक इंधन के विनिर्देश, समय-समय पर भारत सरकार की नीति के अनुसार ऐसे क्षेत्र में चलने वाले डीजल और एनजी या एलपीजी यानों को लागू होंगे, जहां उत्पाद का प्रचालन होगा।

13. उत्सर्जन संबंधी कार्यपालन के लिए उत्तरदायी इंजन के घटकों या भागों के सभी ब्यौरों को स्पष्ट रूप में अंग्रेजी भाषा में अंकित किया जाएगा।

[फा.सं. क्यू. 15017/5/2012-सीपीडब्ल्यू]

डा. राशिद हसन, सलाहकार

टिप्पण - मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (i) में अधिसूचना सं. का.आ. 844(अ), तारीख 19 नवंबर, 1986 द्वारा प्रकाशित किए गए थे और तत्पश्चात् इनमें निम्नलिखित अधिसूचनाओं द्वारा संशोधन किए गए थे, अर्थात्:-

का.आ. 433 (अ), तारीख 18 अप्रैल, 1987; सा.का.नि. 176(अ), तारीख 2 अप्रैल, 1996; सा.का.नि. 97(अ), तारीख 18 फरवरी, 2009; सा.का.नि. 149 (अ), तारीख 4 मार्च, 2009; सा.का.नि. 543 (अ), तारीख 22 जुलाई, 2009; सा.का.नि. 739 (अ), तारीख 9 सितंबर, 2010; सा.का.नि. 809 (अ), तारीख, 4 अक्टूबर, 2010; सा.का.नि. 215 (अ), तारीख 15 मार्च, 2011; सा.का.नि. 221(अ), तारीख 18 मार्च, 2011; सा.का.नि. 354 (अ), तारीख 2 मई, 2011 ; सा.का.नि. 424 (अ), तारीख 1 जून, 2011; सा.का.नि. 446 (अ), तारीख 13 जून, 2011; सा.का.नि. 152 (अ), तारीख 16 मार्च, 2012; सा.का.नि. 266 (अ), तारीख 30 मार्च, 2012; और सा.का.नि. 277 (अ), तारीख 31 मार्च, 2012; और सा.का.नि. 820 (अ), तारीख 9 नवंबर, 2012; सा.का.नि. 176 (अ), तारीख 18 मार्च, 2013; सा.का.नि. 535 (अ), तारीख 7 अगस्त, 2013; सा.का.नि. 771 (अ), तारीख 11 दिसंबर, 2013; सा.का.नि. 2(अ), तारीख 2 जनवरी, 2014; सा.का.नि. 229 (अ), तारीख 28 मार्च, 2014; सा.का.नि. 232 (अ), तारीख 31 मार्च, 2014; सा.का.नि. 325 (अ), तारीख 7 मई, 2014; सा.का.नि. 612 (अ), तारीख 25 अगस्त, 2014; सा.का.नि. 789 (अ), तारीख 11 नवंबर, 2014; का. आ. 3305 (अ), तारीख 7 दिसंबर, 2015; का.आ. 4(अ), तारीख 1 जनवरी, 2016 और इनमें अंतिम संशोधन अधिसूचना सं. सा.का.नि. 35 (अ), तारीख 14 जनवरी, 2016 द्वारा किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 7th March, 2016

G.S.R.281(E).- In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986. namely:-

1. Short title and commencement.- (1) These rules may be called the Environment (Protection) Third Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule - I, after serial number 95 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:-

"95A. Genset run on dedicated Natural Gas (NG) or Liquid Petroleum Gas (LPG) :-

A. Emission Limits.- The emission limits for dedicated NG or LPG driven engine for genset application or genset (upto 800 kW) shall be effective from 1st July, 2016 as specified in the Table below subject to the general conditions contained therein, namely:-

TABLE

Power Category	Emission Limits (g/kW-hr)	
	NO _x + NMHC Or NO _x + RHC	CO
Upto 19 kW	≤ 7.5	≤ 3.5
More than 19 kW upto 75 kW	≤ 4.7	≤ 3.5
More than 75 kW upto 800 kW	≤ 4.0	≤ 3.5

Notes.- The abbreviations used in the Table shall mean as under: 1. NO_x - Oxides of Nitrogen; CO - Carbon Monoxide; NMHC - Non-Methane Hydrocarbon; and RHC - Reactive Hydrocarbon.

2. Dedicated NG or LPG genset engine shall mean a mono-fuel engine starting and operating with only one fuel, i.e., NG or LPG.
3. NO_x + NMHC or NO_x + RHC shall be measured in case of dedicated NG or LPG genset engine. NMHC shall be equal to 0.3×Total Hydrocarbon (THC) in case of NG, and RHC is equal to 0.5×THC in case of LPG.
4. These norms shall be applicable to Original Equipment Manufacturer (OEM) built dedicated NG or LPG genset engines.
5. The above mentioned emission limits shall be applicable for Type Approval and Conformity of Production (COP) carried out by authorised agencies.
6. Any of the following institutions shall undertake Type Approval and for verification of Conformity of Production for emission standards for engine products and to issue such certificates on compliance of the prescribed norms, namely:-
 - (a) The Automotive Research Association of India, Pune (Maharashtra);
 - (b) The International Centre for Automotive Technology, Manesar (Haryana);
 - (c) The Indian Oil Corporation, Research and Development Centre, Faridabad (Haryana);
 - (d) The Indian Institute of Petroleum, Dehradun (Uttarakhand); and
 - (e) The Vehicle Research Development Establishment, Ahmednagar (Maharashtra).
7. Stack height (in metres), for genset shall be governed as per Central Pollution Control Board (CPCB) guidelines.

B. Noise Limits.- 1. The maximum permissible sound pressure level for genset, with rated capacity upto 800 kW shall be 75 dB(A) at 1 metre from the enclosure surface. Gensets should be provided with integral acoustic enclosure at the manufacturing stage itself. The noise norms shall be effective from the 1st January, 2017.

2. Noise limit for gensets not covered under paragraph (1) shall be as follows:-
 - (a) Noise from gensets shall be controlled by providing an acoustic enclosure or by treating the room acoustically, at the users end.
 - (b) The acoustic enclosure shall be designed for minimum 25 dB(A) insertion loss or for complying with the ambient noise standards, whichever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure or acoustic treatment. Under such circumstances the performance may be checked for noise reduction upto actual ambient noise level, preferably, in the night time between 10.00 pm-6.00 am). The measurement for insertion loss may be done at different points at 0.5m from the acoustic enclosure or room, and then averaged.
 - (c) The genset shall be provided with proper exhaust muffler with insertion loss of minimum 25 dB(A).
 - (d) These limits shall be regulated by the State Pollution Control Boards and the State Pollution Control Committees.
 - (e) The manufacturer shall offer to the user a standard acoustic enclosure of 25 dB(A) insertion loss and also a suitable exhaust muffler with insertion loss of 25 dB(A).
 - (f) The user shall make efforts to bring down the noise levels due to the genset, outside his premises, within the ambient noise requirements by proper siting and control measures.
 - (g) Installation of a genset shall be strictly in compliance with the recommendation of the genset manufacturer.
 - (h) A proper routine and preventive maintenance procedure for the genset shall be set and followed in consultation with the genset manufacturer.

3. Any of the following institutions shall undertake Type Approval and for verification of Conformity of Production for noise norms for dedicated NG or LPG gensets and issue such certificates on compliance of the prescribed norms, namely :-

- (a) The Automotive Research Association of India, Pune (Maharashtra);
- (b) The International Centre for Automotive Technology, Manesar (Haryana);
- (c) The Fluid Control Research Institute, Palghat (Kerala);
- (d) The National Test House, Ghaziabad (Uttar Pradesh);
- (e) The National Aerospace Laboratory, Bangalore (Karnataka); and
- (f) The Naval Science and Technology Laboratory, Visakhapatnam (Andhra Pradesh).

C. General Conditions.—

1. Every manufacturer, importer or assembler (hereinafter referred to as the 'manufacturer') of the dedicated NG or LPG engine (hereinafter referred to as 'engine') for genset application manufactured or imported into India or dedicated NG or LPG genset (hereinafter referred to as 'product'), assembled or imported into India shall obtain Type Approval and comply with the COP of their products for the emission limits which shall be valid for the next COP year or, the date of implementation of the norms specified above, whichever is earlier. Thereafter, the manufacturer shall obtain COP approval every COP year. NG or LPG kit shall also have independent Type Approval and shall independently comply with COP requirement, as and when notified.
2. These conditions shall apply to all new engines for genset application and products manufactured, assembled or imported into India, as the case may be:

Provided that these rules, shall not apply to, -

- (a) any engine or, product, assembled or manufactured or imported, as the case may be, for the purpose of export outside India: or
 - (b) any engine or product intended for the purpose of sample limited to four in number and to be exported back within three months, and not for sale in India.
3. Every manufacturer of engine or product, as the case may be, shall have valid certificates of Type Approval and COP for each COP year, for all engine models being manufactured or, for all engine or product models being imported, after the effective date of the emission limits, as specified above and CPCB shall develop system and procedure to monitor the norms and COP year.
 4. Every manufacturer shall submit its engine or products, as the case may be, for the verification for conformity of production for emission and noise, by any of the institutions, as applicable, every COP year.
Note .— The term COP year, duty cycle and any other requirement for compliance of Type Approval and COP shall be prescribed in the system and procedure to be developed by the Central Pollution Control Board.
 5. No person shall manufacture, sell, import or use an engine for genset application or any product which is not having a valid Type Approval certificate and certificate of COP referred to in sub - paragraph (3) above, as applicable.
 6. All the engines, individually or as part of the product shall be clearly engraved as NG genset Engine or LPG genset engine on the cylinder block, as the case may be.
 7. The engine or the product shall be affixed with a conformance label meeting the following requirements, namely:-
 - (a) the label shall be durable and legible;
 - (b) the label shall be affixed on a part necessary for normal operation of the engine or the product and not normally requiring replacement during the life of the engine or the product.
 8. The conformance label shall contain the following information, namely:-
 - (a) Name and address of the manufacturer of engine or product, as the case may be;
 - (b) Statement that the engine or product conforms to the Environment (Protection) Rules, 1986;
 - (c) Type Approval Certificate number;
 - (d) Date of manufacture of engine and the product or in case of import, the date of import of the engine and the product; and
 - (e) Rated speed and corresponding gross power in kW.
 9. (a) The Central Pollution Control Board shall be the nodal agency for implementation of these rules.
 - (b) In case of any dispute or difficulty in implementation of these rules, the matter shall be referred to the nodal agency.

- (c) The nodal agency shall constitute a Standing Committee for emission related issues and a National Committee for noise related issues, respectively, to advise it on all matters related to the implementation of these rules including disputes, if any.
10. (a) All genset engines operating on dedicated NG or LPG shall be tested for Type Approval and COP of emission and noise limits compliance as per system and procedure published from time to time by the Central Pollution Control Board.
- (b) The Central Pollution Control Board may develop or as the case may be, revise the compliance and testing procedure allowing a time of six months for all concern.
- (c) The institutes referred to in paragraph A and B above shall submit the testing and certification details in respect of emission and, or, noise, as applicable, to the Central Pollution Control Board, annually and the Central Pollution Control Board shall be free to depute its officials to oversee the testing.
11. All genset engines operating on dedicated NG or LPG shall comply safety requirements.
12. The specification of commercial fuel applicable for NG or LPG shall be applicable for vehicles run on NG or LPG in the area where product shall be operated, from time to time, as per policy of Government of India.
13. All the details of engine components or part responsible for the emission performance shall be clearly marked in English language.

95B. Genset run on Petrol and Natural Gas (NG) or Petrol and Liquid Petroleum Gas (LPG):-

- A. Emission Limits.**—The emission limits for Petrol and NG or Petrol and LPG genset (upto 19 kW) powered by SI engine (upto 400 cc displacement) (hereinafter referred to as Genset) shall be effective from the 1st August, 2016 as specified in the following Table:-

TABLE

Class	Engine Displacement (cc)	CO (g/kWh)	NO _x + THC/NO _x + NMHC / NO _x + RHC (g/kWh)
1	Upto 99	≤ 250	≤ 12
2.	>99 and upto 225	≤ 250	≤ 10
3.	≥ 225 ≤ 400	≤ 250	≤ 8

Notes: The abbreviations used in above table shall mean as under: 1. SI – Spark Ignition, NG – Natural Gas, LPG – Liquid Petroleum Gas, NO_x – Oxides of Nitrogen, THC – Total Hydrocarbon, CO – Carbon Monoxide, NMHC – Non- Methane Hydrocarbon and RHC – Reactive Hydrocarbon.

2. Dual fuel engine operation shall mean a two – fuel system having petrol as a primary combustion fuel and NG or LPG as supplementary fuel, both in a certain proportion, throughout the engine operating zone. Such dual fuel Genset engine may operate on petrol stand-alone mode in absence of gaseous fuel i.e. NG or LPG.
3. NMHC shall be equal to 0.3×THC in case of Natural Gas and RHC shall be equal to 0.5×THC in case of LPG.
4. These norms shall be applicable to Original Equipment Manufacturer (OEM) built petrol and NG or petrol and LPG genset (upto 19 kW) powered by SI engine (upto 400 cc displacement). Conversion or Retrofitment of the existing petrol or Kerosene generator sets to run on petrol and NG or petrol and LPG shall not be permitted.
5. The above emission limits shall be applicable for Type Approval and Conformity of Production (COP) undertaken by authorized agencies and shall be complied with petrol alone or petrol and NG or LPG fuel mode separately.
6. Any of the following institutions shall undertake Type Approval and for verification of Conformity of Production for emission standards for engine products and to issue such certificates on compliance of the prescribed norms, namely:-
- (a) The Automotive Research Association of India, Pune (Maharashtra);
- (b) The International Centre for Automotive Technology, Manesar (Haryana);
- (c) The Indian Oil Corporation, Research and Development Centre, Faridabad (Haryana);
- (d) The Indian Institute of Petroleum, Dehradun (Uttarakhand); and
- (e) The Vehicle Research Development Establishment, Ahmednagar (Maharashtra).

7. $\text{NO}_x + \text{THC}$ shall be measured as emissions from petrol alone in bi-fuel fuel mode of operation. $\text{NO}_x + \text{NMHC}$ or $\text{NO}_x + \text{RHC}$ shall be measured in case of petrol and NG or petrol and LPG fuel mode of operation, respectively.

B. Noise Limits.—1. The noise limit for gensets (upto 19 kW) powered by an SI engine (upto 400 cc displacement) run on petrol and NG or petrol and LPG shall be effective from the 1st September, 2016 as specified in the following table :-

TABLE

Noise Parameter	Noise Limits
Sound Power Level _{wa}	86 dB(A)

2. Any of the following institutions shall undertake Type Approval and for verification of Conformity of Production for noise norms for dedicated petrol or petrol and NG or LPG gensets and issue such certificates on compliance of the prescribed norms, namely :-

- The Automotive Research Association of India, Pune (Maharashtra);
- The International Centre for Automotive Technology, Manesar (Haryana);
- The Fluid Control Research Institute, Palghat (Kerala);
- The National Test House, Ghaziabad (Uttar Pradesh);
- The National Aerospace Laboratory, Bangaluru (Karnataka); and
- The Naval Science and Technology Laboratory, Visakhapatnam (Andhra Pradesh).

C. General Conditions:

- Every manufacturer, importer or assembler (hereinafter referred to as the 'manufacturer') of the petrol and NG or LPG engine (hereinafter referred to as 'engine') for genset application manufactured or imported into India or petrol and NG or LPG genset (hereinafter referred to as 'product'), assembled or imported into India shall obtain Type Approval and comply with the COP of their products for the emission limits which shall be valid for the next COP year or, the date of implementation of the norms specified above, whichever is earlier. Thereafter, the manufacturer shall obtain COP approval every COP year. Petrol and NG or LPG kit shall also have independent Type Approval and shall independently comply with COP requirement, as and when notified.
- These conditions shall apply to all new engines for genset application and products manufactured, assembled or imported into India, as the case may be:

Provided that these rules, shall not apply to, -

- any engine or, product, assembled or manufactured or imported, as the case may be, for the purpose of export outside India; or
 - any engine or product intended for the purpose of sample limited to four in number and to be exported back within three months, and not for sale in India.
- Every manufacturer of engine or product, as the case may be, shall have valid certificates of Type Approval and COP for each COP year, for all engine models being manufactured or, for all engine or product models being imported, after the effective date of the emission limits, as specified above and CPCB shall develop system and procedure to monitor the norms and COP year.
 - Every manufacturer shall submit its engines or products to the verification for conformity of production for emission and noise, by any of the institutions, as applicable, every COP year.

Note.- The term 'COP year', duty cycle and any other requirement for compliance of Type Approval and COP to be prescribed in the System and Procedure developed by the Central pollution Control Board.

- No person shall manufacture, sell, import or use an engine for genset application or any product which is not having a valid Type Approval certificate and certificate of COP referred to in sub - paragraph (3) above, as applicable.
- All the engines, individually or as part of the product shall be clearly engraved as petrol and NG genset Engine or petrol and LPG genset engine on the cylinder block, as the case may be.
- The engine or the product shall be affixed with a conformance label meeting the following requirements, namely:-
 - the label shall be durable and legible:

(b) the label shall be affixed on a part necessary for normal operation of the engine or the product and not normally requiring replacement during the life of the engine or the product.

8. The conformance label shall contain the following information, namely:-

- (a) Name and address of the manufacturer of engine or product, as the case may be;
- (b) Statement that the engine or product conforms to the Environment (Protection) Rules, 1986;
- (c) Type Approval Certificate number;
- (d) Date of manufacture of engine and the product or in case of import, the date of import of the engine and the product; and
- (e) Rated speed and corresponding gross power in kW.

9. (a) The Central Pollution Control Board shall be the nodal agency for implementation of these rules.

(b) In case of any dispute or difficulty in implementation of these rules, the matter shall be referred to the nodal agency.
(c) The nodal agency shall constitute a Standing Committee for emission related issues and a National Committee for noise related issues, respectively, to advise it on all matters related to the implementation of these rules including disputes, if any.

10. (a) All genset engines operating on petrol and NG or LPG shall be tested for Type Approval and COP of emission and noise limits compliance as per system and procedure published from time to time by the Central Pollution Control Board.

(b) The Central Pollution Control Board may develop or as the case may be, revise the compliance and testing procedure allowing a time of six months for all concern.

(c) The institutes referred to in paragraph A and B above shall submit the testing and certification details in respect of emission and, or, noise, as applicable, to the Central Pollution Control Board, annually and the Central Pollution Control Board shall be free to depute its officials to oversee the testing.

11. All genset engines operating on petrol and NG or LPG shall comply safety requirements.

12. The specification of commercial fuel applicable for petrol and NG or LPG shall be applicable for vehicles run on petrol and NG or LPG in the area where product shall be operated, from time to time, as per policy of Government of India.

13. All the details of engine components or part responsible for the emission performance shall be clearly marked in English language.

95C. Genset run on Diesel and Natural Gas (NG) or Diesel and Liquid Petroleum Gas (LPG):-

A. Emission Limits.—The emission limits for Diesel and NG or Diesel and LPG driven engine (upto 800 kW) for generator set (hereinafter referred to as Genset) application shall be effective from the 1st July, 2016 as specified in the Table below, subject to the general conditions specified therein, namely:-

TABLE

Power Category	Emission Limits (g/kW-hr)			Smoke Limit (light absorption coefficient, m ⁻¹)
	NO _x + THC or NO _x + NMHC or RHC	CO	PM	
Upto 19 kW	≤7.5	≤3.5	≤0.3	≤0.7
More than 19 kW upto 75 kW	≤4.7	≤3.5	≤0.3	≤0.7
More than 75 kW upto 800 kW	≤4.0	≤3.5	≤0.2	≤0.7

Notes.— The abbreviations used in the Table shall mean as under: 1. NO_x – Oxides of Nitrogen; THC – Total Hydrocarbon; CO- Carbon Monoxide; PM – Particulate Matter; NMHC – Non – Methane Hydrocarbon; and RHC – Reactive Hydrocarbon.

2. Dual fuel engine operation shall mean a two – fuel system having diesel as a primary combustion fuel and NG or LPG as supplementary fuel, both in a certain proportion, throughout the engine operating zone. Such dual fuel genset engine may operate on diesel stand-alone mode in absence of gaseous fuel i.e. NG or LPG.
 3. $\text{NO}_x + \text{THC}$ shall be measured as emission while diesel alone is used as fuel. $\text{NO}_x + \text{NMHC}$ or $\text{NO}_x + \text{RHC}$ shall be measured in case of diesel and NG or diesel and LPG dual fuel operation respectively. NMHC shall be equal to $0.3 \times \text{THC}$ in case of NG and RHC as $0.5 \times \text{THC}$ in case of LPG.
 4. These norms shall be applicable to Original Equipment Manufacturer (OEM) built diesel and NG or LPG Genset engines. Conversion or retro fitment of the existing diesel engines to run on diesel and NG or diesel and LPG shall not be permitted.
 5. The above mentioned emission limits shall be applicable for Type Approval and Conformity of Production (COP) carried out by authorised agencies. For Type Approval and COP for diesel and NG or diesel and LPG dual fuel operation engines, the emission and smoke limits prescribed in above Table shall be met in diesel alone or diesel and NG or diesel and LPG dual fuel mode separately.
 6. Any of the following institutions shall undertake Type Approval and for verification of Conformity of Production for emission standards for engine products and to issue such certificates on compliance of the prescribed norms, namely:-
 - (a) The Automotive Research Association of India, Pune (Maharashtra);
 - (b) The International Centre for Automotive Technology, Manesar (Haryana);
 - (c) The Indian Oil Corporation, Research and Development Centre, Faridabad (Haryana);
 - (d) The Indian Institute of Petroleum, Dehradun (Uttarakhand); and
 - (e) The Vehicle Research Development Establishment, Ahmednagar (Maharashtra).
 7. Stack height (in metres) for genset shall be governed as per Central Pollution Control Board (CPCB) guidelines.
 8. $\text{NO}_x + \text{THC}$ shall be measured as emissions from diesel alone in bi-fuel fuel mode of operation. $\text{NO}_x + \text{NMHC}$ or $\text{NO}_x + \text{RHC}$ shall be measured in case of diesel and NG or diesel and LPG fuel mode of operation, respectively.
 9. The emission standards for smoke and particulate matter shall be applicable, when diesel is used as fuel. Smoke limit prescribed in above Table shall not exceed throughout the operating load points of the test cycle.
- B. Noise Limits.—**1. The maximum permissible sound pressure level for genset, with rated capacity upto 800 kW shall be 75 dB(A) at 1 metre from the enclosure surface. Gensets shall be provided with integral acoustic enclosure at the manufacturing stage itself. The noise norms shall be effective from the 1st January, 2017.
2. Noise limit for gensets not covered under paragraph (1) shall be as follows:-
 - (a) Noise from gensets shall be controlled by providing an acoustic enclosure or by treating the room acoustically, at the users end.
 - (b) The acoustic enclosure shall be designed for minimum 25 dB(A) insertion loss or for complying with the ambient noise standards, whichever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure or acoustic treatment. Under such circumstances the performance may be checked for noise reduction upto actual ambient noise level, preferably, in the night time between 10.00 PM-6.00 AM). The measurement for insertion loss may be done at different points at 0.5m from the acoustic enclosure or room, and then averaged.
 - (c) The genset shall be provided with proper exhaust muffler with insertion loss of minimum 25 dB(A).
 - (d) These limits shall be regulated by the State Pollution Control Boards and Pollution Control Committees.
 - (e) The manufacturer shall offer to the user a standard acoustic enclosure of 25 dB(A) insertion loss and also a suitable exhaust muffler with insertion loss of 25 dB(A).
 - (f) The user shall make efforts to bring down the noise levels due to the genset, outside his premises, within the ambient noise requirements by proper siting and control measures.
 - (g) Installation of a genset shall be strictly made in compliance with the recommendations of the genset manufacturer.

- (h) A proper routine and preventive maintenance procedure for the genset shall be set and followed in consultation with the genset manufacturer.
3. Any of the following institutions shall undertake Type Approval and for verification of Conformity of Production for noise norms for dedicated diesel or diesel and NG or LPG gensets and issue such certificates on compliance of the prescribed norms, namely :-
- The Automotive Research Association of India, Pune (Maharashtra);
 - The International Centre for Automotive Technology, Manesar (Haryana);
 - The Fluid Control Research Institute, Palghat (Kerala);
 - The National Test House, Ghaziabad (Uttar Pradesh);
 - The National Aerospace Laboratory, Bangaluru (Karnataka); and
 - The Naval Science and Technology Laboratory, Visakhapatnam (Andhra Pradesh).

C. General Conditions

- Every manufacturer, importer or assembler (hereinafter referred to as the 'manufacturer') of the diesel and NG or LPG engine (hereinafter referred to as 'engine') for genset application manufactured or imported into India or diesel and NG or LPG genset (hereinafter referred to as 'product'), assembled or imported into India shall obtain Type Approval and comply with the COP of their products for the emission limits which shall be valid for the next COP year or, the date of implementation of the norms specified above, whichever is earlier. Thereafter, manufacturer shall obtain COP approval every COP year. Diesel and NG or LPG kit shall also have independent Type Approval and shall independently comply with COP requirement, as and when notified.
- These conditions shall apply to all new engines for genset application and products manufactured, assembled or imported into India, as the case may be:

Provided that these rules, shall not apply to, -

- any engine or, product, assembled or manufactured or imported, as the case may be, for the purpose of export outside India; or
 - any engine or product intended for the purpose of sample limited to four in number and to be exported back within three months, and not for sale in India.
- Every manufacturer of engine or product, as the case may be, shall have valid certificates of Type Approval and COP for each COP year, for all engine models being manufactured or, for all engine or product models being imported, after the effective date of the emission limits, as specified above and CPCB shall develop system and procedure to monitor the norms and COP year.
 - Every manufacturer shall submit its engine or products, as the case may be, for the verification of conformity of production for emission and noise, by any of the institutions, as applicable, every COP year.
Note.- The term COP year, duty cycle and any other requirement for compliance of Type Approval and COP shall be prescribed in the system and procedure to be developed by the Central Pollution Control Board.
 - No person shall manufacture, sell, import or use an engine for genset application or any product which is not having a valid Type Approval certificate and certificate of COP referred to in sub - paragraph (3) above.
 - All the engines, individually or as part of the product shall be clearly engraved as diesel and NG genset Engine or diesel and LPG genset engine on the cylinder block, as the case may be.
 - The engine or the product shall be affixed with a conformance label meeting the following requirements, namely:-
 - the label shall be durable and legible;
 - the label shall be affixed on a part necessary for normal operation of the engine or the product and not normally requiring replacement during the life of the engine or the product.
 - The conformance label shall contain the following informations, namely:-
 - Name and address of the manufacturer of engine or product, as the case may be;
 - Statement that the engine or product conforms to the Environment (Protection) Rules, 1986;
 - Type Approval Certificate number;

- (d) Date of manufacture of engine and the product or in case of import, the date of import of the engine and the product; and
- (e) Rated speed and corresponding gross power in kW.
9. (a) The Central Pollution Control Board shall be the nodal agency for implementation of these rules;
- (b) In case of any dispute or difficulty in implementation of these rules, the matter shall be referred to the nodal agency;
- (c) The nodal agency shall constitute a Standing Committee for emission related issues and a National Committee for noise related issues, respectively, to advise it on all matters related to the implementation of these rules including disputes, if any.
10. (a) All genset engines operating on diesel and NG or LPG shall be tested for Type Approval and COP of emission and noise limits compliance as per system and procedure published from time to time by the Central Pollution Control Board.
- (b) The Central Pollution Control Board may develop or as the case may be, revise the compliance and testing procedure allowing a time for a period of six months for all concern.
- (c) The institutes referred to in paragraph A and B above shall submit the testing and certification details in respect of emission and, or, noise, as applicable, to the Central Pollution Control Board, annually and the Central Pollution Control Board shall be free to depute its officials to oversee the testing.
11. All genset engines operating on diesel and NG or LPG shall comply safety requirements.
12. The specification of commercial fuel applicable for diesel and NG or LPG shall be applicable for vehicles run on diesel and NG or LPG in the area where product shall be operated, from time to time, as per the policy of the Government of India.
13. All the details of engine components or part responsible for the emission performance shall be clearly marked in English language.”

[F.NO.-Q-15017/5/2012-CPW]

Dr. RASHID HASAN, Advisor

Note .—The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number S.O. 844(E), dated the 19th November, 1986 and subsequently amended *vide* the following notifications, namely:-

S.O. 433(E), dated the 18th April 1987; G.S.R. 176(E), dated the 2nd April, 1996; G.S.R. 97(E), dated the 18th February, 2009; G.S.R. 149(E), dated the 4th March, 2009; G.S.R. 543(E), dated the 22nd July, 2009; G.S.R. 739(E), dated the 9th September, 2010; G.S.R. 809(E), dated, the 4th October, 2010, G.S.R. 215(E), dated the 15th March, 2011; G.S.R. 221(E), dated the 18th March, 2011; G.S.R. 354(E), dated the 2nd May, 2011; G.S.R. 424(E), dated the 1st June, 2011; G.S.R. 446(E), dated the 13th June, 2011; G.S.R. 152(E), dated the 16th March, 2012; G.S.R. 266(E), dated the 30th March, 2012; and G.S.R. 277(E), dated the 31st March, 2012; and G.S.R. 820(E), dated the 9th November, 2012; G.S.R. 176(E), dated the 18th March, 2013; G.S.R. 535(E), dated the 7th August, 2013; G.S.R. 771(E), dated the 11th December, 2013; G.S.R. 2(E), dated the 2nd January, 2014; G.S.R. 229(E), dated the 28th March, 2014; G.S.R. 232(E), dated the 31st March, 2014; G.S.R. 325(E), dated the 07th May, 2014. G.S.R. 612(E), dated the 25th August 2014; G.S.R. 789(E), dated the 11th November 2014; S.O. 3305(E), dated the 7th December, 2015; S.O.4(E), dated 1st January 2016 and lastly amended *vide* notification G.S.R. 35(E), dated 14th January 2016.

Item No. 08

Court No. 1

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

Original Application No. 681/2018

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"

Date of hearing: 15.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent (s): Mr. Rajkumar, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial measures to be taken to bring the air quality of 102 cities identified as 'non-attainment cities', which do not meet the National Ambient Air Quality Standards (NAAQS), prescribed under Section 16(2)(h) of the Air (Prevention and Control of Pollution) Act, 1981.
2. The matter was considered by this Tribunal on the administrative side on 05.09.2018 and thereafter by way of a judicial order dated 08.10.2018 in light of news item mentioned above.
3. The Tribunal noticed the reports that there are large number premature deaths on account of air pollution

and other diseases. As per survey in the year 2016, premature deaths in Delhi are reported to be 15000. Premature deaths in Mumbai, Kolkata, Bangalore and Chennai are reported to be between 5,000-10,000 in 2016¹. The Tribunal also noted the directions of the Hon'ble Supreme Court on control of vehicular pollution², industrial and construction sector pollution³, power sector pollution⁴ and agricultural sector pollution⁵. Notice was also taken of Comprehensive Action Plan (CAP) for air pollution control. It provides for Graded Response Action Plan (GRAP) envisaging specific steps for different levels of air quality. Strategies include reducing number of vehicles, traffic management, closing of polluting power plants and polluting industries, control of DG sets, stopping open burning, use of coal/wood open eateries, road dust, construction dust, entry of trucks, stopping construction activities, odd and even scheme for private

¹<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

² M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

³ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2 SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4 SCC 575, M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

⁴ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2 SCC 539

⁵ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wachera v. Union of India and Ors (1996) 2 SCC 594

drawing up a Standard Operating Procedure (SOP) regarding control of noise pollution and banning the use of generator sets of capacity of 5 KVA and above in the residential areas between 10 pm to 6 am, apart from other directions.

3. The steps taken pursuant to the earlier orders of this Tribunal, included the issuance of orders by the Commissioner of Police and DCP (Traffic) and SDM (East Delhi) and action plans were also placed before the Tribunal providing for setting up of call centers and drawing up detailed SOP for controlling noise pollution. The Ministry of Environment, Forest and Climate Change (**MoEF&CC**) amended the Noise Rules on 10.01.2010 prohibiting loud speakers, public address systems at night time except in closed premises. The DCP (Traffic) filed a status report indicating the number of challans etc.
4. In *Original Application No. 519 of 2016*, the Tribunal, vide order dated 27.09.2018, held that steps taken were hardly effective on the ground. The problem of noise pollution continued, directions in the order 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*³ had not been fully complied with. Accordingly, the Tribunal directed the Chief Secretary, Delhi, the Commissioner of Police, Delhi and the Delhi Pollution Control Committee (DPCC) to take steps for enforcing the directions of the Hon'ble Supreme Court and the Noise Rules with regard to use of loud speakers, control of vehicular noise and creation of awareness. The Commissioner of Police was to nominate a DCP and the Chief

³ *Supra* at 2 and (2005) 5 SCC 728

Secretary was to nominate a SDM who were to meet once in every week to take stock of the situation. They were to set up an exclusive website and dedicated helpline, apart from other steps. Report of compliance was to be filed.

5. In *Original Application No. 496/2018*, *Original Application No. 196/2018* and *Original Applicant No. 197/2018* also, similar grievance against non-enforcement of the Noise Rules in Delhi have been raised. Vide order dated 10.08.2018 in O.A No. 496/2018, joint inspection was directed to be conducted and a report was directed to be furnished. The report dated 31.10.2018 was considered on 14.02.2019 along with O.A No. 196/2018 and O.A No. 197/2018 and directions were issued to take remedial action. The Tribunal also directed the presence of DCP (East), DCP (Shahdara) and DCP (South) with action plans. O.A No. 496/ 2018, O.A No. 196/2018 and O.A No. 197/2018 were again taken up on 14.03.2019, along with O.A 519/2016 and after interaction with the officers who are to enforce the Noise Rules, further directions were issued to identify and map hotspots, install noise measuring device on the devices causing high noise level, conduct surveillance and monitoring and conduct awareness and coordination with RWAs. The Commissioner of Police, Delhi was also to monitor and furnish a report to this Tribunal. Taking note of the judgments 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*⁴, *Re: Ramlila*

⁴ (2005) 5 SCC 733

*Maidan Incident*⁵ and *Farhd K. Wadia vs. Union of India & Ors*⁶ and the rules on the subjects, the Tribunal further directed that requisite action be taken including setting up of a website and helpline, The concerned authorities were also required to acquire noise monitoring devices for effective monitoring.

6. In response to the above order, the Special Commissioner of Police, Operations, Delhi has furnished a report dated 15.04.2019 that process has been started for website, two Monitoring Committees- Apex Committee headed by Special CP (Traffic) and a Joint Committee headed by Additional CP, O&M, have been constituted. Further report dated 30.06.2019 has been filed by the DCP, Police Control Room stating that a website has been developed (*ngms.delhi.gov.in* developed by NICS), helplines (No. 155271, dedicated 24X7) have been developed and awareness programme is to be undertaken by the Local Bodies. Local Bodies have to acquire static and hand held devices and install them at hotspots. Minutes of meetings held by the Joint Committee on different days have been annexed. Reference has also been made to the orders of this Tribunal dated 08.03.2019 and 08.07.2019 in *Westend Green Farms Society vs. Union of India & Ors.*⁷, requiring steps to be taken for dealing with the noise pollution at hotels, banquets or other similar establishments having potential for causing noise in Delhi.
7. The DCP (East), DCP (Shahadra) and DCP (South) are present today and have individually furnished further action taken reports dated

⁵ (2012) 5 SCC 1

⁶ (2009) 2 SCC 442

⁷ O.A 400/2017

01.07.2019 which show some level of coordination with the RWAs, schools and penal action against individuals found violating the Noise Rules and the provisions of the Environment Protection Act, 1986. The reports also indicate that based on the details and specifications provided by the CPCB, request has been made to concerned authority to provide 25 (East District) & 20 (each for Shahdara and South District) sound measuring devices with a view to equip the staff. We have been also apprised that SDPOs and SHOs have been directed to keep vigil over any activities which are violative of the Noise Rules. ACPs and SHOs of Shahdara District have been directed to brief their division/beat staff to upload sound meter app in their mobile phones to enable them to check noise pollution in their respective areas.

8. In *Original Application No. 496/2018, 196/2018 and 197/2018*, we take note the action taken report and revised action plan filed by the Commissioner of Police, Delhi on 28.06.2019 which compiles the information already noted, in regard to meetings with the members of the Resident/Market Welfare Associations, educational institutions and imposition of challans. This report also states that a dedicated helpline no. 155271 has been made operation since 05.04.2019 for the purpose of receiving complaints related to noise pollution. Website in the similar lines is still under progress.
9. We find that though some steps have been taken, the enforcement of legal mandate under the Noise Pollution (Regulation and Control) Rules, 2000 and compliance of the directions of the Hon'ble Supreme Court and this Tribunal is still a far cry. Dr. M.P George, Scientist,

DPCC, present during the hearing, has stated that DPCC has only five monitoring stations which even according to him are not adequate. The DPCC must undertake gap analysis and set up sufficient number of monitoring stations and acquire such number of equipments as may be necessary. Instructions may be issued for requiring noise measurement equipment to be fitted to the equipment used with the potential of high noise level beyond permissible limits. There is need for instructions that noise levels be displayed at functions where high noise generating equipments are used. The DPCC may notify the specifications and methodology for acquiring such equipment in consultation with concerned technical experts.

10. We sought information about the working of the Monitoring Committees - the Joint Committee and the Apex Committee. There is nothing to show whether the Apex Committee has made any assessment of the monitoring mechanism on regular basis. It is not clear as to what activities such Committees are doing.
11. Under Rule 4(3) of the Noise Rules, the DPCC is required to collect, compile and publish technical and statistical data relating to noise pollution and to undertake measures for prevention, control and abatement of noise. This is not shown to have been done. As already noted, the DPCC does not even have sufficient equipment for collecting such data.
12. It may be noted that while dealing with the issue of noise pollution in *Original Application No. 681/2018 News Item Published in 'The Times*

of India' authored by Shri Vishwa Mohan. "NCAP with Multiple Timelines to Clear Air in 102 cities To be Released Around August 15"⁸, this Tribunal, vide order dated 15.03.2019 directed the CPCB to prepare noise pollution map and categorize the cities with specified hotspots and prepare a remedial action plan⁹. It was also noted that there as need for training regulatory machinery, prepare action plan and monitoring mechanism, create awareness among the students and involve RWAs, social and religious institutions, prosecute violators, seize equipment, recover compensation, install noise measurements meter by those using high noise generating equipment with data loggers fitted thereon. The Chief Secretaries of all the states were to finalize their action plans and submit the same to the CPCB. CPCB was to lay down the scale of compensation to be recovered, including the conditions subject to which a seized equipment was to be released. The report filed by CPCB in O.A No. 681/2018 on the subject, *inter alia*, shows that 46 metropolitan in 17 States/UTs have been identified for carrying out noise mapping and identification of hotspots. It has laid down National Ambient Noise Monitoring Network in 7 cities for 70 locations. Action Plans have been received from 10 States/UTs, including Delhi. The Action Plan of Delhi was found to be non-compliant, with regard to training for use of measurement devices and to develop robust protocol for action against defaulters. With regard to integration of noise meters in public address systems, though the manufacturers associations have found it not to be economically feasible. States of Tripura and West

⁸ Order dated 15.03.2019

⁹ Para 12 in O.A 681/2018

Bengal¹⁰ have made policies for mandatory use of sound limiters in sound systems, for effective control of noise pollution.¹¹ Use of loud speakers is permitted only when amplifiers are attached to sound limiters. The CPCB has suggested that this policy may be practiced by all states to mitigate noise pollution. Scale of compensation is however yet to be finalized. The report may be placed on the website of the CPCB for a period of three months.

13. 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. Meaningful enforcement of the Noise Rules requires availability of noise measurement equipment and in the course of exercising power of

¹⁰ Reference has been also made to proceedings of the Eastern Zone in O.A 158/2016 (EZ).

¹¹ See notification issued by the State of Tripura as follows: "In exercise of the power conferred by rule 5(3) of the Noise Pollution (Regulation and Control) Rules 2000 issued under the Environment (Protection) Act, 1986, the Governor of Tripura is pleased to issue this Notification for mandatory use of Sound Limiter(s) in all Sound System/ Public Address System for effective control of Noise pollution in the whole state with immediate effect as an addendum to rule 5. No sound system should be sold/ purchased/supplied/installed/let out/ used by any manufacturer/ dealer/shopkeeper/ any agency who lets out the PA system etc./ individual without having sound limiter in it. Further, all Licensing Authorities including Police Authorities, Municipal Corporation, Municipal Councils, Nagar Panchayats, Panchayat shall ensure that no audio system or public address system shall be let out/installed without being fitted with sound limiter in any government or non government function and this condition be included in all licenses issued by respective agencies.

enforcement under Rule 4(2), the authority can certainly lay down measures including the requirement of installing a noise meter on the noise creating equipment itself, such as loudspeakers, public address systems, DJs etc. under Rule 5, as has been done in West Bengal and Tripura and as recommended by the CPCB for all States/UTs.

14. In view of the above, we find it necessary to issue following directions:

(a) Further steps for meaningful enforcement of Noise Rules be taken by the DPCC and concerned authorities.

(b) Delhi Government may issue appropriate notification on the pattern of Notification issue by the Tripura Government for mandatory use of sound limiters in all sound systems¹². Delhi Government may address the observations of CPCB finding deficiency in its action plan with regard to training for use of measurement devices and developing robust protocol for action against defaulters¹³. A compliance report be filed.

(c) Sound measuring devices as sought by the DCP East, Shahdara and South Districts be made available by the DCP logistics¹⁴. Let the Special CP (Traffic), in-charge of the Apex Committee, file an affidavit about the methodology for assessing working of the Committees which are being overseen by the Apex Committee which may include compliance of directions issued to the DCP Logistics.

¹² See para 9 above

¹³ See para 12 above

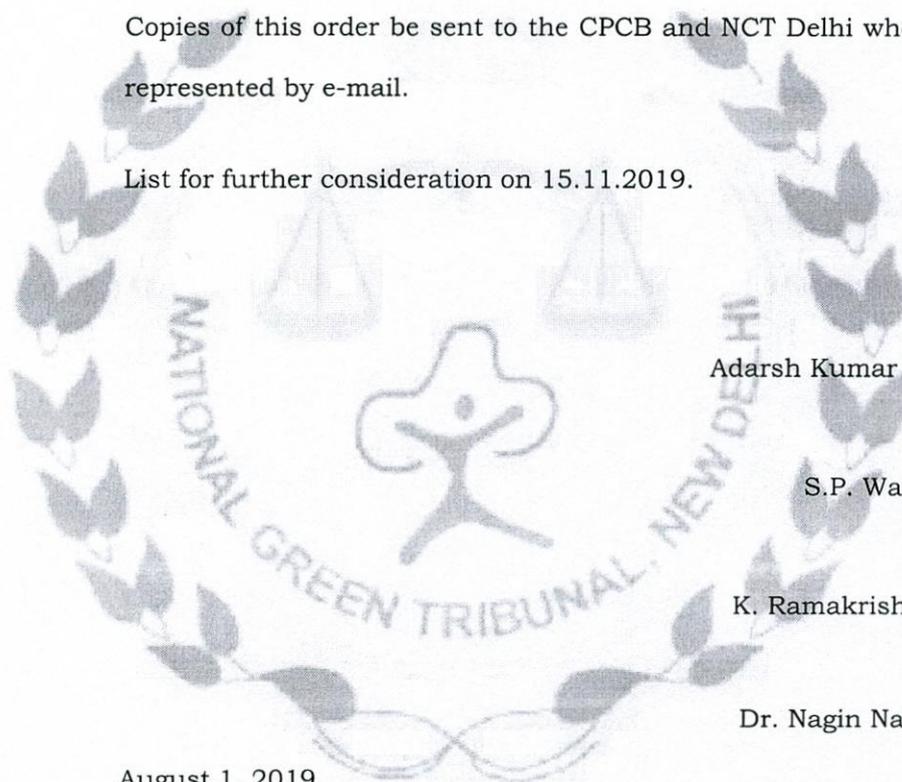
¹⁴ See para 7 above

(d) DPCC may undertake gap analysis and set up sufficient number of monitoring stations and acquire requisite number of equipment¹⁵, compile and publish statistical data relating to noise pollution¹⁶, prescribe interim scale of compensation pending finalization of the same by CPCB¹⁷. Compliance report may be filed by DPCC.

The above reports may be filed on or before 31.10.2019 by email at judicial-ngt@gov.in.

Copies of this order be sent to the CPCB and NCT Delhi who are not represented by e-mail.

List for further consideration on 15.11.2019.



Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 1, 2019
Original Application No. 519/2016 and connected matters
AK&DV

¹⁵ See para 9 & 12 above

¹⁶ See para 11 above

¹⁷ See para 13 above