

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE , CHENNAI
Original Application No.15 of 2012 (SZ)**

A.M.Joseph
Chennai

.....Applicant

Versus

1. The Commissioner of police,
Chennai.
2. The Transport Commissioner,
Chepauk, Chennai-5.
3. The Managing Director Metropolitan Transport Corporation,
Pallavan Salai, Chennai-2.
4. The Chairman Tamil Nadu Pollution Control Board,
Guindy, Chennai-32.

.....Respondents

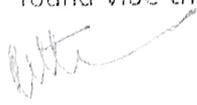
COMPLIANCE REPORT FILED ON BEHALF OF THE RESPONDENT-2

I, S.Natarajan S/o Shinnamuthu, aged about 57 years, Hindu, Working as Transport Commissioner having office at Ezhilagam, Chepauk, Chennai-05 do hereby solemnly affirm and sincerely state as follows:-

1. I am filing this compliance report on behalf of the second Respondent in the official capacity. The reports/ plans filed by this Respondent earlier may be taken as part and parcel of the present report.

2. The details of action taken by the state of Tamil Nadu in order to improve the air quality in the State, with respect to vehicular pollution is as follows;

- i. Instructions were issued to all Registering and enforcement authorities to make periodical joint inspection to check the use of air horns and remove the same as and when such violation are found vide this office letter No.3242/C3/2022 Dated.31.01.2022.


JOINT TRANSPORT COMMISSIONER,
KODASAHEEY,
CHEPAUK, CHENNAI - 600 005.


Transport Commissioner,
Chepauk, Chennai - 5.

- ii. The Registering Authorities have also been instructed vide this office letter No.3242/C3/2022 Dated.31.01.2022 to indicate at the time of registration that no multi-toned horn shall be fitted with the vehicle. In the event of fitting of such horns, registration shall stand cancelled.
- iii. All the Registering Authorities in Tamil Nadu have been instructed to publish the orders of the Hon'ble National Green Tribunal, Southern Zone Chennai dated 03.01.2022 in O.A number 15/2012 in their notice board so as all the public can view vide this office letter No.3242/C3/2022 Dated.31.01.2022.
- iv. Further at the time of issuance of fitness certificate, it must be specifically stipulated by the registering authorities concerned that the vehicles shall not be fitted with air horns and in the event of any complaint about violation, the FC will not be renewed and steps shall be taken to prosecute the vehicle owner in accordance with the law.
- v. As per section 20 of the Air (Prevention and Control of Pollution) Act 1981 as well as State Pollution Control Board in accordance with Section 17 (1) (2), shall take such steps and within a period of six months, the status shall be filed by both the State Government and Tamil Nadu Pollution Control Board to the Hon'ble National Green Tribunal and such compliance report shall continue to be filed once in six months.
- vi. The traffic wing of the Police Department, Transport Enforcement Officials and the Tamil Nadu Pollution Control Board have been instructed suitably to make periodical joint inspection to check the use of air horns and remove the same as and when such violation are found and such inspection shall be effected in the entire state, particularly major bus stands in the State of Tamil Nadu vide this office letter No.3242/C3/2022 Dated.31.01.2022.

As directed by the Hon'ble National Green Tribunal, Southern Zone, Chennai, the details regarding the removal of air horn and the **compounding fees** collected by the Transport Department for the years 2017-2021 (upto December) are detailed below.

REMOVAL OF AIR HORNS AND COMPOUNDING FEES COLLECTED PARTICULARS 2017-2021 (upto December 2021)											
S. No	Name of the zone	2017-18		2018-19		2019-20		2020-21		2021-22 (upto December)	
		No. of Cases Booked	Amount in (Rs)	No. of Cases Booked	Amount in (Rs)	No. of Cases Booked	Amount in (Rs)	No. of Cases Booked	Amount in (Rs)	No. of Cases Booked	Amount in (Rs)
1	JTC Chennai(N)	2086	10,43,000	1331	6,65,500	774	22,30,000	7	70,000	100	10,00,000
2	JTC Chennai(S)	1788	2,66,800	2618	3,69,600	1553	3,59,800	142	5,66,200	99	4,00,000
3	DTC, Villupuram	3038	8,16,500	2183	5,84,500	1663	4,46,000	255	2,62,000	280	1,90,000
4	DTC, Salem	2171	6,51,400	2561	8,89,200	1762	10,84,000	346	1,98,000	468	2,59,000
5	DTC, Trichy	2588	2,58,800	2910	2,91,000	1669	1,13,50,000	499	49,90,000	249	24,90,000
6	DTC, Erode	1606	4,44,000	2862	6,60,000	2515	8,16,000	674	6,08,000	620	5,74,000
7	JTC, Madurai	2508	25,08,000	3101	31,01,000	1828	18,28,000	583	58,30,000	604	60,40,000
8	DTC, Virudhunagar	948	1,78,600	1663	2,94,800	1635	2,62,400	126	2,51,300	704	1,16,000
9	JTC, Coimbatore	3078	3,07,800	3018	3,62,160	2995	4,49,250	490	0	414	0
10	DTC, Tirunelveli	1611	1,62,100	1504	1,68,100	1964	16,69,400	388	3,29,800	665	5,99,750
11	DTC, Vellore	809	3,38,000	1313	4,60,200	1656	5,69,600	284	2,10,000	320	1,37,000
12	DTC, Thanjavur	1606	2,59,800	1608	2,98,200	1019	4,35,600	293	2,97,400	391	2,51,000
	Total	23,837	72,34,800	26,672	81,44,260	21,033	2,15,00,050	3,647	1,36,10,700	4,229	1,19,97,050

vii. It has been made clear that mere collection of Compounding Fees will not solve the problem of noise pollution and there should be a broader scheme of preventing this menace by putting a appropriate action scheme. Therefore all the concerned enforcement officials of Transport Departments have been instructed to draw a broader scheme in this regard vide this office letter No.3242/C3/2022 Dated.31.01.2022.

viii. It has been instructed that a broader scheme shall be framed and a status report shall be filled without failure.

All enforcement officials were instructed to submit a detailed report regarding the action taken for violation of using air horn and also violation of Noise Pollution (Regulation and Control) Rules 2000 and the number of cases that have been registered in respect of the same and what effective measures taken to curb such recurring activities by the vehicle owners, as creating sound more than permissible in a public place will have a great impact on health and it also a violation of the Motor Vehicle Act 1988.

- ix. All enforcement officials of this department were instructed vide this office letter No.3242/C3/2022 Dated.31.01.2022 to furnish a report by e filing in the form of searchable PDF/OCR.
- x. It is important note that the compounding fees for the first time offence Rs 10000 and for the 2nd time and thereafter for each time ,six month imprisonment and Rs.10000/- as fine since, 2019. As this can be evidence for the table above, that the total collection has been increased dramatically.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to accept the present affidavit and pass such further or other orders as deemed fit and proper in the facts and circumstances of this case and thus render justice.

VERIFICATION

I, S.Natarajan, S/o Shinnamuthu, aged about 57 years, Hindu, working as Transport Commissioner having office at Ezhilagam, Chepauk, Chennai-05. do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Solemnly affirmed at Chennai on

this the.....7th.....day of.....March.....2022

TRANSPORT COMMISSIONER,
CHENNAI-05
CHENNAI-05

Transport Commissioner
Chepauk, Chennai-05

TRANSPORT DEPARTMENT

From

Thiru.S.Natarajan, JAS.,
Transport Commissioner/
Road Safety Commissioner,
Chepauk, Chennai-05.

To

1. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-04.
2. All Zonal Officers,
3. All Registering Authorities & Unit
Offices in Tamil Nadu
4. Chairman, Tamilnadu Pollution
Control Board, Guindy, Chennai-02

Lr.No. 003242/C3/2022

dt: 31/01/2022

Sir,

Sub: Transport – Original Application No. 15 of 2012 (SZ) filed by Thiru. A.M.Joseph, Chennai before the Hon'ble National Green Tribunal, Southern Zone – Orders dated 03.01.2022 – certain details called for by the Hon'ble National Green Tribunal- Request to Furnish immediately - Reg.

Ref: 1. Orders of the Hon'ble National Green Tribunal, Southern Zone, dated 03.01.2022 in O.A No.15 of 2012 (SZ)
2. Government Letter No.5361/Tr-V/2022-1, dated.28.01.2022.

I am to invite your kind attention to the reference 1st cited.

2. The National Green Tribunal, Southern Zone Chennai in their order 1st cited has instructed to issue instructions to the all Registering authorities and enforcement authorities to make periodical joint inspection to check the use of air horns and remove the same as and when such violation are found.
3. The Registering Authority shall clearly indicate at the time of registration that no multi-toned horn shall be fitted with the vehicle. In the event of fitting of such horns, the registration shall stand canceled.
4. Therefore, all the Registering Authorities in Tamil Nadu shall be requested to publish the above instructions of the Hon'ble National Green Tribunal, Southern Zone Chennai in their notice board so as all the public can view.

5. Further at the time of issuance of fitness certificate, it must be specifically stipulated by the registering authorities concerned that the vehicles shall not be fitted with air horns and in the event of any complaint about violation, the FC will not be renewed and steps shall be taken to prosecute in accordance with the law.
6. As per section 20 of the Air (Prevention and Control of Pollution) Act 1981 as well as State Pollution Control Board in accordance with Section 17 (1) (2) shall take such steps and within a period of six months the status shall be filled by both the State Government and State Pollution Control Board to the Hon'ble National Green Tribunal and such compliance report shall continue to be filled once in six months.
7. The traffic wing of the Police Department, Transport Enforcement Officials and the State Pollution Control Board to make periodical joint inspection to check the use of air horns and remove the same as and when such violation are found and such inspection shall be effected in the entire state, particularly major bus stands in the State of Tamil Nadu.
8. The Hon'ble National Green Tribunal has made clear that mere collection of Compounding Fees will not solve the problem of noise pollution and there should be a broader scheme of preventing this menace by putting a appropriate action scheme.
9. The Hon'ble National Green Tribunal has directed that a broader scheme shall be framed and a status report shall be filed with a failure.
10. Therefore, I am to request you to submit a detail report regarding the action taken for violation of using air horn and also violation of Noise Pollution (Regulation and Control) Rules 2000 and what are the number of cases that have been registered in respect of the same and what are all the effective measures taken to curb such recurring activities by the vehicle owners, as creating sound more than

permissible in a public place will have a great impact on health and it also a violation of the Motor Vehicle Act 1988.

11. As the Hon'ble National Green Tribunal has ordered to furnish a report on or before 01.02.2022 by e filling in the form of searchable PDF/OCR, this item of work may be given **TOP PRIORITY**.

Sd/-S.Natarajan
Transport Commissioner

Copy to:

1. Additional Commissioner of Police (Traffic),
Vepperi, Chennai-7.

//by order//

(K.Pattappasamy)
Assistant Secretary-I

5/1/22