

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH  
KOLKATA**

**ORIGINAL APPICATION NO. 81 OF 2025  
(Filed under Section 14 read with Section 15 of the  
National Green Tribunal Act, 2010)**

**In the matter of :**

**Tarun Prakash**

**.....Applicant**

**Versus**

**The State of Bihar & Ors.**

**.... Respondents**

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**Dated 10.03.2025**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH  
KOLKATA  
ORIGINAL APPLICATION NO. \_\_\_\_\_ OF 2025  
(Filed under Section 14 read with Section 15 of the  
National Green Tribunal Act, 2010)**

**In the matter of :**

**Tarun Prakash**

Muhalla - Lah Bazar Chapra,  
Police Station- Chapra,  
District-Saran,  
Bihar

.....Applicant

VERSUS

**1. The State of Bihar**

Through Secretary,  
Urban Development and Housing Department  
Government of Bihar,  
1<sup>st</sup> floor, Vikash Bhawan  
Bailey Road  
Patna, Bihar -800015  
**Email : [urbansec-bih@nic.in](mailto:urbansec-bih@nic.in)**

**2. Bihar State Pollution Control Board**

Parivesh Bhawan, Plot No. NS-B/2  
Patliputra Industrial Area,  
Patliputra, Patna (Bihar) – 800 010  
**Email : [msbspb-bih@gov.in](mailto:msbspb-bih@gov.in)**

**3. The City Manager,**

Nagar Nigam Office  
Sadhapur, Chhapra,  
Bihar -841301

**4. The District Magistrate, Saran**

Collectorate,  
Saran Chhapra  
Bihar -841301  
**Email : [dm-saran.bih@nic.in](mailto:dm-saran.bih@nic.in)**

**5. The Municipal Commissioner, Chhapra Nagar Nigam,**  
 Nagar Nigam Office  
 Sadhapur, Chhapra,  
 Bihar -841301  
**Email : [ulbchapranagarnigam@gmail.com](mailto:ulbchapranagarnigam@gmail.com)**

**6. Nutan Vivah Bhawan**

Represented through its proprietor,  
 Ashok Kumar Singh  
 Ward no. 26, Circle no. 19 Holding no. 501,  
 Muhalla- Lah Bazar Chhapra,  
 Police Station - Chhapra,  
 District - Saran.

...Respondent(s)

**MOST RESPECTFULLY SHOWETH :**

- I. The address of the Applicant is given above for the service of notices of the application.
- II. The address of the Respondents are given above for the service of notices of this application.

**SYNOPSIS**

That the present application is being filed under Sections 14 and 15 of the National Green Tribunal Act, 2010, seeking relief against unauthorized and illegal construction and continuous running of a marriage hall, Nutan Vivah Bhawan at ward no. 26, Circle no. 19 Holding no. 501 (hereinafter referred to as the "Marriage hall") in a densely populated residential area being Muhalla- Lah Bazar Chhapra, District-Saran, Bihar, since without obtaining necessary environmental clearances and municipal approvals and in blatant violation of enactments specified in schedule I of the National Green Tribunal Act, 2010. This petition is filed seeking relief, compensation and restitution of the environment in and around the residential colony affected by the act of the respondent. The construction of marriage hall,

Nutan Vivah Bhawan, and its continuous operation has caused and continues to cause serious environmental hazards, including noise pollution, improper waste disposal from a commercial establishment into a sewage line constructed to cater residential colony, air pollution due to increased vehicular traffic, and severe groundwater contamination causing (permanent and irreversible) health issues of the residents particularly children. That Despite multiple complaints and a stop-work order issued by the District Public Grievance Redressal Officer, Saran, the respondent went on to complete illegal construction and initiated commercial activities in gross violation of enactments specified in Schedule I of the National Green Tribunal Act, 2010.

#### **LIST OF DATES**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Date</b>
1.	Order passed by the District Lok Shikayat Niwaran Officer, Saran directing the private respondent to stop the illegal construction of marriage hall, Nutan Vivah Bhawan.	29.08.2020
2.	Petitioner filed an appeal before the Divisional Commissioner	12.09.2020
3.	Petitioner gave an application to the Commissioner, Nagar Nigam, Saran and District Magistrate, Saran annexing the order passed by the District Lok Shikayat Niwaran Officer, Saran	14.09.2020

**FACTS IN BRIEF**

1. That the present application is being filed under Sections 14 and 15 of the National Green Tribunal Act, 2010, seeking relief against unauthorized and illegal construction and continuous running of a marriage hall, Nutan Vivah Bhawan at ward no. 26, Circle no. 19 Holding no. 501 (hereinafter referred to as the “Marriage hall”) in a densely populated residential area being Muhalla- Lah Bazar Chhapra, District-Saran, Bihar, since without obtaining necessary environmental clearances and municipal approvals and in blatant violation of enactments specified in schedule I of the National Green Tribunal Act, 2010. This petition is filed seeking relief, compensation and restitution of the environment in and around the residential colony affected by the act of the respondent. The construction of marriage hall, Nutan Vivah Bhawan and its continuous operation has caused and continues to cause serious environmental hazards, including noise pollution, improper waste disposal from a commercial establishment into a sewage line constructed to cater residential colony, air pollution due to increased vehicular traffic, and severe groundwater contamination causing (permanent and irreversible) health issues of the residents particularly children.

2. That Despite multiple complaints and a stop-work order issued by the District Public Grievance Redressal Officer, Saran, the respondent went on to complete illegal construction and

initiated commercial activities in gross violation of enactments specified in Schedule I of the National Green Tribunal Act, 2010.

3. The Applicant is a resident of the affected locality and is directly affected by the acts and omission of the respondent.

A copy of the Aadhar of the petitioner showing his address proof is annexed hereto and marked as **Annexure A1, at page No.22**

4. That to stop the illegal construction of the marriage hall, Nutan Vivah Bhawan, the petitioner filed a complaint petition before District Lok Shikayat Niwaran Officer, Saran.

5. That in pursuance of the application filed by the petitioner, District Lok Shikayat Niwaran Officer, Saran passed an order directing the respondent to stop the illegal construction of marriage hall, Nutan Vivah Bhawan, vide order dated 29.08.2020.

A photocopy of order dated 29.08.2020 is attached herein as **Annexure A2, at page no.23-26.**

5. That despite passing of the order of the concerned authority, in blatant violation of the said order, the private respondent continued the construction without valid sanction. As a result, the petitioner filed an appeal before the Divisional Commissioner on 12.09.2020 with regard to the same.

A photocopy of appeal dated 12.09.2020 alongwith acknowledgement is attached herein as **Annexure A3, at page 27-31.**

6. That in the said Appeal the Commissioner by order dated 12.09.2020 issued notice to the private respondent, however till date private respondent has not appeared.

7. That the petitioner also gave an application to the Commissioner, Nagar Nigam, Saran and District Magistrate, Saran annexing the order passed by the District Lok Shikayat Niwaran Officer, Saran. That despite the same, the said authorities failed to take action against the private respondent. A photocopy of said application dated 14.09.2020 is annexed hereto and marked as **Annexure A4, at page 32-34.**

8. That it is pertinent to mention here that the continued operations of the marriage hall, Nutan Vivah Bhawan, have led to multiple violations across various legal and environmental frameworks. The land use violation stems from the Unauthorized Commercial Activity in a residential zone without obtaining the requisite change of land use permission, thereby contravening the Bihar Municipal Act, 2007. Specifically, Section 342 prohibits the use of residential premises for non-residential purposes without prior approval from the competent authority. This unauthorized usage disrupts the residential character of the area and undermines urban planning regulations.

*S.342 "No person shall, without the prior permission of the Municipality, use or permit to be used Any premises for a purpose other than that for which it was constructed or sanctioned."*

A copy of the extract of Section 342 of the Bihar Municipal Act, 2007 is annexed hereto and marked as **Annexure A5, at page No.35-36.**

9. That the noise pollution violations committed by the marriage hall, Nutan Vivah Bhawan, are multifold. Under the Noise Pollution (Regulation and Control) Rules, 2000, residential areas have prescribed noise level limits of 55 dB(A) Leq during daytime and 45 dB(A) Leq at night. However, the hall's use of loudspeakers, DJ systems, and firecrackers during events consistently exceed these limits, causing significant public nuisance and health risks. The Central Pollution Control Board (CPCB) confirms, through numerous studies, that prolonged exposure to noise levels exceeding 55 dB can increase the risks of hypertension, cardiovascular diseases, and mental health disorders, further substantiating the harmful effects of these violations.

A publication "Noise Exposure and Public Health" by authors Willy Passchier Vermeer and Wim F. Passchier in Environmental Health Perspectives Vol I 08, Supplement 1, March 2000 goes on to state that:

*"There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance."*

A copy of extract from the publication "Noise Exposure and Public Health" is annexed hereto and marked as **Annexure A6.**

, at page no.37-45

10. The public safety and traffic violations caused by the marriage hall, Nutan Vivah Bhawan's operations are equally concerning. Due to the lack of adequate parking facilities, guests frequently park their vehicles on public roads, leading to severe

traffic congestion. This not only obstructs smooth traffic flow but also creates hazards for pedestrians and residents. Most critically, the obstruction of public roads prevents emergency vehicles such as ambulances and fire brigades from accessing the area efficiently, posing a significant risk to public safety. The operation of marriage hall, Nutan Vivah Bhawan, is causing great discomfort to residents, on a regular basis, of the concerned area due to parking issues, noise pollution and non-adherence of waste disposal procedures. In previous cases such as *Westend Green Farms Society v. Union of India*, 2021 SCC OnLine, the Hon'ble National Green Tribunal has strongly ruled against commercial operations that obstruct public roads and emergency services, emphasizing that the right to access essential services should not be compromised by private commercial activities.

A copy of the order dated 04.02.2021 passed in *Westend Green Farms Society v. Union of India*, 2021 SCC OnLine is annexed hereto and marked as **Annexure A7, at page no.46-57**.

11. The fire safety compliance of the marriage hall, Nutan Vivah Bhawan, remains questionable, posing a potentially serious risk to life, property and nearby residents. Under the Bihar Fire Service Act, 2014, banquet halls and similar establishments are required to install fire extinguishers, maintain proper ventilation, and ensure the presence of emergency exits to safeguard occupants. Given the high footfall and enclosed nature of such establishments, any failure to meet fire safety norms could lead

to catastrophic consequences, necessitating immediate regulatory intervention.

12. The environmental violations committed by the marriage hall, Nutan Vivah Bhawan, further aggravate the situation. The establishment when disposing food and plastic waste irresponsibly in sewages meant for domestic colony, violate Rule 6 of the Solid Waste Management Rules, 2016, which mandates proper segregation and disposal of waste. That improper waste management has led to sanitation issues. The waste attracts pests and has thus increased the risk of vector-borne diseases in the surrounding residential areas. Additionally, the lack of a proper drainage system has resulted in sewage overflow into nearby residential zones, violating Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, relevant extract of which is produced below:

*Section 25: "Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, land or premises, as the case may be, or by any person authorized by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions."*

Studies conducted by The Energy and Resources Institute (TERI) confirm that untreated sewage contributes to nitrate contamination of groundwater, rendering portable water sources unsafe for human consumption. That given the critical impact

of these environmental lapses, the authorities have an obligation to intervene and ensure compliance with environmental laws.

13. The violation of licensing and municipal laws further establishes the illegality of construction of the marriage hall, Nutan Vivah Bhawan, in a residential area. The hall has been constructed without obtaining the necessary trade licenses required under the Bihar Municipal Act, 2007. Additionally, it has failed to secure No Objection Certificates (NOCs) from the Fire Department, the Pollution Control Board, and the Town Planning Department. Under Section 3 of the Sarais Act, 1867, establishments functioning as lodging or banquet facilities must be registered with the local authorities, while Section 7 mandates adherence to safety, hygiene, and operational guidelines. The marriage hall, Nutan Vivah Bhawan's failure to comply with these licensing requirements reinforces its unauthorized and hazardous nature. The Allahabad High Court's ruling *Ajai Narain Agarwal v. DM, Allahabad, 2017 SCC OnLine All 3983* serves as a relevant precedent, where similar violations led to the shutdown of an unlicensed marriage halls, emphasizing that such establishments cannot operate outside the purview of legal compliance.

A copy of relevant extract of Section 3 and 7 of the Sarais Act is annexed hereto and marked as **Annexure A8, at page no.58-59.**

14. Each of these aforementioned violations highlights the urgent need for regulatory intervention. The marriage hall's operations not only breach multiple statutory provisions but

also create significant environmental, health, and safety hazards for residents. That in view of the above facts and circumstances, precedent set by judicial rulings and established environmental studies, it is prayed that this Hon'ble Tribunal directs the authorities to take steps for immediate corrective action so as to prevent further harm. It is prayed that Hon'ble Tribunal passes order for upholding the legal framework governing urban development and environmental protection.

15. **GROUND:**

The petitioner prays for reliefs on the following grounds:

i. BECAUSE the operation of a commercial entity in a residential area without proper authorization disrupts the urban planning framework and negatively impacts the surrounding community. Scientific studies by the World Health Organization (WHO) confirm that prolonged exposure to noise above 55 dB increases the risk of cardiovascular diseases, sleep disorders, and mental health deterioration, further establishing that these violations pose a serious public health risk. The dumping of food waste and plastics into the domestic sewage lines has resulted in sanitation hazards for the residents. Scientific research from The Energy and Resources Institute (TERI) confirms that improper waste disposal increases nitrate contamination in groundwater, making it unsafe for human consumption. These violations not only threaten environmental sustainability but also pose severe health hazards to residents. studies conducted by IIT Delhi on urban mobility indicate that unauthorized commercial operations in residential areas increase accident risks by 40%,

highlighting the dangers posed by the lack of structured traffic management. Judicial precedents reinforce the necessity of strict enforcement against such violations. In *Ajai Narain Agarwal v. DM, Allahabad*, 2017 SCC OnLine All 3983, the Hon'ble Allahabad High Court directed the shutdown of a marriage hall in a residential area due to violations of zoning regulations, noise pollution laws, and public safety norms. The court emphasized that commercial establishments cannot override environmental, municipal, and public health regulations. Similarly, in *Westend Green Farms Society v. Union of India*, 2021 SCC OnLine NGT 3 ruled against banquet halls that were operating in violation of environmental and zoning norms, highlighting the responsibility of local authorities to take corrective action. These rulings serve as strong legal precedents that support immediate regulatory intervention in the present case.

ii. BECAUSE the unauthorized operation of the marriage hall violates multiple legal provisions, posing serious threats to land use regulations, environmental norms, public health, fire safety, and municipal laws.

The violation of land use regulations arises from the unauthorized construction of the marriage hall in a residential zone, which contravenes the Bihar Urban Planning and Development Act, 2012. Section 30 mandates that land use must conform with the approved development plan, and any unauthorized commercial activity in a residential area directly breaches this provision. Further, Section 33 of the Act restricts

unauthorized development or changes in land use without prior approval from the competent authority, and Section 41 of the Act prescribes penalties for unauthorized development or illegal land use. The operation of a commercial entity in a residential area without proper authorization disrupts the urban planning framework and negatively impacts the surrounding community.

iii. BECAUSE the respondent no. 6 has violated the noise pollution laws. That the marriage hall has been operating in contravention of the Noise Pollution (Regulation and Control) Rules, 2000, framed under the Environment Protection Act, 1986. Rule 3(2) which establishes permissible noise levels for different zones, and the marriage hall has exceeded the prescribed limits, causing significant disturbances to the residents of the area in and around the marriage hall. Additionally, Rule 5(1) prohibits the use of loudspeakers between 10 PM and 6 AM in residential areas, except with special permission, which the marriage hall has failed to obtain.

iv. BECAUSE scientific studies by the World Health Organization (WHO) confirm that prolonged exposure to noise above 55 dB increases the risk of cardiovascular diseases, sleep disorders, and mental health deterioration, further establishing that these violations pose a serious public health risk.

v. BECAUSE the respondent no. 6 has committed environmental violations including improper sewage management and waste disposal, which contravenes the Water (Prevention and Control

of Pollution) Act, 1974, and the Solid Waste Management Rules, 2016. Section 25 of the Water Act mandates prior approval from the State Pollution Control Board for the discharge of pollutants, which the marriage hall has not obtained, leading to unregulated sewage disposal that contaminates local water bodies. Additionally, Rule 6 of the Solid Waste Management Rules, 2016, requires proper waste segregation and disposal

vi. BECAUSE the dumping of food waste and plastics into the domestic sewage lines has resulted in sanitation hazards for the residents.

vii. BECAUSE scientific research from The Energy and Resources Institute (TERI) confirms that improper waste disposal increases nitrate contamination in groundwater, making it unsafe for human consumption. These violations not only threaten environmental sustainability but also pose severe health hazards to residents.

viii. BECAUSE the traffic and public safety violations caused by the marriage hall has resulted in unregulated vehicular movement and the lack of designated parking, leading to frequent road blockages and congestion. This is in violation of provisions of the Motor Vehicles Act, 1988 (Amended 2019), which regulates traffic management and prohibits obstruction of public roads. The hall's operations have led to vehicles being parked on streets, causing significant inconvenience to commuters and preventing the smooth passage of emergency vehicles such as ambulances and fire brigades.

ix. BECAUSE studies conducted by IIT Delhi on urban mobility indicate that unauthorized commercial operations in residential areas increase accident risks by 40%, highlighting the dangers posed by the lack of structured traffic management.

x. BECAUSE possible fire safety non-compliance of the marriage hall poses a severe risk to life and property. That under the Bihar Fire Services Act, 2014, all banquet halls must ensure the installation of fire extinguishers, proper ventilation, and emergency exits. Reports from the National Disaster Management Authority (NDMA) confirm that lack of proper fire exits and suppression systems increases the likelihood of fatalities by 60% in case of a fire outbreak.

xi. BECAUSE given the high occupancy and enclosed nature of banquet halls, failure to implement adequate fire safety measures could lead to catastrophic consequences, necessitating immediate regulatory scrutiny.

xii. BECAUSE the violation of licensing and municipal laws further establishes that the marriage hall is being constructed illegally. Under the Bihar Municipal Act, 2007, a Trade License and No Objection Certificates (NOCs) from relevant authorities such as the Fire Department, Pollution Control Board, and Town Planning Department are mandatory for operation. However, the hall has failed to secure these essential approvals. Additionally, the Sarais Act, 1867, which governs establishments used for

lodging and gatherings, applies to marriage halls. Section 3 mandates the registration of such establishments, while Section 7 imposes requirements related to maintenance, hygiene, and operational safety, which the hall is in violation of. The absence of these essential legal approvals renders its operation unlawful and poses a direct risk to public welfare.

xiii. BECAUSE each of these violations demonstrates the need for urgent action against the unauthorized operation of the marriage hall. The hall's continued construction without proper approvals not only breaches multiple statutory provisions but also endangers public safety, health, and environmental sustainability. Judicial precedents further establish that such violations cannot be ignored, necessitating strict enforcement of legal and environmental compliance.

16. **LIMITATION:**

That the marriage hall is still functioning till this date and hence the cause of action is recurring in nature. The petitioner, being one of the residents of the locality in which the marriage hall is situated, is a victim to unauthorized construction and functioning of the marriage hall.

**PRAYER**

In view of the aforesaid facts, the Applicant respectfully prays that this Hon'ble Tribunal be pleased to:

i) Direct Respondent No. 2, the Bihar State Pollution Control Board, Respondent No. 3, the City Manager Chhapra, and Respondent No. 5, the Municipal Commissioner, Nagar Nigam, Saran at Chhapra, to ensure environmental compliance and address ongoing ecological damage, including assessing illegal construction impacts on soil, vegetation, and groundwater. They must also enforce proper waste management as per the Solid Waste Management Rules, 2016, and implement noise control measures under the Noise Pollution Rules, 2000.

ii) Direct Respondent No. 4, the District Magistrate, Saran at Chhapra, to coordinate with the Bihar State Pollution Control Board and municipal authorities to conduct a comprehensive environmental audit of the marriage hall, Respondent no. 6. The audit should assess violations under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, including groundwater contamination, sewage issues, vehicular and dust pollution, and noise level breaches impacting nearby silence zones like hospitals, schools, and residential areas. Further, appoint a Local Commissioner or an Expert Committee to inspect the site and submit a detailed report before this Hon'ble Tribunal. This report should cover the extent of environmental violations, including illegal groundwater extraction, improper waste disposal, and non-compliance with building and zoning laws. Additionally, the report should provide recommendations for remediation, restoration, and

environmental damage control measures to mitigate the adverse effects of the unauthorized commercial activities

iii) Direct Respondent No. 6, Nutan Vivah Bhawan through its proprietor, Ashok Kumar Singh, to immediately cease any environmentally harmful activities and obtain all necessary environmental clearances before continuing operations. The Hon'ble Tribunal is further requested to impose environmental compensation and penalties under the 'Polluter Pays' principle as recognized by the Hon'ble Supreme Court and this Hon'ble Tribunal, ensuring restoration of environmental damage.

iv) The Respondent no. 2, Bihar State Pollution Control Board, be directed to monitor and ensure compliance with all environmental laws, particularly regarding noise pollution, air pollution, and waste management and to issue necessary notices under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, in case of continued violations by the Respondent no. 6.

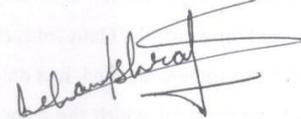
v) Any such further orders as this Hon'ble Tribunal may deem just and necessary in the interest of environmental protection, public health, and sustainable urban development.

The Applicant, being an aggrieved resident affected by the environmental hazards, noise pollution, and health risks posed by the unauthorized marriage hall, seeks the urgent intervention of this Hon'ble Tribunal to ensure strict enforcement of

environmental laws, prevent further ecological damage, and direct restoration of the residential and environmental integrity of the locality.

AND FOR THIS THE PETITIONER SHALL FOREVER PRAY

FILED BY



RACHITTA RAI/SANGEET RAI/SHEHAN ASHRAF  
101, TOWER 12, SUPREME ENCLAVE,  
MAYUR VIHAR PHASE -1,  
NEW DELHI - 110091

DATE 10.04.2025

IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

**ORIGINAL APPLICATION NO. ....OF 2025**

**IN THE MATTER OF:**

**TARUN PRAKASH**

**.....Applicant**

**Versus**

**STATE OF BIHAR AND ORS.**

**.....Respondent(s)**

**AFFIDAVIT**

I, Tarun Prakash, aged 34 years (Aadhaar No. 950153274433), S/o Ramnath Singh, R/o Lah Bazar, Chapra, Saran, Bihar - 841301, do hereby solely affirm and state on affidavit as under:

1. That I am the Applicant herein and as such I am well acquainted and fully conversant with the facts and circumstances of the case. I am competent to file the present O.A and swear this affidavit.
2. That the accompanying O.A containing pages 1 to 2<sup>2</sup>, Paragraph 1 to 1<sup>1</sup>, synopsis and list of dates which have been drafted under my instructions. I state that I have understood the contents thereof. The facts stated therein are true and correct to my personal knowledge and



the legal submissions therein are based on legal advice which I believe to be true.

- 3. That the Annexures herewith are true copies of their respective Originals.

*Ranjan Kumar*

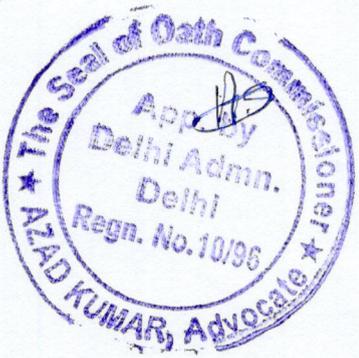
**DEPONENT**

**VERIFICATION:**

I, the above named Deponent do hereby declare and verify on oath that the contents of the above affidavit are true to my knowledge and belief. Nothing material has been concealed there from and no part of it is false.

IDENTIFIED BY  
NAMB. S. S. J. J.  
No. D-5258/23

Verified at 18 MAR 2025 on this the \_\_\_ day of ....., 2025.



**ATTESTED**

*Azad Kumar*

BY OATH COMMISSIONER  
AZAD KUMAR, ADVOCATE  
NEW DELHI (INDIA)

*Ranjan Kumar*

**DEPONENT**

**18 MAR 2025**

**CABIN No.-33**  
ITO Lane, Azad Bhawan Road,  
New Delhi-110002




**भारत सरकार**  
Government of India

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**भारतीय विशिष्ट पहचान प्राधिकरण**  
Unique Identification Authority of India

नामांकन क्रम/ Enrolment No.: 2189/72762/47541

To  
तरुण प्रकाश  
Tarun Prakash  
S/O: Ramnath Singh  
lah bazar  
Chapra  
Saran Bihar - 841301  
8757685414

Signature Text Verified

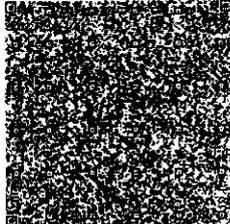
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ALGORITHM: SHA-256

APPROVED: 11/24/05

DATE: 2022/07/09 09:08:54

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**आपका आधार क्रमांक / Your Aadhaar No. :**  
**9501 5327 4433**  
VID : 9124 7901 2402 9909  
**मेरा आधार, मेरी पहचान**

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**भारत सरकार**  
Government of India



तरुण प्रकाश  
Tarun Prakash  
जन्म तिथि/DOB: 09/01/1990  
पुरुष/ MALE

Issue Date: 10/01/2018

**9501 5327 4433**  
VID : 9124 7901 2402 9909  
**मेरा आधार, मेरी पहचान**




**सूचना**

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- सुरक्षित QR कोड / ऑफलाइन XML / ऑनलाइन ऑथेंटिकेशन से पहचान प्रमाणित करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

**INFORMATION**

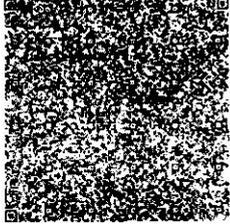
- Aadhaar is a proof of identity, not of citizenship.
- Verify identity using Secure QR Code/ Offline XML/ Online Authentication.
- This is electronically generated letter.

- आधार देश भर में मान्य है।
- आधार कई सरकारी और गैर सरकारी सेवाओं को पाना आसान बनाता है।
- आधार में मोबाइल नंबर और ईमेल ID अपडेट रखें।
- आधार को अपने स्मार्ट फोन पर रखें, mAadhaar App के साथ।

- Aadhaar is valid throughout the country.
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बिहार - 841301

Address:  
S/O: Ramnath Singh, lah bazar, Chapra,  
Saran,  
Bihar - 841301



**9501 5327 4433**  
VID : 9124 7901 2402 9909

 1947 | 
  help@uidai.gov.in | 
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(14.1)

जिला लोक शिकायत निवारण पदाधिकारी, जिला-सारण  
 लोक शिकायत निवारण पदाधिकारी द्वारा प्रेषित

कार्यालय/विभाग का नाम :- जिला लोक शिकायत निवारण पदाधिकारी, जिला-सारण  
 निर्णय संख्या:- 41711-11836

लोक शिकायत निवारण पदाधिकारी का नाम:-जिला लोक शिकायत निवारण पदाधिकारी,सारण

परिचारी का नाम:-तरुण प्रकाश

परिचय की अनन्य पंजीयन संख्या और तिथि का सन्दर्भ:-

संख्या:-417110114032002196 तिथि:- 14-03-2020

परिचय का विषय:- विनय-अनुपति प्रमाण पत्र लिखे बिना भवन निर्माण के संबंध में।

सुनवाई की तिथि/तिथियां:- 29/07/2020,12/08/2020, 29/08/2020

निर्णय:- निर्णय संलग्न है।

Digitally signed by RABINDRA KUMAR  
 DN: cn=RABINDRA KUMAR, o=JALPAIGURI DISTRICT, email=RABINDRA.KUMAR@JALPAIGURI.NIC.IN, c=IN  
 लोक शिकायत निवारण पदाधिकारी हस्ताक्षर

निर्णय से व्यथित परिचारी 30 दिनों के भीतर प्रथम अपीलीय प्राधिकार के समक्ष अपील दायर कर सकेगा  
 (प्रथम अपीलीय प्राधिकार का ब्योरा):- कार्यालय,प्रमंडलीय आयुक्त,प्रथम अपीलीय प्राधिकार,सारण,  
 जिला:- छपरा

Digitally signed by RABINDRA KUMAR  
 DN: cn=RABINDRA KUMAR, o=JALPAIGURI DISTRICT, email=RABINDRA.KUMAR@JALPAIGURI.NIC.IN, c=IN  
 लोक शिकायत निवारण पदाधिकारी हस्ताक्षर

नाम एवं पदनाम मोहर सहित



परिवाद संख्या- 417110114032002196

परिवाद प्राप्ति की तिथि- 14/08/2020

परिवादी का नाम- तरुण प्रकाश  
परिवादी का पता- ग्राम - लाह बाजार छपरा

29/08/2020  
अंतिम आदेश

परिवादी अनुपस्थित। परिवादी श्री तरुण प्रकाश, पिता-श्री रामनाथ सिंह, ग्राम-लाह बाजार, पोस्ट-छपरा, प्रखंड-सदर छपरा, जिला- सारण ने वार्ड नं०-26, सर्किल नं०-19 होस्टिंग नं०- 501 में अशोक प्रसाद सिंह के द्वारा अनुचित, गैरकानूनी तरीके से बिना किसी अनुमति/स्वीकृति के विवाह भवन निर्माण कराने के संबंध में परिवाद दायर किया गया है। लोक प्राधिकार-सह-नगर आयुक्त छपरा नगर निगम, श्री अशोक कुमार, महल्ला लाह बाजार घनी आबादी वाला क्षेत्र में बिना अनुमति पत्रांक- 1526, दिनांक-14.08.2020 है। प्रतिवेदन में उल्लेख किया गया है कि परिवादी का कहना है कि वार्ड नं०-26, सर्किल नं०-19 होस्टिंग नं०- 501 में अशोक कुमार द्वारा महल्ला लाह बाजार घनी आबादी वाला क्षेत्र में बिना अनुमति के गैर कानूनी विवाह भवन का निर्माण कराया जा रहा है। वर्तमान में कार्यालय द्वारा नोटिस के बावजूद से विवाह भवन निर्माण हेतु अनुमति संबंधित कारजात की मांग करते हुए फिलहाल निर्माण कार्य पर रोक लगा दी गई है। इस संबंध में कार्यालय के संबंधित कर्मों श्री तारकेश्वर नाथ मिश्र द्वारा प्रतिवेदित किया गया है कि विवाह भवन निर्माण हेतु नगर निगम द्वारा कोई अनुमति नहीं दी गई है। खादी से जवाब प्राप्त होने के उपरांत अग्रेतर कार्यवाई की जायेगी। लोक प्राधिकार के प्रतिनिधि से प्राप्त प्रतिवेदन से स्पष्ट है कि नगर निगम द्वारा निर्माणकर्ता को नोटिस जारी कर कारजात की मांग की गई है तथा फिलहाल निर्माण कार्य पर रोक लगा दी गई है। ऐसी स्थिति में लोक प्राधिकार को आदेश दिया जाता है कि विवाह भवन का निर्माण नियमों का उलंघन कर नहीं किया जाय, यह सुनिश्चित करेंगे। तदनुसार लोक प्राधिकार/प्रतिनिधि से प्राप्त प्रतिवेदन के आलोक में परिवाद को स्वीकृत कर वाद की कार्यवाही समाप्त की जाती है। लेखापित एवं संशोधित।

RABINDRA  
KUMAR

Digitally signed by RABINDRA  
KUMAR  
Date: 2020.08.29 11:42:15  
+05'30'

हस्ताक्षर

(जिला लोक शिकायत निवारण पदाधिकारी का)

कार्यालय, जिला-सारण)

25

Office of District Public Grievance Redressal Officer, Jiksha Saran  
'Related to the decision given by Public Grievance Redressal Officer on the  
examination

Name of Office/Department :- District Public Grievance Redressal Officer,  
District-Saran

Issue Number:-41711-11836

Name of the Public Grievance Redressal Officer: District Public Grievance  
Redressal Officer, Saran

Name of Complainant: Tarun Prakash

Reference to the unique registration number and date of the complaint:

Number: -417110114032002196 Date: - 14/03/2020

Complaint tax issue- Regarding construction of marriage hall for getting non-  
availability certificate.

Hearing date/dates:- 29/07/2020.12/08/2020, 29/08/2020

JUDGMENT. - The decision is enclosed.

Public Grievance Redressal Officer Signature

RABINDRA KUMAR  
Public Grievance Redressal Officer Signature

The complainant aggrieved by the decision can file an appeal before the First  
Appellate Authority within 30 days (Details of First Appellate Authority)  
Office, Divisional Commissioner. (First Appellate Authority) Saran, Jita: -  
Chhapra

RABINDRA KUMAR  
Grievance Redressal Officer Signature  
Name and designation with seal

Complaint number 417110114032002196

Date of receipt of complaint 22/20..

Name of the complainant- Tarun Prakash

Address of the complainant - Village - Lah Bazar Chhapra

29/08/2020

last order

Complainant absent. Complainant Shri Tarun Prakash, Father Shri Ragnath Singh, Village - Lah Bazar, Post Upra, Block Sadar Chhapra, District Saran has filed complaint regarding illegal construction of marriage hall in ward no. 26, Circle no. 19 Holding no. 501 by Ashok Prasad Singh without any permission/approval. A request has been received from Public Authority-cum-Municipal Commissioner Chhapra Municipal Corporation, whose letter number is-1526, date-14.08.2020. It has been mentioned in the report that the complainant says that in Ward No. 26, Circle No. 19 Holding No. 501, Ashok Kumar is constructing an illegal marriage hall in the densely populated area of Mohalla Lah Bazar without permission. At present, the construction work has been stopped for the time being by the office through a notice demanding the documents related to permission for the construction of the marriage hall. In this institution, the concerned officer of the office, Shri Tarkeshwar Nath Mishra has reported that no permission has been given by the Municipal Corporation for the construction of the marriage hall. Further action will be taken after receiving the reply. It is clear from the report received from the representative of the public authority that the Municipal Corporation has issued a notice to the builder. Kakar Kadhini Hatia For the time being, the construction work has been stayed. In such a situation, the public authority is ordered to ensure that the marriage hall is not constructed in violation of the rules. Accordingly, in the light of the report received from the mourning authority/representative, the complaint is accepted and the case proceedings are ended. Recorded and revised.

RABINDRA KUMAR

Sd/-

(Jita Tok Grievance Redressal Officer)

(Office, Disctrict- Saran)



## बिहार लोक शिकायत निवारण अधिकार अधिनियम (पावती)



बिहार लोक शिकायत निवारण अधिकार अधिनियम (पावती)

प्रमंडलीय आयुक्त, सारण प्रमंडल, छपरा सह प्रथम अपीलीय प्राधिकार

अपील प्राप्ति की तिथि : 12/09/2020

अनन्य पंजीयन संख्या

417110114032002196/1A

परिवादी का नाम

तरुण प्रकाश

परिवाद की सुनवाई और निवारण की नियत तिथि

22/09/2020 11 AM

कोई अन्य विशिष्टियां जिसे लोक शिकायत निवारण पदाधिकारी द्वारा उल्लेख किया जाना

आवश्यक समझा जाये

सुनवाई का स्थान

प्रमंडलीय आयुक्त, सारण प्रमंडल, छपरा

सेवा में,

प्रथम अपीलवीय प्राधिकार सह प्रमंडलीय आयुक्त  
लोक शिकायत निवारण विभाग  
छपरा, (सारण)

विषय— जिला लोक शिकायत निवारण पदाधिकारी, सारण द्वारा परिवाद सं.—417110114032002196

तिथि — 14/03/2020 द्वारा दिनांक—29/08/2020 को पारित आदेश को क्रियांवित कराने के संबंध में।

महाशय,

उपरोक्त परिवाद के माध्यम से मैंने मुहल्ला—साह बाजार, छपरा में अशोक कुमार गुप्ता, पुत्र.—स्व. भरत प्रसाद द्वारा प्लॉट—28 सर्किल—नं—19, होल्डिंग नं—501 में बिना किसी अनुमति/स्वीकृति के विवाह भवन निर्माण कराने के संबंध में परिवाद दायर किया था, जिस संबंध में जिला लोक शिकायत निवारण पदाधिकारी द्वारा इसकी सुनवाई करते हुए दिनांक—29/08/2020 को नगर आयुक्त, छपरा नगर निगम को किसी भी निर्माण पर तत्काल रोक लगाते हुए नियमानुसार कार्यवाई करने का आदेश पारित किया है। गौरतलब है कि संबंधित परिवाद की सुनवाई के दौरान नगर निगम की ओर से जबाब देते हुए नगर निगम कार्यालय के संबंधित कर्मी श्री तारकरवर नाथ मिश्र द्वारा प्रतिवेदित किया गया है कि विवाह भवन निर्माण हेतु नगर निगम द्वारा कोई भी अनुमति नहीं प्रदान की गई है। लोक शिकायत निवारण पदाधिकारी द्वारा पारित आदेश में नगर निगम ने इस तथ्य को स्वीकार किया उपरोक्त विवाह भवन निर्माणकर्ता को नोटिस निर्गत कर कागजात की मांग की गई है तथा फिलहाल निर्माण कार्य पर रोक लगा दी गई है। उपर्युक्त तथ्यों के परे संबंधित भूमि पर विवाह भवन निर्माण कार्य पूर्ववत स्थिति में ही बनी हुई है, अपितु और अधिक तेजी से निर्माण कराया जा रहा है। इस से यह स्पष्ट है कि नगर निगम अधिकारियों की मिलीभगत से कार्य कराया जा रहा है एवं उपरोक्त निर्माण में बिहार सरकार के सभी नियमों की अनदेखी कर यह अवैध निर्माण हो रहा है। साथ ही साथ लोक शिकायत पदाधिकारी, सारण द्वारा पारित आदेश की अवमानना भी की जा रही है।

अतः आपसे अनुरोध है कि बिहार लोक शिकायत निवारण अधिकार अधिनियम में निहित शक्तियों का उपयोग कर लोक शिकायत निवारण पदाधिकारी, सारण के आदेश का क्रियांवयन सुनिश्चित करायें एवं नगर निगम कार्यालय में व्याप्त भ्रष्टाचार पर रोक लगायें।

आपका विश्वासी  
रामप्रकाश  
सारण प्रकाश  
पिता—प्रौ. रामनाथ सिंह  
साह, हाथकड़ा, छपरा, (सारण)  
मो. नं.—8757685548

A. 2020/2020  
29

**Bihar Public Grievance Redressal Act (Acknowledgement)**

Divisional Commissioner, Saran Division, Chhapra cum First Appellate  
Authority

Date of receipt of appeal: 12/09/2020

Unique registration number

417110114032002196/1A

Name of complainant

Tarun Prakash

Date fixed for hearing and redressal of complaint

22/09/2020 11 AM

Any other particulars as may be mentioned by the Public Grievance Redressal  
Officer deemed necessary place of hearing

Place of hearing

Divisional Commissioner Saran Division, Chhapra

To,

First Appellate Authority cum Divisional Commissioner

Public Grievance Redressal Department

Chhapra, (Saran)

Subject:- Complaint No.-417110114032002196 to District Public Grievance Redressal Officer, Saran regarding implementation of the order passed on 29/08/2020 by Date-14/03/2020.

Through the above complaint, I had filed a complaint regarding the construction of marriage hall in Ward-26 Circle No. 19, Holding No. 501 in Mohalla-Lah Bazar, Chhapra by Ashok Kumar Gupta, son. Late Bharat Prasad without any permission/approval, in relation to which the District Public Grievance Redressal Officer, while hearing it, on 29/08/2020 passed an order to the Municipal Commissioner, Chhapra Municipal Corporation to immediately stop any construction and take action as per the rules. It is worth noting that during the hearing of the related complaint, while replying on behalf of the Municipal Corporation, the concerned employee of the Municipal Corporation office, Mr. Tarkeshwar Nath Mishra, has reported that no permission has been granted by the Municipal Corporation for the construction of the marriage hall. In the order passed by the Public Grievance Redressal Officer, the Municipal Corporation accepted this fact that a notice has been issued to the above marriage hall builder and documents have been demanded and for the time being the construction work has been stopped. On the above facts, the construction of marriage hall on the concerned land remains the same as before, but the construction is being done at a faster pace. It is clear from this that the work is being done in connivance with the Municipal Corporation officials and \* in the above construction, this illegal construction is being done by ignoring all the rules of the Bihar Government. Along with this, contempt of the order passed by the Public Grievance Officer, Saran is also being done.

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Therefore, you are requested that using the powers vested in the Bihar Lok Right to Grievance Redressal Act, ensure implementation of the orders of the Public Grievance Redressal Officer, Saran and put a stop to the corruption prevailing in the Municipal Corporation office

Yours faithfully  
Sd/-  
Tarun Prakash  
S/o Prof. Ramnath Singh  
Lah Bazar, Chhapra, Saran  
Mob: 8757685548

//True Translated Copy//

सेवा में,  
जिलाधिकारी  
छपरा, सारण

विषय- जिला लोक शिकायत निवारण पदाधिकारी, सारण द्वारा परिवाद सं.-417110114032002196

तिथि - 14/03/2020 द्वारा दिनांक-29/08/2020 को पारित आदेश को क्रियावित् कराने के संबंध में।

महाराय,

उपरोक्त परिवाद के माध्यम से मैंने मुहल्ला-साह बाजार, छपरा में अशोक कुमार गुप्ता, पुत्र-स्व. वरत प्रसाद द्वारा वार्ड-26 सर्किल-नं-19, होलिंग नं-501 में बिना किसी अनुमति/स्वीकृति के विवाह भवन निर्माण कराने के संबंध में परिवाद दायर किया था, जिस संबंध में जिला लोक शिकायत निवारण पदाधिकारी द्वारा इसकी सुनवाई करते हुए दिनांक-29/08/2020 को नगर आयुक्त, छपरा नगर निगम को किसी भी निर्माण पर तत्काल रोक लगाते हुए निम्नानुसार कार्यवाई करने का आदेश पारित किया है। गौरवजन्य है कि संबंधित परिवाद की सुनवाई के दौरान नगर निगम की ओर से जबाब देते हुए नगर निगम कार्यालय के संबंधित कर्मों श्री तापकेश्वर नाथ मिश्र द्वारा प्रतिवेदित जा गया है कि विवाह भवन निर्माण हेतु नगर निगम द्वारा कोई भी अनुमति नहीं प्रदान की गई है। लोक शिकायत निवारण पदाधिकारी द्वारा पारित आदेश में नगर निगम ने इस तथ्य को स्वीकार किया उपरोक्त विवाह भवन निर्माणकर्ता को नोटिस निर्गत कर कार्रवाई की गयी है तथा फिलहाल निर्माण कार्य पर रोक लगा दी गई है। उपरोक्त तथ्यों के परे संबंधित भूमि पर विवाह भवन निर्माण कार्य पूर्ववत स्थिति में ही बनी हुई है, अर्थात् और अधिक तेजी से निर्माण कराया जा रहा है। इस से यह स्पष्ट है कि नगर निगम अधिकारियों की मिलीभगत से कार्य कराया जा रहा है एवं उपरोक्त निर्माण में बिहार सरकार के सभी नियमों की अनदेखी कर यह अवैध निर्माण हो रहा है। साथ ही...

14/9/20

अतः आपसे अनुरोध है कि जिला लोक शिकायत निवारण पदाधिकारी द्वारा पारित आदेश को अनुपालित करायें, जिस से नागरिकों के लिए बनी इस अव्यवस्था को दूर किया जा सके एवं नगर निगम कार्यालय में व्याप्त भ्रष्टाचार पर लगाम लग सके।

सैलज:-  
(1) लोक शिकायत निवारण  
कार्यालय द्वारा पारित आदेशों  
को प्रति

आपका विश्वासी  
तारुण प्रकाश  
पिता-श्री रामनाथ मिश्र  
साह बाजार, छपरा, सारण  
फोन नं-8757985548

To,  
District Magistrate  
Chhapra, Saran

33

Subject: Complaint No. -417110114032002196 by District Grievance Redressal  
Officer, Saran

Regarding implementation of the order passed on 29/08/2020 by dated  
14.09.2020

Sir,

Through the above mentioned complaint, I had filed a complaint in Mohalla-Lah Bazar, Chhapra regarding the construction of marriage hall in Ward 28 Circle No. 19, Holding No. -601 by Ashok Kumar Guna son of Marat Prasad without any permission/approval, in relation to which the District Grievance Complaint Officer, while hearing it, 29/08/2020 passed an order to the Municipal Commissioner to immediately stop the construction of the building and take action as per the rules. During the hearing of the complaint related to the complaint, the Municipal Corporation, while relying on behalf of the Municipal Corporation, the concerned employee of the Chhapra Municipal Corporation office, Mr. Tarkeshwar Nath Mishra, has stated that no permission has been granted by the Municipal Corporation for the construction of the building. In the order passed by the Public Grievance Redressal Officer, the Municipal Corporation has accepted this fact. A notice has been issued to the above marriage hall builder and a demand for compensation has been made and the construction work has been stopped for the time being. In spite of the above facts, the construction for marriage hall is being done with the connivance of the Municipal Corporation officials and this illegal construction is being done by ignoring all the rules of the Bihar Government. Along with this, contempt of court is also being committed by giving this reason.

Therefore, you are requested to file a public complaint ensure compliance of the order passed by the officer so that the dignity of this great institution established for the citizens can be maintained and the corruption prevailing in the Municipal Corporation office can be curbed.

Attached:

(1) Copy of order passed by  
Public Grievance Redressal

Yours faithfully

Sd/-

Tarun Prakash

Father -Prof. Ramnath Singh

Lah Bazar Chhapra (Saran)

Mob: 8757885548

//True Translated Copy//

- (c) change, or allow the change of, the use of any building erected before the commencement of this Act contrary to the use for which such erection was originally sanctioned or to the use to which such building was actually put,
- (d) convert, or allow the conversion of, a tenement within a building to an occupational use, other than the use intended in the original sanctioned plan, or materially alter, enlarge, or extend such use.

(2) If, in any case, such permission is given, no change of occupancy or use shall be allowed before necessary alterations or provisions have been made to the satisfaction of the Chief Municipal Officer and in accordance with the provisions of this Act and the rules and the regulations made thereunder and any other law for the time being in force.

(3) Any change of use made before the commencement of this Act, except in so far as such use is permissible under the provisions of an earlier State law on the subject in force before the commencement of this Act, shall be deemed to be a change in contravention of the provisions of this Act.

(4) Without prejudice to any other action that may be taken against any person, whether owner or occupier, contravening any provision of this section, the Municipality may levy on such person such fine, not exceeding, in each case, rupees one hundred per square metre per month for the area under unauthorized use throughout the period during which such contravention continues, as may be provided by regulations.

(5) The Chief Municipal Officer may, if he deems fit, order that such unauthorized use be stopped forthwith :

Provided that before making any such order, he shall give a reasonable opportunity to the person affected to show cause why such order shall not be made.

(6) Any person aggrieved by an order of the Chief Municipal Officer under sub-section (5) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal whose decision in the matter shall be final and conclusive.

(7) When an appeal is preferred under sub-section (6), the Municipal Building Tribunal or the Municipality, as the case may be, may stay the enforcement of the order made by the Chief Municipal Officer under sub-section (5) on such terms, and for such period, as it may think fit.

(8) Save as otherwise provided in this section, no court shall entertain any suit, application or other proceeding for any relief or injunction, restraining the Chief Municipal Officer or the Municipal Building Tribunal or the Municipality from taking any action or making any order in pursuance of the provisions of this section.

**Explanation.** - For the purposes of this chapter, "unauthorized use" shall mean change or conversion of a building without sanction from one occupancy or use group to another occupancy or use group referred to in sub-section (2) of section 312.

#### **341 Power to prevent use of premises for specified purpose in particular area for environmental reasons-**

(1) The Municipality may give notice of its intention to declare that in any area specified in the notice, no person shall, for environmental reasons stated therein, use any premises for any purpose specified in the notice.

(2) Any objection to any such notice shall be received within a period of thirty days from the date of the notice.

(3) The Municipality shall consider all objections received within the period as aforesaid, giving any person affected by the notice an opportunity of being heard, and may, thereupon, make a declaration in accordance with the notice under sub-section (1), with such modifications, if any, as it may think fit.

(4) Every such declaration shall be published in the manner provided by regulations and shall take effect from the date of such publication.

(5) No person shall, in any area specified in the declaration published under sub-section (4), use any premises for any purpose specified in the declaration, and the Chief Municipal Officer shall have the power to stop such use of any such premises by such means as he may consider necessary.

(6) The Municipality shall ensure that such declaration is in conformity with the provisions of any land use plan in force in the municipal area under any State law regulating such use.

## **Chapter XXXVII**

### **Municipal Licences**

**342. Premises not to be used for non-residential purpose without municipal licence-** (1) Except as hereinafter provided in this Act, no person shall use, or permit to be used, any premises for any of the non-

residential purposes mentioned in the Schedule without or otherwise than in conformity with the terms of a licence granted by the Chief Municipal Officer or the Wards Committee under sub-section (6) of section 30, as the case may be, so as not to contravene the provisions of sub-section (2) of this section :-

Provided that no such licence shall be given in respect of any non-residential use of a premises, if such use is otherwise than in conformity with the provisions of this Act, or any other law for the time being in force, or the rules or the regulations or the orders made thereunder :

Provided further that except in cases which come under the provisions of sub-section (2) of this section or section 344 or section 346, the power to issue such licence within its jurisdiction may be exercised by the Wards Committee, subject to such conditions, and in such manner, as may be determined by regulations.

(2) In the case of a non-residential use of a premises for a purpose for which a licence or permission is required from the State Government or any statutory body under any law for the time being in force, no licence under this section shall be given until the licence or the permission under the said law has been produced before the Chief Municipal Officer, and duly authenticated copies thereof have been submitted to him:

Provided that in the case where the production of a licence under this Act is a pre-condition for the grant of a licence under any other law for the time being in force, the Chief Municipal Officer may grant a provisional licence, which shall be authenticated to be final only upon the production of a licence or permission under the said law :

Provided further that such provisional licence shall have validity only for the purpose of fulfilling the preconditions of the grant of a licence under any other law as aforesaid.

(3) In specifying the terms of a licence granted under this section, the Chief Municipal Officer may require the licensee to take all or any of such measures as he may deem fit to guard against danger to life, health or property or for the abatement of nuisance of any kind.

(4) The Municipality shall, by regulations, determine the fees to be paid in respect of a licence granted under sub-section (1), and may specify different fees for different categories of non-residential uses in different areas within the municipal area :

Provided that no such fees shall exceed rupees two thousand and five hundred in any case.

(5) The Municipality may, by regulations, determine -

- (a) as to when the initial licence is to be taken out and the procedure of annual renewal thereof, is to begin and
- (b) the matters connected with the display of licence, inspection of premises, power of inspectors, and such other matters as may be deemed necessary.

**343. Registers to be maintained.** The Chief Municipal Officer shall maintain in such Form, and in such manner, as may be prescribed, two separate registers of which -

- (a) one shall contain premises wise information of non-residential uses, indicating the unique premises number, if any, assigned under this Act, and
- (b) the other shall contain such information, on the basis of different non-residential user groups for factories, warehouses, medical institutions, educational institutions, and such other uses, as may be provided by regulations.

**344. Municipal licence for private markets.** (1) The Chief Municipal Officer may, with the prior approval of the Municipality, grant to any person a licence to establish or keep open a private market on payment of such fees as may be determined by the Municipality by regulations, and may specify such conditions consistent with this Act as he may deem fit.

(2) When the Chief Municipal Officer refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.

(3) The Chief Municipal Officer may, with the prior approval of the Municipality and for reasons to be recorded in writing, by order, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market in respect of which the licence has been suspended or cancelled under sub-section (3) shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

**345. Municipal licence for sale of flesh, fish or poultry.** (1) No person shall, without or otherwise than in conformity with a licence from the Chief Municipal Officer, carry on the trade of a butcher, fish-monger, poulterer or importer of flesh, intended for human food, or use any place for the sale of flesh, fish or poultry, intended for human food :

## Noise Exposure and Public Health

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Exposure to noise constitutes a health risk. There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. For other effects such as changes in the immune system and birth defects, the evidence is limited. Most public health impacts of noise were already identified in the 1960s and noise abatement is less of a scientific but primarily a policy problem. A subject for further research is the elucidation of the mechanisms underlying noise-induced cardiovascular disorders and the relationship of noise with annoyance and nonacoustical factors modifying health outcomes. A high priority study subject is the effects of noise on children, including cognitive effects and their reversibility. Noise exposure is on the increase, especially in the general living environment, both in industrialized nations and in developing world regions. This implies that in the twenty-first century noise exposure will still be a major public health problem. **Key words:** annoyance, cardiovascular effects, children's health, environmental health, environmental noise, hearing impairment, noise exposure, noise metrics, occupational noise, performance. — *Environ Health Perspect* 108(suppl 1):123–131 (2000).  
<http://ehpnet1.niehs.nih.gov/docs/2000/suppl-1/123-131passchier-vermeer/abstract.html>

### Noise Exposure and Health

Assessment of the human health risk associated with the presence of a xenobiotic substance in the environment usually follows the relatively simple scheme depicted in Figure 1. The substance occurs in environmental media at certain concentrations, depending on, among other factors, lifestyle, residence time, and dietary habits, that people may be exposed to this xenobiotic. Any subsequent harm depends on the level of exposure. The modifying impact of exogenous determinants and personal characteristics on the level of exposure and sensitivity with respect to the toxic action usually are not taken into account or are only considered in a standardized way, at least for risk assessment and standard-setting purposes. The data available, often derived from animal experiments and surveys of population behavior, do not allow a more refined analysis.

In the case of the assessment of the health effects of noise exposure, the scheme in Figure 1 is too simple. With the exception of damage to the hearing organ, the exposed organism's reaction to the perception of sound is strongly dependent on the context of the exposure. The effects of noise exposure cannot be understood only by taking mechanisms of toxic action into account. For example, the sounds in a discotheque are music to the dancers but noise to the neighbors. In the first case, the exposure would not be annoying but is expected to contribute to hearing loss; for the neighbors, hearing loss would be improbable, but annoyance would certainly occur. A conceptual model to address the health effects of noise exposure is presented in Figure 2.

The model considers effects on health and quality of life as the outcome of a processing of exogenous determinants or environmental factors—in this case, noise exposure. Exposure, processing, and effect take place within economic and social environments and all are modified by societal factors. Furthermore, lifestyle and concurrent exposure to other factors play a role. An example of the former was given above. An example of the latter is the finding that the perceived presence of the risk of an aircraft crash has been found to augment annoyance (and vice versa) (1). This processing of sounds is influenced by the genetic and acquired characteristics of the organism. For example, some people have a specific sensitivity to noise and will be more susceptible to one or all of its effects than other people. Examples of societal factors that determine the adverse effects associated with noise exposure are insulation of houses, noise level-related depreciation of house prices, and individual and societal appreciation of the activities generating the noise.

These insights, as depicted in the model in Figure 2, are not new. On the contrary, it is striking that in the 1960s most of the effects of sound on health and quality of life were already known or at least hypothesized, including the variety of modifying factors referred to above (2). In the 1970s the research results were sufficiently reviewed to allow science-based recommendations to be made for policy measures to protect public health (3–5). In the last three decades new data have confirmed the earlier insights and, as reviewed here in our present paper, have made more precise assessments of exposure–response relationships and observation thresholds possible. Many of the

newer data stem from epidemiologic studies. If politicians had taken a more protective stance in the 1970s—which would have been legitimate on the basis of the then-available data—this review probably would have been superfluous, as new data would not have been published, but also harm would have been avoided.

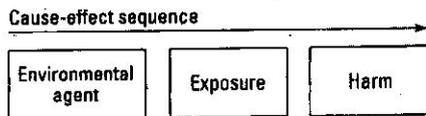
In this review we emphasize development of insights into the effects of noise exposure on health and quality of life. In accordance with the relevant literature, we use the term noise to represent sounds generated by sources in the environment (indoors, outdoors, at work, etc.); noise is often appreciated negatively. Because several reviews on this subject have been published recently—some by international groups of scientists (6)—we refer to original research papers only when necessary for our argument. Furthermore, given our background in environmental health sciences, we also discuss policy instruments for health protection.

### Characterization of Noise Exposure

#### Sound Pressure Level and Sound Level

Sound is a physical phenomenon consisting of alternating compression and expansion of air that propagate in all directions from a source. These alternating compressions and expansions can be described as small changes in pressure around atmospheric pressure. The frequency of the alternations determines the pitch of a sound: a high-pitched tone (e.g., 4,000 Hz) has a squeaking sound; a low-pitched tone (e.g., 200 Hz), a humming sound. The environmental noise sources discussed in this review usually generate sounds within a broad frequency range. Sound pressures, relative to the atmospheric pressure, range from < 20 micropascal to > 200 pascal, a range of 1–10 million. Therefore, in acoustics, the logarithm of sound pressure relative to a reference sound pressure is used as a basis for a sound (and noise) exposure measure: the physical quantity sound pressure level expressed in decibel (dB).

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 Received 4 August 1999; accepted 30 November 1999.



**Figure 1.** Simple cause-effect chain for the assessment of the health effects of an environmental agent, such as a xenobiotic substance.

The human hearing organ is not equally sensitive to sounds of different frequencies. Therefore, a spectral sensitivity factor is used that rates sound pressure levels at different frequencies in a way comparable to that of the human hearing organ; this is called A-weighting. The biophysical quantity A-weighted sound pressure level ( $L$ ) is expressed as dB(A) and is referred to as sound level. Examples of sound levels in some common situations are falling leaves (very quiet), 10–20 dB(A); vacuum cleaner, 55–65 dB(A); location close to a main road or highway, 70–80 dB(A); pop music concerts, 100–110 dB(A).

### Equivalent Sound Level and Day-Night Level

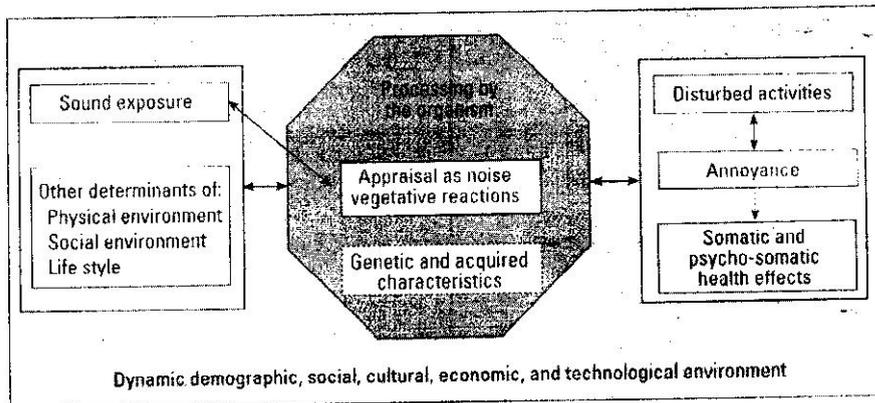
Sound level is the basic metric from which other biophysical metrics to specify long-term exposure to noise are derived. Usually a noise metric is assessed on an annual basis. In environmental and occupational situations, sound levels fluctuate with time. From these fluctuating sound levels, the equivalent sound level ( $L_{Aeq,T}$ ) over a period of time,  $T$ , is determined from [see (7)]:

$$L_{Aeq,T} = 10 \log \frac{1}{T} \int_0^T 10^{\frac{L(t)}{10}} dt$$

Common exposure periods  $T$  are 24 hr (full day) and 8 hr (work day).

For some environmental health assessment purposes, the day-night level ( $L_{dn}$ ) is used. This metric is the equivalent sound level over 24 hr with the sound levels during the night (11 PM–7 AM) increased by 10 dB(A). Also a day-evening-night level ( $L_{den}$ ) is used, which is constructed similarly, such that the sound levels during the evening (7 PM–11 PM) are increased by 5 dB(A) and those during the night (11 PM–7 AM) by 10 dB(A). These adjustment factors of 10 or 5 dB(A) take into account that night-time and evening-time noise are more annoying than day-time noise with the same equivalent sound level.

Because of road, railway, and aircraft traffic noise, most of the urban population in industrialized countries are exposed to outdoor  $L_{dn}$  levels of > 50 dB(A). Rural populations usually are exposed to outdoor traffic  $L_{dn}$  values of < 50 dB(A). Rough estimates of the percentage of people in Europe living in locations with  $L_{dn}$  values > 60 dB(A) vary from 2 to 8%, depending on the country in which



**Figure 2.** Conceptual model of the interaction of sound with the organism and the occurrence of effects on health and quality of life.

they live. For the Netherlands population this percentage is 4%. It is further estimated that 0.6% of the Netherlands population is exposed to traffic noise with  $L_{dn}$  values of > 70 dB(A) (8,9).

Both in research and in policy,  $L_{dn}$  or  $L_{den}$  is applied in a specific way: the metrics are used as location-specific quantities to be measured in front of the facade of residential buildings.

### Sound Exposure Level

A single noise event is characterized by its sound exposure level. The sound exposure level (SEL) of a noise event, such as the overflight of an airplane or the passage of a truck, is the equivalent sound level during the event normalized to a period of 1 sec (10).

### Exposure Settings

In this review we discuss the health effects of occupational and environmental noise exposure. Even though noise sources at work are quite divergent, the exposure setting is well defined; i.e., exposure during the execution of occupational tasks. In the living environment not only the sources but also the exposure settings are quite diverse. As mentioned above, a common environmental noise source is traffic. In addition, in industrialized regions industrial noise may affect environmental quality. Another type of noise is neighbor noise, a factor frequently mentioned in surveys on residential satisfaction. Increasingly, people are exposed to noise during recreational activities such as pop music concerts, motor races, and arcade activities; often these types of exposures are undergone consciously or at least taken for granted. In this review emphasis is on chronic environmental noise exposures, particularly those due to traffic and industrial noises. If other sources of noise or exposure settings are meant, this will be mentioned explicitly.

### Assessment of Health Effects

The Committee on Noise and Health, an international committee of the Health

Council of the Netherlands, in 1994 assessed the health effects of environmental and occupational noise exposure (6). It rated the evidence in terms of categories used by the International Agency on the Research of Cancer (11) as "sufficient," "limited," "inadequate," or "lacking". The report also presents observation thresholds for those adverse health effects for which sufficient evidence was considered available. The observation threshold for an effect was defined in the report as the lowest noise exposure value at which on average the effect was observed in well-designed epidemiologic studies (12). This definition implies that in the course of time the observation threshold of an effect may have to be lowered if supported by new information from epidemiologic studies.

In this review, the 1994 Health Council report (6) is considered a starting point. More recent reviews (13–19) and papers presented at the November 1998 meeting in Sydney, Australia, of the International Commission on the Biological Effects of Noise (20) were used to extend the 1994 evaluation. In general, the more recent reviews and papers (13–20) concur well with the conclusions of the Health Council if we take a rating of "inconclusive" (15,16) to be equivalent to the Health Council's "limited." With respect to some effects such as ischemic heart disease, hypertension, and congenital defects, there appear to be differences of opinion. This will be further discussed below ("Noise-Induced Stress-Related Health Effects").

In Table 1 information is presented about the adverse effects related to environmental and occupational noise exposure that have been examined in epidemiologic studies. The table is adapted from Table 1 of the 1994 Health Council report (6). Changes concern the noise metric in which the observation thresholds for hypertension and ischemic heart disease were originally given (21). Also the observation threshold for being awakened

by a single noise event was lowered by 5 dB(A). Finally, we have added that the observation threshold for sleep pattern changes is < 60 dB(A) (expressed in outdoors  $L_{Aeq,night}$ ).

Several health end points are not specific to noise exposure. In fact, in accordance with the conceptual model of Figure 2, factors that apparently modify the effects of noise exposure may also affect health in ways similar to those for noise exposure. Situations exist in which it is difficult to identify primary and modifying factors.

The following sections highlight the main aspects of the data presented in Table 1.

**Noise-Induced Hearing Impairment**

Hearing impairment is an increase in the hearing threshold level. In the International Standard ISO 1999 (22), a hearing handicap is defined as the disadvantage imposed by hearing impairment sufficiently severe to affect one's personal efficiency in the activities of daily living, usually expressed in terms of understanding conventional speech in low levels of background noise. Hearing impairment is also associated with aging as well as certain diseases, exposure to some industrial chemicals, ototoxic drugs, head injuries, accidents, or factors that are of hereditary origin.

ISO 1999 (6) gives a method to estimate noise-induced hearing impairment in populations exposed to continuous, intermittent, or impulse noises during working hours. Noise exposure is characterized by the equivalent sound level over an 8-hr work day ( $L_{Aeq,8h}$ ). Relations are given (for exposure times up to 40 years) between  $L_{Aeq,8h}$  and noise-induced hearing impairment at frequencies between 500 and 6,000 Hz. These relations show that noise-induced hearing impairment occurs predominantly in the higher frequency range of 3,000–6,000 Hz, with largest effects observed at 4,000 Hz. With increasing  $L_{Aeq,8h}$  and increasing exposure time, noise-induced hearing impairment can also occur at lower frequencies, more specifically at 2,000 Hz. Even with prolonged occupational noise exposure, however, according to ISO 1999 noise-induced hearing impairment does not occur at  $L_{Aeq,8h}$  levels of 75 dB(A) and lower. This value is equal to the value specified in 1980 by the World Health Organization (23).

Since the method specified in ISO 1999 is the only universally adopted method to estimate occupational noise-induced hearing impairment, attempts have been made to assess whether this method also applies to hearing impairment due to environmental noise, including leisure-time noise. The results of various studies strongly suggest that the ISO 1999 procedure can also be accepted for environmental and leisure-time noise exposures of adults and older children

**Table 1.** Long-term effects related to exposure to noise and classification of the evidence for a causal relationship between noise and effect. The last three columns contain information on the observation threshold of an effect for which the causal relationship with noise exposure (second column) is judged to be sufficient.<sup>a</sup>

Effect	Classification of evidence <sup>b</sup>	Exposure situation	Observation threshold		
			Metric	Value (dB(A))	Indoors/outdoors <sup>c</sup>
Hearing impairment	Sufficient	Occ	$L_{Aeq,8h}$	75	Indoors
		Env	$L_{Aeq,24h}$	70	Indoors
		Occ unb	$L_{Aeq,8h}$	< 85	Indoors
Hypertension	Sufficient	Occ ind	$L_{Aeq,8h}$	< 85	Indoors
		Env	$L_{dn}$	70	Outdoors
Ischemic heart disease	Sufficient	Env	$L_{dn}$	70	Outdoors
Biochemical effects	Limited	Occ			
		Env			
Immune effects	Limited	Occ			
		Env			
Birth weight	Limited	Occ			
		Env air			
Congenital effects	Lacking	Occ			
		Env			
Psychiatric disorders	Limited	Env air			
Annoyance	Sufficient	Occ office	$L_{Aeq,8h}$	< 55	Indoors
		Occ ind	$L_{Aeq,8h}$	< 85	Indoors
		Env	$L_{dn}$	42 <sup>d</sup>	Outdoors
Absentee rate	Limited	Occ ind			
		Occ office			
Psychosocial well-being	Limited	Env			
Performance	Limited	Occ env			
		Sufficient	School	$L_{Aeq,school}$	70
Sleep disturbance, changes in	Sufficient	Sleep	$L_{Aeq,night}$	< 60	Outdoors
	Sufficient	Sleep	SEL	55	Indoors
	Sufficient	Sleep	SEL	35	Indoors
	Sufficient	Sleep	$L_{Aeq,night}$	40	Outdoors
	Sufficient	Sleep	SEL	40	Indoors
	Limited	Sleep			
	Inadequate	Sleep			
	Sufficient	Sleep	$L_{Aeq,night}$	< 60	Outdoors
	Sufficient	Sleep			
	Limited	Sleep			

Abbreviations: env, living environment; ind, industrial; occ, occupational situation; school, exposure of children at school; unb, unborn; exposure of pregnant mother. <sup>a</sup>The table is adapted from Table 1 of the 1994 Health Council report (6). <sup>b</sup>Classification of evidence of causal relationship between noise and health. <sup>c</sup>Value relates to indoor or outdoor noise assessment. <sup>d</sup>The observation threshold for percentage of highly annoyed persons is about 12 dB(A) lower for environmental impulse noise.

provided the exposures are not too extreme and the exposures are expressed in  $L_{Aeq,24h}$  (because exposure during the full 24-hr day is important in this case) instead of  $L_{Aeq,8h}$  (6,23–31). This implies that exposure to environmental and leisure-time noise with  $L_{Aeq,24h}$  values < 70 dB(A) does not cause hearing impairment in the large majority of people (> 95%), even in the case of life-time exposure (32). It should be considered, however, that there are no large-scale epidemiologic studies that investigated noise-induced hearing impairment in the general population that support this proposition. Also, data from animal experiments indicate that young children may be more vulnerable to noise-induced hearing impairments than adults (31). For impulsive (shooting) noises with  $L_{Aeq,24h}$  > 80 dB(A) studies on temporary threshold shifts (26) suggest the possibility of an increased risk for impulse noise-induced hearing impairment in adults.

At high instantaneous sound levels, mechanical damage to the outer and the inner ear may occur. Occupational limits for such types of exposures have been set equal to the observation threshold for this effect at a peak sound pressure level of 140 dB (33). For adults, it is reasonable to assume that a similar threshold applies with respect to exposure to environmental and leisure-time noise. In the case of children, however, taking into account their habits of playing with noisy toys, peak sound pressure levels > 120 dB may cause mechanical damage to the hearing organ (31).

Noise exposure may also result in tinnitus (ringing in the ears). This effect has been observed among teenagers attending pop music concerts and discotheques (34). Noise-induced tinnitus may be temporary, lasting up to 24 hr after exposure, or it may have a more permanent character, such as after prolonged occupational noise exposure. Approximately 25% of workers with both noise-induced

hearing impairment and tinnitus consider tinnitus the more disturbing effect (35).

The main social consequence of hearing impairment is the inability to understand speech in daily living conditions—a severe social handicap. Even small values of hearing impairment (10 dB averaged over 2,000 and 4,000 Hz and over both ears) may have an effect on the understanding of speech. When the hearing impairment exceeds 30 dB (again averaged over 2,000 and 4,000 Hz and both ears), a social hearing handicap is noticeable.

### Psychosocial Effects

Psychosocial effects due to exposure to environmental noise that have been studied in epidemiologic investigations include annoyance, psychosocial well-being, and psychiatric hospitalization. The main psychosocial effect from exposure to occupational noise observed in epidemiologic investigations is annoyance.

Noise annoyance is a feeling of resentment, displeasure, discomfort, dissatisfaction, or offense when noise interferes with someone's thoughts, feelings, or actual activities. It is not yet possible to predict noise annoyance on an individual basis because of the large variety of (partly unknown) endogenous and exogenous characteristics that affect annoyance (Figure 2). However, relationships between noise annoyance and noise exposure have been elucidated on a population level together with several effect-modifying factors. Annoyance in populations is evaluated using questionnaires. Exposure-effect relationships have been derived for exposure to the three main types of traffic noise: road, railway, and aircraft. The most recent and comprehensive relationships are shown in Figure 3 (36). These relationships pertain to populations chronically exposed to noise at specified levels for periods of more than a year. The effect is given as the percentage of the population highly annoyed by a specific environmental noise. "Highly annoyed" persons are those

who respond to a question about the degree of annoyance in the worst 25% range of answer categories (37). The noise exposure is expressed in  $L_{dn}$ , assessed in front of dwellings. The relationships depicted in Figure 3 demonstrate that annoyance induced by the different modes of transport—air, road, and rail—differs at higher exposure levels. Taking into account the statistical variations within and between the various studies, Miedema and Vos showed that aircraft noise is statistically significantly more annoying and railway noise is less annoying than road traffic noise (36).

Environmental noise exposure is only one of the factors that contributes to noise annoyance, albeit a significant one. The degree of annoyance experienced by an individual as well as that on a population level in practice can differ considerably from the exposure-response relationships presented in Figure 3 because of the influence of so-called nonacoustical factors. Important nonacoustical effect-modifying factors are anxiety, fear of the noise source, and a feeling that the noise could be avoided. These effect-modifying factors have been identified in multivariate analyses of population data (19,38-41). However, general quantitative multifactorial exposure-response relationships have not yet been published.

Much attention has been paid in laboratory experiments to the effects of uncontrollable noise exposure on such things as task performance and annoyance. No relationships have been assessed between general noise annoyance experienced during working hours and noise exposure. Epidemiologic studies show that annoyance in offices is considerable at equivalent sound levels > 55 dB(A). A few studies show that 35-40% of office workers are highly annoyed at noise levels from 55 to 60 dB(A). If the noise source is more or less constant, such as the noise produced by ventilation systems (e.g., fans in computers), the observation threshold for annoyance in offices is lower than a  $L_{Aeq,8h}$  value of 55 dB(A). In industrial situations, similar percentages of highly annoyed workers occur at equivalent sound levels > 85 dB(A).

Also at the workplace, nonacoustical factors have a large effect on the actual noise annoyance on an individual and on a population level. These factors include the meaning and information contents of the noise (telephone conversations and discussions between colleagues score high), predictability, avoidability, controllability, task demands, and attitudes toward the noise source.

Noise-related annoyance is widespread in present-day society. Even though annoyance as such is not directly invalidating, there are indications that for sensitive individuals or in cases of concurrent exposure to other

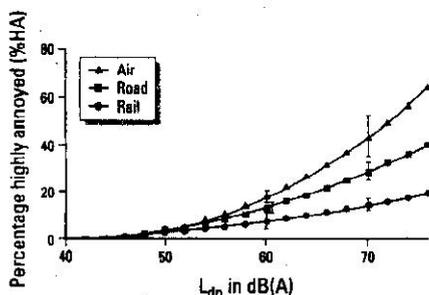
environmental agents or socially distressing situations, more serious health effects can occur [see Figure 2 and a recent report of another International Health Council committee (42)].

### Noise-Induced Stress-Related Health Effects

Reactions to a stressor can be psychological (feelings of fear, depression, sorrow), behavioral (social isolation, aggression, excessive use of alcohol, tobacco, food, drugs), and somatic (cardiovascular, gastrointestinal, respiratory illnesses) in nature. A large number of laboratory experiments [reviewed by Passchier-Vermeer (24)] have shown noise-induced temporal changes in the cardiovascular system. These findings led to several investigations into possible long-term effects associated with noise exposure, e.g., stress-related cardiovascular disorders. In addition, some research has been conducted on the effects of noise exposure on the hormone and immune systems. Effects from occupational or environmental noise on reproduction and development were also studied. High-frequency hearing impairment in babies of mothers exposed to high levels of occupational noise during pregnancy is also considered to be a consequence of a mother's stress induced by exposure to noise during pregnancy (43).

Research into the chronic effects of long-term exposure to noise is complicated because cardiovascular and biochemical changes are nonspecific and a number of other factors may also cause these changes; these factors must be controlled for in research projects. In cross-sectional studies it is difficult to obtain appropriate information about past noise exposure, and longitudinal studies are time-consuming and financially draining. Furthermore there are large individual differences in susceptibility. Also, people intervene in their own situations, e.g., by changing jobs [thus contributing to the "healthy worker effect" (44)] or by moving from noisier surroundings to quieter places. This may result in "noise proof" populations exposed to the higher noise levels (45). Notwithstanding these complications, conclusions on the relationship between noise exposure and cardiovascular disease appear possible from meta-analyses of the available epidemiologic data (6).

**Cardiovascular effects in adults.** Epidemiologic environmental noise studies on changes in blood pressure and increased risk for ischemic heart disease in adults are limited mainly to the effects of road traffic noise, with the exception of a Dutch study on the effects of aircraft noise (46,47). In general these studies demonstrate no obvious effects from noise exposure on mean diastolic and mean systolic blood pressure, but some effects



**Figure 3.** Relationships between the percentage of highly annoyed persons and  $L_{dn}$  for air, road, and railway traffic noise. Each curve has been derived by a multilevel analysis of all studies for which original data were available. The vertical bars at 60 and 70 dB(A) represent 95% confidence intervals [bar at 60 dB(A) for road has been displaced by 0.5 dB(A) for clarity].

were observed in terms of an increase in the percentage of people with hypertension (including those who use medication for hypertension). The observation threshold for hypertension is estimated to correspond to an  $L_{dn}$  value of 70 dB(A) for environmental noise exposure. The Health Council of the Netherlands in 1994 (6) suggested the same observation threshold for ischemic heart disease (Table 1). The relative risks (compared to populations with low environmental noise exposure) for both hypertension and ischemic heart disease for exposure levels above the observation thresholds are estimated to be about 1.5 (48).

In 1997 a Chinese study (49) was conducted among a large sample of more than 20,000 residents in rural communities. The results show that self-reported exposure to noise (unfortunately, exposure was not assessed objectively) is an important determinant of systolic and diastolic blood pressure. Of special interest is the outcome of the recent, unique longitudinal study (50) on the effect of road traffic noise exposure on the incidence of ischemic heart disease. In this Caerphilly and Speedwell study, two cohorts of about 2,500 middle-aged men in the United Kingdom were recruited for a study of the predictive power of already-known and new risk factors for ischemic heart disease. Noise measurements were performed in each of the streets where subjects lived. Even in the highest noise exposure class,  $L_{dn}$  did not exceed 70 dB(A). Statistical analysis on the relationships between incidence of ischemic heart disease (classified in a standardized way) and environmental noise exposure was controlled for potentially confounding factors. The average annual incidence rate of ischemic heart disease appeared to be 1.4% during the second phase of the study (6 year follow-up; mean age of the men, 57 years). If orientation of the living room and the bedroom, window opening habits, and years of residence over 15 years were taken into account, the relative risk for incidence of ischemic heart disease of the highest exposed group relative to the group exposed to levels between 50 and 55 dB(A) was 1.6, which statistically is not significantly different from 1 at the 5% level ( $p < 0.10$ ). This study fits in with the earlier evaluation that above levels of 70 dB(A) there is sufficient evidence for a noise exposure-related effect, and provides no support for lowering the observation level of 70 dB(A) for ischemic heart disease.

Through analysis of twelve studies on the risk of hypertension among occupational noise-exposed workers, the observation threshold for industrial noise exposure was determined to be at most equal to an  $L_{Aeq,8h}$  value of 85 dB(A) (24). No data are available for noise exposure in offices. If annoyance

and stress-related health effects are associated, and taking into account that the observation threshold for annoyance in offices is much lower than that for industrial situations, we hypothesize that the observation threshold for noise-induced risk for hypertension in office workers is about 30 dB(A) lower than that for hypertension in blue-collar workers. The data in more recent publications on cardiovascular effects from exposure to noise are not in disagreement with the previous findings (51-53). However, one must be careful interpreting the results of these studies, as either noise measurements or proper control groups are lacking or the size of populations studied is small.

Only few epidemiologic studies considered biochemical and immunologic effects (54,55). More recently, overnight resting levels of epinephrine and norepinephrine levels were assessed in a study of middle-aged women living in Berlin (56). Significantly elevated levels of norepinephrine were found in women whose bedrooms faced busy streets (> 20,000 vehicles a day) and epinephrine levels were also higher in women reporting high disturbances of communication and sleep under closed window conditions. Some smaller studies in industrial settings showed the effects of wearing personal hearing protection on urinary excretion of catecholamines (epinephrine and norepinephrine) and cortisol (57,58). On the days hearing protectors were worn, urinary catecholamine levels were statistically significantly lower than on days protectors were not worn.

**Cardiovascular effects in children.** Two early studies (59,60) showed an increase in systolic and diastolic blood pressure in children exposed to very high road traffic noise levels or aircraft noise levels. The increases were assumed to be of a transient nature. Recently, Slovakian researchers studied 1,542 children 3-7 years of age in kindergartens (61). The authors observed significantly higher systolic and diastolic blood pressures among children in noisy environments [ $> 60$  dB(A)] compared to those among children in quieter environments. Although the study is carefully designed, the possibility that social class has confounded the results cannot be excluded [see also Lercher et al. (62)]. In the Munich airport study (63,64), schoolchildren were examined during the years Munich airport moved from one location to another. One study location was close to the old airport and another was close to the new airport. The cross-sectional part of the study showed a marginally significant higher systolic blood pressure in children highly exposed at school. Children were matched on socioeconomic characteristics. In the study, neuroendocrine indices of chronic stress (urinary cortisol levels and levels of epinephrine and norepinephrine)

were also examined. Overnight resting levels of epinephrine and norepinephrine levels were significantly higher in children exposed to aircraft noise at the old Munich airport compared to control groups. There were no differences in cortisol levels. After the airport was moved, overnight resting levels of epinephrine and norepinephrine rose significantly among children living under the flight paths of the new airport. Again, no effects were observed on urinary cortisol levels. We propose that this subject be studied further.

**Effects on the unborn child.** Data from older studies suggest that it is possible that when pregnant women are exposed to high levels of aircraft noise [ $L_{dn} > 62$  dB(A)], small reductions in birthweight occur. In a more recent study of 200 Taiwanese women, noise exposure was measured by personal noise dosimeters on three occasions during pregnancy (65). Noise exposure was not related to birthweight after adjustment for social class, smoking and alcohol use, maternal weight gain in pregnancy, gender of the child, and duration of pregnancy. Older and more recent investigations do not show statistically significant effects of occupational or environmental exposure of pregnant women to noise in the course of pregnancy and congenital defects of babies, with the exception of high-frequency hearing damage mentioned at the beginning of this section.

**Absences due to accident and sickness.** Epidemiologic studies suggest that the absentee rate of industrial workers increases when they are exposed to equivalent sound levels during working hours of over 75 dB(A) [CORDIS study, (66)] or over 90 dB(A) (67). The CORDIS study also showed that the number of accidents increases with rises in equivalent sound levels during working hours. Mortality from injury was studied in more than 20,000 steelworkers (68). On the basis of job and workplace information, industrial hygienists estimated noise exposure as high [ $L_{Aeq,8h} > 95$  dB(A)], medium [ $L_{Aeq,8h} 90-95$  dB(A)], low [ $L_{Aeq,8h} 85-90$  dB(A)], and minor. Hearing damage and noise exposure in the high and medium noise classes appeared to be factors that contributed statistically significantly to mortality. The study did not identify the mechanisms behind these findings. Moreover the impact of using personal hearing protectors is unclear. Wearing of hearing protection by workers with substantial noise-induced hearing impairment reduces the possibility of hearing moving sound sources, warning signals, or colleagues shouting and hampers localization of moving sound sources because of reduced capacities to determine the direction of a sound source. Therefore, we hesitate to consider stress as the underlying mechanism for the increase in mortality.

### Sleep Disturbance

Sleep is a recovery process essential for humans to function properly. In addition, people like to sleep and usually consider a good night's sleep to be an important aspect of an individual's quality of life. Deleterious health effects are expected from chronic noise-induced interference with sleep, as it impairs the functions of sleep such as brain restoration and provision of a period of respite for the cardiovascular system (69,70). In addition to the physiologic aspects of a noise-induced reduction of sleep quality, night-time noise exposure of sufficient intensity (Table 1) is also related to subjectively experienced sleep quality (71). Reduced sleep quality also interferes with daytime functioning and can have adverse effects on mood next day and possibly on vigilance and cognitive performance.

Sleep quality can be quantified by subjective and objective methods. The most commonly applied subjective methods are self-reporting using sleep logs or diaries and, to a lesser extent, behavioral observations. The most commonly used objective methods are electroencephalograph (EEG) recordings and actimetry. In field studies on noise-induced sleep disturbance subjects usually wear watchlike actimeters for movement detection at their wrist. Sleep quality may be adversely affected by

- changes in the cardiovascular system;
- changes in sleep pattern such as increased sleep latency time and reduced sleep time because of premature awakening;
- changes in sleep stages from deeper to less-deep sleep;
- increases in motility during the sleep period;
- increases in number of awakenings during the sleep period;
- changes in subjectively experienced sleep quality; and
- changes in the hormonal and immune systems.

Present knowledge about the relationships between awakening and exposure to single noise events indicates that habituation or adaptation occurs. This insight is not new. Cohen stated in 1968 [in Ward and Fricke (2)] that

Aspects of adaptation to noise with regard to sleep disturbance also need to be evaluated. Common experience has found that the city dweller, frequently encountering significant levels of outdoor and indoor noise, becomes accustomed to such exposures and can sleep in their presence. The same individual vacationing in the quiet atmosphere of the country finds it difficult to sleep because of the background of cricket noise. The degree of familiarity or meaningfulness of the noise has a considerable effect on its disturbing quality.

From the epidemiologic studies there appears to be sufficient evidence for a causal relationship between exposure to night-time noise and changes in sleep pattern, sleep stages, awakenings, subjective sleep quality, heart rate, and mood the next day (6). Observation thresholds for these effects are given in Table 1. Evidence for other effects is limited (hormone levels and performance the next day) or inadequate (immune system). Exposure-response functions have been derived from field studies for only some of these effects, among others or reduction of subjective sleep quality and increase in number of awakenings during sleep period time. The relationship between the risk of awakening and exposure to night-time environmental noise is established only for single noise events, with exposure specified by the indoor SEL values of the events.

An international group of experts who were convened in 1997 by the Health Council of the Netherlands assessed the observation threshold for awakening due to single noise events at the lower indoor SEL value of 55 dB(A) (Table 1) instead of 60 dB(A) (8). This change reflected improved knowledge of the transfer functions of SEL values measured outdoors compared to those measured indoors in some of the underlying studies. Using the relationship between indoor SEL value and the risk of awakening due to single noise events, the expected maximal number of awakenings per year in an adult habituated to night-time noise exposure was estimated as a function of the equivalent sound level during the night. The latter quantity was calculated from the number of single noise events during the night and their indoor SEL values (8). The result, which represents a worst-case situation, is depicted in Figure 4.

Apart from the direct effects of night-time noise on sleep, various authors point to the importance of the impact of sleep disturbance on quality of life, including such factors as somatic health and annoyance. Such observations had already been made in the 1950s. Cohen, referring to a paper of Borsky from 1958, states

Field studies have shown that much greater annoyance results when sleep and rest are disturbed than when only talking or listening activities are interrupted. This finding plus the health significance attributed to rest and sleep suggest that criteria for annoyance be based on noise-induced disturbances to sleep. [in Ward and Fricke (2)]

Babisch et al. reported larger overnight changes in epinephrine levels in subjects reporting high disturbance of sleep than in those without severe complaints (56). Another study showed that psychosocial

well-being of subjects exposed to high levels of road traffic noise was not related to day-time noise exposure but to night-time equivalent sound level in the bedroom and to subjectively experienced sleep quality (71).

Although in the 1990s several field studies were started (72) or completed (73-76), there still is an urgent need for a tested model on sleep disturbance, environmental noise exposure, and secondary effects, in which causal and modifying factors and their mutual relations are assessed.

### Effects on Performance

There is overwhelming evidence from laboratory experiments that the presence of uncontrollable noise can significantly impair cognitive performance. Noise can induce learned helplessness, increase arousal, alter the choice of task strategy, and decrease attention to the task. Noise may also affect social performance, mask speech and other sound signals, impair communication, and distract attention from relevant social clues. Adverse acute effects already have been assessed at low levels. Performance of a task involving motor and monotonous activities is sometimes not only is not decreased, but on the contrary, is enhanced.

Two older epidemiologic studies have shown that schoolchildren when exposed to high levels of traffic noise show impairments in performing cognitive tasks (59,60). The observation threshold derived from these data is 70 dB(A) (expressed in  $L_{Aeq,schoolhours}$ ). More recently this subject has received renewed attention (64,77-78). In the Munich airport study mentioned previously, reading comprehension and long-term memory were impaired in children attending schools located around the old Munich airport and reading comprehension improved after the closing of the airport. However, reading comprehension deteriorated in children subjected to aircraft noise exposure near the new Munich airport. Recently, in the United Kingdom a field study with tests repeated annually was conducted to assess whether the association between aircraft noise exposure and reading comprehension was mediated

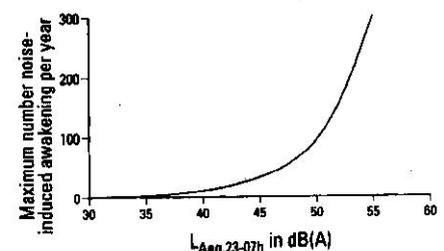


Figure 4. The maximum number of awakenings per year as a function of the outdoors night-time equivalent sound level (8).

through sustained attention and whether it was confounded by social deprivation and language spoken at home. The 340 children who participated were about 9 to 10 years of age. They attended a school classified either as a high-noise school [ $L_{Aeq,16h} > 66$  dB(A)] or as a low-noise school [ $L_{Aeq,16h} < 57$  dB(A)]. There appeared to be a high correlation between the noise at school and the aircraft noise exposure at home. Results show that the average reading comprehension of children attending the high-noise schools was poorer at both measuring times compared with that of children from the low-noise schools. Sustained attention, measured only at follow-up, was poorer in children at the high-noise schools than in children at the low-noise schools. Sustained attention did not play a significant role in explaining the relation between reading comprehension and aircraft noise exposure. However, if adjustments are made for age, main language spoken at home, and social deprivation, the differences in reading comprehension failed to be significant. These results are not in disagreement with the 1994 evaluation (6) leading to an observation threshold of 70 dB(A) (expressed in  $L_{Aeq,schoolhours}$ ), but setting the threshold at a lower level does not appear to be warranted. Given the possible long-term consequences of cognitive effects in children, we feel that further research into mechanisms and contributing factors is urgently needed.

### Noise Metrics and Noise Limits for Health Protection

Several biophysical quantities to represent noise exposure were introduced in the section "Characterization of Noise Exposure." Exposure quantities are not only of scientific interest, i.e., for recording data and communicating research results; policymakers and risk managers need exposure quantities to judge the necessity of taking protection or mitigation measures and to evaluate the effectiveness of such measures. Criteria for noise exposure metrics to be used in health and environmental policy (8) are that they should be a) relatively simple to determine or measure; b) transparent with respect to exposure-response relationships; c) correlated with health effects on a population level; d) applicable to all outdoors noise sources; e) universal; and f) communicative. In practice it appears almost impossible to derive a single metric and at the same time fulfill all these criteria because noise sources, noise characteristics, and exposure situations differ extensively.

One application of noise metrics is to set exposure limits. Because such limits are intended for health protection it is essential that the science policy decisions made to derive the metrics be known to the policymaker.

### Noise-Induced Hearing Impairment

Sound exposure measures were already being proposed in the 1960s and 1970s that would apply to a variety of settings and, if an exposure-response relationship were known, would be a good predictor of effects to be expected for any case at the population level. A good example is the equivalent sound level over an 8-hr work period ( $L_{Aeq,8h}$ ), which correlates well on a population level with noise-induced hearing impairment. Confidence in the exposure-response relationships is such that they have been standardized by ISO (22). This is reflected in policy debates; such debates focus on the measures to be taken if certain exposure levels are exceeded, and not on the validity of the exposure-response relationships.

A value of  $L_{Aeq,8h}$  of 85 dB(A) (sometimes lower) has been almost universally adopted as a limit for unprotected occupational noise exposure, with additional requirements for personal hearing protection above this value (79). However, among workers exposed to an  $L_{Aeq,8hr}$  value of 85 dB(A), some noise-induced hearing impairment will occur. Given such exposure over a lifetime in a job, a hearing impairment at 4,000 Hz of about 5-10 dB is estimated for most workers, although for those persons highly sensitive to noise, noise-induced impairment is considerably greater. This implies that a lifetime of exposure to 85 dB(A) of occupational noise will slightly increase the risk for a hearing handicap in a small proportion of exposed persons.

We concur with the suggestion to use the equivalent noise level over a period of 24 hr, to set targets for the exposure during the full 24-hr day for protecting the hearing of the general population (80). Setting such targets appears to be warranted, given the increasing number of noisy activities and exposure duration, such as loud music in cars, the use of portable music cassette and CD players, and the playing of loud computer games at home and in arcades.

### Annoyance and Stress-Related Disorders

Metrics such as  $L_{Aeq,24hr}$ ,  $L_{dn}$  and  $L_{den}$  came into use several decades ago (3,4) to regulate general annoyance. Recently, an international group of experts convened by the Health Council of the Netherlands again studied specification of a biophysical metric to express noise-induced general annoyance for public health purposes (8). The Health Council committee agreed on adjustment factors to be applied to the metrics to account for differences in annoyance related to the tonal and impulse characteristics of noise. The committee extensively debated the choice between  $L_{den}$  and  $L_{dn}$ . Analysis of available data indicated that for road traffic noise, general annoyance is estimated from  $L_{den}$  with smaller

confidence intervals than those from the other metrics. However, a decision based on statistical grounds could not be made (81). Because from a policy viewpoint, using  $L_{den}$  would result in somewhat more plausible protection and mitigation measures, the committee finally expressed its preference for this metric. In Europe  $L_{den}$  may become the future noise metric to represent general noise-related annoyance (82).

When using the adjusted  $L_{den}$  levels, the exposure-response relationships are statistically significantly different for different modes of transport. One might envisage performing a further adjustment that would result in a single relationship for all types of transportation noise and possibly industrial noise; in fact recommendations for such a further integration were made in the Health Council report (8). We strongly support such a development that would require standardization of the noise exposure-general annoyance relationship; basic data for reaching that goal are presently available (36). The final step to representing general annoyance with a universal noise metric would be a procedure to combine concurrent noise exposures from different sources. This step requires further research, as limited data have been published on exposure to two or more sources at the same time. However, in most practical situations exposure from one source will dominate.

A question arises about whether noise abatement policies based on the adjusted  $L_{den}$  are also effective in reducing the prevalence of other noise-induced health effects such as hypertension, ischemic heart disease, and cognitive performance in schoolchildren. Although this appears to be plausible, further study is needed.

A cautionary remark is in order here. As previously indicated, many other factors in addition to noise exposure influence noise-related health effects on a population level. The exposure-response relationships between, for example, the percentage of highly annoyed persons and  $L_{den}$  should be used for policy guidance rather than to obtain accurate predictions of effects expected in specific situations. However, the quantitative relationships presented here are the best science has to offer today and appear to be rather robust.

### Sleep Disturbance

There appears to be consensus that for protection against sleep disturbance a separate night-time noise exposure metric is required, even though limiting exposure using  $L_{den}$  or a similar 24-hr metric would also provide some limitation of night-time noise exposure. The Health Council committee report (8) mentioned previously proposed the night-time equivalent sound level (see Figure 4). A

science policy question arises about whether the worst-case approach in converting SEL to  $L_{Aeq,23-07h}$  is acceptable in policy situations. In specific situations, for example, populations in the vicinity of large airports, economic consequences of the noise abatement measures may be severe, although from a health protection viewpoint using the equivalent sound level could be defended.

## The Way Ahead

In addition to natural sounds, speech, and music, noise is widespread and becoming more so in our present day society. Major factors are the increase in motorized traffic, apparent preferences for noisy leisure and recreational activities among large groups in industrialized societies, and increasing urbanization, particularly in the Third World, resulting in megacities where high noise levels 24 hr a day have become commonplace. Although at the beginning of the 1960s the major effects of noise exposure were already known, at the beginning of the 21st century noise exposure still is a major public health problem. Given our view that knowledge about effective noise abatement measures for public health protection has been available for decades, solving the problem appears now to be primarily in the hands of policymakers. In addition to regulatory measures, activities in the realm of health education with respect to the impact of noise exposure in everyday life appear to be warranted. Concerns are increasing that noise-induced hearing loss is not only an occupational risk but may become an environmental risk as well.

Science still has important contributions to make. We mentioned in the previous section the study of policy-relevant metrics, for which more insight in the exposure-response relationships for different types of noise and exposure settings is required. The modifying influence of nonacoustical factors is of utmost importance, as these influences may to a large degree determine the effectiveness and efficiency of noise abatement measures directed at reducing effects other than noise-induced hearing impairment. This is obvious in the case of environmental exposures, but it may also be relevant for the workplace, for example, the possible differences between observation thresholds for cardiovascular disorders in white and blue collar workers mentioned previously.

We believe that two subjects should be priorities in research: the study of cardiovascular effects and the underlying mechanisms and the study of the effects of noise on children. Attention to effects on children is particularly urgent, as such effects in terms of years of life with a reduced quality of life or a handicap are greater for children than for adults.

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80. It would be worthwhile to study whether metrics related to annoyance, such as  $L_{den}$ , might also be instrumental in preventing hearing impairment among the general population. The problem here is that a metric like  $L_{den}$  is location specific (usually specified in front of the facade of a building), whereas metrics to prevent hearing impairment are person specific and should give the noise exposure at the ear.
81. On average the differences between  $L_{den}$  and  $L_{dn}$  are only marginal. By analyzing over 60,000 situations with road, railway, or aircraft noise, the average difference between  $L_{den}$  and  $L_{dn}$  appeared to be less than 0.5 dB(A). In specific situations, however, the difference may be substantially larger.
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**2021 SCC OnLine NGT 3**

**In the National Green Tribunal<sup>±</sup>**

(BEFORE ADARSH KUMAR GOEL, CHAIRPERSON AND SHEO KUMAR SINGH, MEMBER (JUDICIAL),  
DR. NAGIN NANDA, MEMBER (EXPERT))

Westend Green Farms Society ... Appellant;  
*Versus*

Union of India and Others ... Respondents.  
Original Application No. 400/2017 and (With report dated 02.02.2021)  
Decided on February 4, 2021

Advocates who appeared in this case:

Mr. Sumit Gahlawat, Advocate for the Appellant;  
Mr. Anuj Bhandari, Advocate for CPCB.

**ORDER**

1. This order is being passed in continuation of order dated 20.12.2019 on the subject of compliance of environmental norms by restaurants/hotels/motels/banquets etc. in terms of earlier orders of this Tribunal.

2. Vide order dated 02.11.2018, the Tribunal considered grievance against the violation of environmental norms, including solid waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of consents where such consents are granted, **by the restaurants/hotels** also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The Tribunal found violations on the basis of material on record and directed remedial action. Directions of the Tribunal *inter-alia* included:

- " (i) *Compilation of data of all such places where marriages and functions take place which should be published and appropriately regulated.*
- (ii) *Regulate noise level at above places as per laid down norms. This includes regulation of DJ sets, loudspeakers and crackers etc.*
- (iii) *Compliance of Solid Waste Management Rules, 2016, and sewage discharge including decentralized waste processing facilities, installation of CCTV camera, GPS system in garbage collection vans etc.*
- (iv) *Regulation of extraction of groundwater as per applicable guidelines, sealing of tube wells including those installed for swimming pools in violation of law, need for reuse of water for flushing, Plantation or gardening.*
- (v) *Rain Water Harvesting by installing roof top harvesting systems.*
- (vi) *Regulating size of gatherings on the concept of sustainable development in the light of carrying capacity of the area.*
- (vii) *Prohibiting such activities in overcrowded places not having adequate parking or other facilities.*
- (viii) *Action against unauthorized construction or unauthorized use without statutory clearances prohibiting and stopping any existing or future activities non-complying with above norms and also taking penal action where ever necessary.*
- (ix) *Environment restoration and compensating victims of violation of law in relation*

to Noise Pollution, Air Pollution, Water Pollution, Master Plan etc. The action plan must involve all stakeholders, particularly the students and senior citizens. The Joint Committee will have authority to close polluting activity and remove every illegal structure. The Committee will also look into the allegations whether members of the applicant are running swimming pools by illegally drawing groundwater without requisite valid sanctions and drawl of ground water from critical or overexploited areas, without any mechanism for ground water harvesting and recharge. If so, remedial action must be taken forthwith."

4. Further orders were passed on 08.03.2019, 08.07.2019, 19.09.2019. Thereafter, comprehensive review of the matter was undertaken on 20.12.2019 in the light of action taken report filed by the Delhi Government on 17.12.2019 and affidavit filed by the MoEF&CC on 16.12.2019. **The Tribunal directed framing of guidelines by the CPCB as indicative minimum norms for being followed throughout India in the interest of protection of environment and public health.** The said order is extracted below:

"13. We may now refer to the affidavit filed by the MoEF&CC which in turn refers to the guidelines prepared by the CPCB in respect of (a) Monitoring mechanism (b) Coercive measures in case of violations (c) Siting guidelines and (d) Mitigation measures as guided by NGT in para 12 of the order dated 19.09.2019 read with action in para 9 of the order dated 19.09.2019. It is further stated that the Ministry is yet to finalize the mechanism after further consultations. Without obstructing further study, we are of the view that the mechanism needs to be acted upon in light of Water Act, Air Act and EP Act and rules framed thereunder and further observations in this order, till the same is revised in the light of further study. The mechanism suggested is as follows:

**"3.0 Mechanism/Guidelines/Mitigation measures**

The mechanism for control of control of pollution and enforcement of environmental laws based on the various environmental issued identified in section 2.0 is enumerated in this section.

**3.1 Water Pollution-**

**(i) Effluent Treatment Plant**

- a. The unit shall furnish a copy of agreement made with the water supplier while applying for consent to operate. The outsourcing water supplier should have permission from the competent authority to draw ground water.
- b. The units shall provide effluent/sewage treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, cooling water makeup, boiler, floor washing, gardening and other non-potable purposes.
- c. Most of the bigger ceremonial halls and star hotels are treating only waste water generated from kitchen and laundry. Untreated domestic sewage is discharged directly into sewer without treatment. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP in case of such bigger units.
- d. Treated effluent water from ETP installed should meet Environmental Standard notified by the MoEF&CC vide GSR794(E) dated 04.11.2009 and reproduced as under.

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface	On land irrigation

		water	
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m <sup>2</sup> or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

- e) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC.
- f) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.
- g) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
- h) The units should mandatorily obtain all consents, permissions and approvals required for ETP from the local Agencies.

**(ii) Ground water extraction:**

- a) Necessary permission should be obtained from concerned Authorities for extraction of groundwater.
- b) SPCB/PCC to take action against units for unauthorized or illegal ground water extraction without proper permission from concerned Authorities.

**(iii) Water Conservation Measures**

- (a) Maximize reuse of treated water for non-potable purpose.
- (b) All the units to furnish monthly report return showing the quantity of water consumed and its reuse in different purpose to the concerned SPCB/PCC.
- (c) Installation of Rain water harvesting systems must be installed in consultation with the Experts.
- (d) Using water-efficient fixture such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.

**3.2 Air Pollution-**

**(i) Gensets and Fuel**

- a) The unit shall provide stack for the emissions from the generator sets so as to ensure that the emissions satisfy the standards prescribed by the Board. The unit shall also provide acoustic measures for the Gensets to meet the noise level standards prescribed for residential area.
- b) Banquets halls shall use approved fuel (e.g. LPG, PNG, Charcoal for tandoor etc.). Preference be given to gas based hot water generator and boiler over oil fired/coal fired boiler. Hybrid type hot water generator by using solar water heater be encouraged.
- c) Conventional water heating systems be replaced in a phased manner and solar water heating system be installed.
- d) The units shall properly channelize the fugitive emissions including

emissions from cooking & kitchen operations by providing proper ducting/hood arrangement and proper exhaust system and emissions shall be discharged at least 2 meter above the roof of the building.

#### **Energy Conservation Measures**

- a) Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrids system or fully solar system for a portion of the unit shall be provided.
- b) Use of inverters instead of Diesel Generation Sets be preferred.
- c) Use of glass may be reduced to reduce the electricity consumption and load on air conditioning. High quality double glass with special reflecting coating in windows shall be used.
- d) Bulbs will be replaced by low-watt fluorescent light and fluorescent lighting be used as much as possible.

#### **Consent to establish and Consent to operate**

- a) As per the Water Act 1974 and Air Act 1981, it is mandatory to obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/cluster of restaurants/hotels/motels/banquets etc.) from the concerned SPCB/PCC.
- b) Further, the SPCB/PCC may direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
- c) The SPCB/PCC may workout and fix the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

#### **3.3 Solid Waste Management**

- (a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules.
- (b) As per clause 3(8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following:
  - 13(1)(d) Store horticulture waste and garden waste generated from such premises separately in within the own premises and
  - 13 (2) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.
  - 13 (8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The biodegradable waste shall be processed, treated and disposed off through composting or bio methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.
- (c) The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.

- (d) The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected properly and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.
- (e) The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste.

### **3.4 Noise pollution**

- (a) The unit shall obtain permission from designated authorities as per provisions of Noise Rules 2000.
- (b) The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.

### **3.5 Infrastructure issues/Parking Problems & Other Requirements Project Area/Building Plan**

The units have to pay conversion charges to Local Authorities for running banquets and have to come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly, the following to be complied with:

- (a) Building plans to be approved by concerned authorities. Local Authorities be directed to review the adequacy of infrastructure for existing units for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area. Adequate infrastructure arrangements may be made for them in the area by municipal corporations.
- (b) Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required-traffic, parking, etc. -such banquet halls may be shifted out of the area.
- (c) The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies.
- (d) To create buffer zone, the unit shall develop green belt on its premises which shall consist of trees with thick canopy cover and ornamental shrubs in between them. The unit shall furnish the green belt development plan, which includes the number and type of species to be planted and topo sketch for plantation while applying for consent to operate. The STP sludge and manure coming from the bio-composted organic waste shall be used for green belt development.

### **4.0 Conclusion**

- a) The units to take necessary Consents from SPCBs/PCC as per provisions of EP (Act) 1986 and the Rules framed thereunder.
- b) All the units may be asked to submit an environmental statement for the unit for the financial year ending 31st March on or before the 30th April of every year before the Local Authority and Administration.
- c) The Banquet halls to take measure to conserve water and minimize generation of waste on the premises.
- d) Beside consents, the establishments should mandatorily obtain permissions/clearances like permission for ground water extraction, approval of building plan, fire safety clearance, etc and comply with all other requirements as mandated by the State Authorities from time-to-time.
- e) Most of the banquet halls come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a

fire hazard etc. Local authorities to review the adequacy of infrastructure for existing banquet halls for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area.

- f) Municipal corporations may be directed to ensure that these banquet halls are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required - traffic, parking, etc. - such banquet halls may be shifted out of the area."

XXX .....XXX .....XXX .....

18. ... Thus, adequate statutory framework is available. Still, challenge is posed by polluting activities **in absence of proper enforcement and monitoring** which need review from time to time. It may be noted that this Tribunal is faced with **acknowledged serious violations in the form of non-compliance of Waste Management Rules (O.A. No. 606/2018), non-compliance of requirement of sewage treatment as well as effluent treatment (O.A. No. 593/2017, Paryavaran Suraksha case). The result is that 351 river stretches are declared to be polluted (O.A. No. 673/2018), 122 major cities are declared to be non-attainment cities in terms of air quality norms (O.A. No. 681/2018)<sup>1</sup>, 100 industrial clusters are declared polluted based on CEPI assessment (O.A. No. 1038/2018). There are issues with regard to illegal extraction of groundwater (O.A. No. 176/2015), absence of rain water harvesting systems (O.A. No. 496/2016), noise pollution (O.A. No. 519/2016), protection of water bodies (O.A. No. 325/2015), reuse of treated water (O.A. No. 148/2018), regulating operation of national highways to avoid traffic congestion (O.A. No. 386/2016), controlling number of vehicles consistent with carrying capacity to deal with the problems of parking and congestion leading to damage to the environment (O.A. No. 568/2016).**

The issue in the present case has surfaced in the context of operation of establishments where **large congregations take place for marriages or other functions**. In absence of clear strategies, compliance of environmental norms remains a challenge as pointed out in the earlier orders. This necessitates well thought out strategies within the existing statutory framework.

19. Needless to say that compliance of environmental norms cannot be wished away as such norms are **overarching requirement for any activity having potential for generation of liquid effluents, gaseous emissions or otherwise affecting the environment**. Apart from the licensing provisions for **fire safety, building safety, etc. which may be dealt with by a Development Authority and/or a Local Body, the Regulatory Bodies under the Water Act, the Air Act and the EP Act must enforce the environmental norms to ensure that water and air pollution are prevented and environment is not degraded**. Apart from statutory regulators under the Water, Air and EP Acts, several other statutes including municipal laws provide for enforcement of statutory norms by local and other authorities. By way of an example, local bodies grant clearance to buildings even with reference to environment norms in terms of applicable statutory provisions. **Article 243W read with Schedule XII (Entry 8) to the Constitution specifically provide for dealing with certain environmental issues by the local bodies**. For successful functioning of such authorities, it is necessary that an environment cell comprising qualified person for the purpose of enforcement and vigilance is set up by every such authority. **There is no reason why municipal corporations should not have such cells wherever such 'cells' do not exist**

*so far. This may be ensured within next three months and such information may be compiled by PCBs/PCCs and furnish to CPCB. As already observed in the earlier orders, any place where social gatherings take place having such potential needs regulatory mechanism which has to continuously evolve and needs to be enforced. The existing mechanism has to be reviewed periodically. Whenever any violations are alleged, the same need to be looked into.*

20. In this background, guidelines prepared by CPCB cover the requirement of monitoring mechanism by providing enforcement of consent requirement and laying down suitable conditions for such statutory consents which can take care of necessary mitigation measures including siting guidelines and coercive measures for enforcement. The guidelines have been quoted above in para 13. Apart from the said guidelines, the Urban Development Department of Delhi has suggested action plans for **compiling data for such functions are held, constituting monitoring teams, installation of CCTV cameras, GPS system in garbage collection vans, regulating size of gatherings as per capacity of the area, restricting number of persons, fire safety devices, steps to control traffic congestion, regulating quality and quantity of food.** Additional measures have been suggested by DPCC in connected matters listed today being O.A. No. 1008/2018, Deepak Datta v. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations v. Govt. of NCT of Delhi, referred to in Para 14 above. CPCB may consider the said suggestions and incorporate the same in its draft guidelines to the extent not already included but found relevant for application pan India.

21. We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that **no project should commence its establishment without such consent from PCB/PCC.** Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of **carrying capacity of the area to take such additional project, siting norms, inter se distance of such projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated authority for ground water drawal.** Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

**Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment.**

**Stringent norms need to be worked out for controlling and regulating parking of vehicles, used by the organizers and guests in functions as well as parking of vehicles generally on roads and public places adding to the air pollution. This includes regulation of pick and drop activities.**

**Use of DJ systems must be fitted with noise limiters and data loggers and be operated within sound proof halls within prescribed noise limits without its effect being felt outside.**

Environment protection measures require that number of vehicles in any city/area must be limited to the available capacity for parking. **All public places**

**and roads cannot be converted into parking places** without any regulatory measures. Planning on this aspect is a condition precedent for compliance of environmental norms. Parking can be allowed only at designated places. Stringent measures must be taken by statutory authorities including the Traffic Police against any such parking. In this regard, vide order dated 19.01.2015 in O.A. No. 21/2014, *Vardhaman Kaushik v. Union of India*, it was observed:

".....It will be ensured that stagnation of vehicle and traffic congestion are avoided particularly by prohibiting parking on the main roads or any parking area on the metalled roads. We direct all the SHOs concerned, the Traffic Police and the concerned Corporation to ensure compliance of these directions without any default. There will be complete prohibition of parking of any cars on the metalled roads and the corporation would take strict action against the persons who violates it. This shall include payment of Rs. 1000/- per car on account of compensation for degradation of environment and its restoration. This would also be charged on the cars, which are parked on the metalled roads."

The above direction must be enforced not only for Delhi but atleast for 122 non-attainment cities in the country. The Transport Departments of all the States/UTs may assess the available parking capacities in the said 122 cities and determine the number of vehicles which can be accommodated in terms of parking space available in the said cities. In case the number of vehicles exceed the capacity, there should be action plans for providing adequate additional parking space. **If it is not possible, the number of vehicles to be registered must be curtailed by using appropriate economic disincentives or otherwise and alternative provided to the citizens in the form of public transport system.** If these steps (declaring the capacity of number of vehicles and designating parking spaces, prohibiting unregulated parking at public places) are not taken, this Tribunal may have to take coercive measures for protection of environment including direction for limiting registration of any new vehicles in the said cities.

The establishments where social functions are held must notify the designated places where vehicles are to be parked and number of vehicles are allowed. The organizer of a function must ensure and give an advance undertaking that the number of guests invited have been informed about the extent of parking facility available. **In any case, no vehicle be allowed to be parked at public places. The owner of the property will be liable for any default.** These regulatory measures are necessary to avoid inconvenience to general public and compliance of environmental norms which are part of right to life.

**CPCB may finalize guidelines after considering these observations within one month and circulate the same to all the States/UTs to serve as indicative minimum norms.** It is open to all the States/UTs to further add to such norms without diluting the same. The States/UTs may implement the same and furnish a compliance report to CPCB within three months. Any non-compliance may result in coercive measures being adopted by this Tribunal. CPCB may compile the information received from the States/UTs and furnish a consolidated report to this Tribunal before the next date. As far as Delhi is concerned, as directed in O.A. No. 1008/2018, *Deepak Datta v. Govt. of NCT of Delhi* and O.A. No. 515/2019, *President Bhudhela Welfare Associations v. Govt. of NCT of Delhi*, DPCC may lay down and enforce the suggested norms immediately pending further revision in the light of comprehensive guidelines of CPCB."

5. Finally, the matter was considered on 23.07.2020 in light of the earlier proceedings as follows:

"7. In view of above, **let all the States/UTs take further steps in the matter of adopting and enforcing the CPCB guidelines to ensure sustainable use of**

**water, solid and liquid waste management and compliance with the statutory environmental norms under the Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act, 1986 ('EP Act, 1986') including the Noise Pollution (R&C) Rules, 2000, providing for adequate parking facilities and having adequate stack heights for the DG Sets. Compliance of such norms must be overseen by the statutory regulatory authorities, including the Local Bodies, the State PCBs/PCCs and, wherever there is violation, stringent action must be taken by way of stopping the non-compliant activities, initiating prosecution and recovering compensation on "Polluter Pays" principle. This is necessary to enforce the right of citizens to clean environment, which is part of right to life.**

8. We have also perused compliance report filed by the Delhi Government which mentions steps taken so far. The report mentions that the Delhi Government has adopted the CPCB guidelines and started its implementation by way of recovering environmental compensation and stopping the non-compliant activities.

9. **Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be further followed up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.**

**The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more such sittings be held at suitable intervals so as to avoid delay in compiling relevant information."**

6. Accordingly, the CPCB has filed its consolidated report dated 02.02.2021 to the effect that information was sought from all the State PCBs/PCCs vide letter dated 11.08.2020. A video conference was held on 24.08.2020 but only eight States have furnished the information which is also not complete. The issue of compliance status in different States, to the extent of information available, has been filed. Followings conclusions/remarks have been given:

#### **"4.0 Conclusion/Remarks**

As most of the SPCBs & PCCs could not submit the Quarterly Report to CPCB in compliance with Hon'ble Tribunal's Order; it is difficult to interpret the status of the enforcement of the Environment Norms for such type of establishment for entire country. However, after reviewing the data received from above 08 no. SPCBs, following recommendations have been made:

- **All the States/UTs should have/develop proper Mechanism/Guidelines for control of pollution and enforcement of Environmental Norms in marriage halls, banquet halls, party venues etc. along with consent management system.**
- **ETP must immediately be installed at all big units which are not connected with the sewer lines and should meet compliance and rainwater harvesting systems be widely adapted for sustainable use of water.**
- **All the units having kitchen should have proper ducting arrangement. The units using DG sets must have the proper stack height.**

- **Units having kitchen, installation of composting facility should obviously get priority for proper management of the solid waste and fruitful use of resources so that manure or energy may be obtained and utilized suitably.**
- **As per provisions of the Noise Pollution (R & C) Rules, 2000, permission may be obtained from concerned Authorities by the units; but, SPCBs/PCCs should follow-up to keep the information with them also as to strengthen control of noise pollution at/from the units.**
- **It is also observed that, huge no of units have no adequate space at their parking site and even most of them do not possess own parking facilities. The existing units should find out the alternate facility and same be mandatory for the new units.**
- **All SPCBs/PCCs should expedite for development of aforesaid Mechanism/Guidelines and update the information as per prescribed format."**

7. As noted in the order of this Tribunal dated 23.07.2020,<sup>2</sup> all the State/UTs have to take further steps for enforcing the CPCB guidelines with a view to ensure compliance of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The operative part of the guidelines is quoted below for ready reference:

**Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc.**

**1.0 Background**

XX XX XX

**2.0 Major Environmental Issues related to marriage halls, banquet halls, party venues**

XX XX XX

**2.1 Water Pollution**

XX XX XX

**2.2 Air Pollution**

XX XX XX

**2.3 Solid Waste Management**

XX XX XX

**2.4 Noise pollution**

XX XX XX

**2.5 Infrastructure issues related to parking etc.**

XX XX XX

**3.0 Mechanism/Guidelines/Mitigation measures**

XX XX XX

**3.1 Water Pollution**

**(i) Effluent Treatment Plant**

XX XX XX

**(A) Eateries/restaurants along roadside having minimum seating capacity of 36 numbers.**

XX XX XX

**(B) Effluent discharge norms for hotels**

XX XX XX

**(ii) Ground water extraction**

xx xx xx

**(iii) Water Conservation Measures**

xx xx xx

**3.2 Air Pollution****(i) Gensets and Fuel**

xx xx xx

**(ii) Energy Conservation Measures**

xx xx xx

**(iii) Consent to establish and Consent to operate**

xx xx xx

**3.3 3.3 Solid Waste Management**

xx xx xx

**3.4 3.4 Noise pollution**

xx xx xx

**3.5 3.5 Infrastructure issues & Other Requirements**

xx xx xx

**5.0 Conclusion**

- a) Individual units to provide necessary facilities for control of air, water & noise pollution, solid waste management, etc as enumerated in the previous sections.
- b) Individual units to take necessary approvals from the concerned authorities as listed below:
  - Consent to Establish under Air/Water Act
  - Consent to operate under Air/Water Act
  - Permission for concerned Authorities accordance with provisions of Noise Rules
  - Permission for Ground Water Extraction from concerned Authorities, if required
  - Building Plan Approval from concerned Authorities
  - Fire Safety Certificate/NoC from concerned Authorities
- c) Local Authorities to ensure provision of adequate common facilities for water pollution, solid waste management, parking etc
- d) The State Board to have robust monitoring mechanism to evaluate compliance with norms of such units atleast twice a year. As per NGT Directions, SPCBs/PCCs are required to submit compliance report to CPCB as per the enclosed format (Annexure I)."

8. In view of above, the recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs needs to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space. Without such safeguards, no consent should be given or renewed even in respect of the establishments already setup. This may be strictly ensured by the State PCBs/PCCs and further overseen by the CPCB by laying down a compensation regime against the violating establishments as well as for erring State PCBs/PCCs. As already directed in the order dated 20.12.2019<sup>3</sup> quoted above that the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for

ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment. Information as to any particular establishment has been given consent and is compliant or not should be placed on the website of the PCB/PCC as well as the establishment concerned for information of the concerned public. Placing such information in public domain will be one of the conditions while granting consent and failure of placing such information in public domain may render the consent granted to any establishment being withdrawn.

9. Since we have considered the consolidated report of the CPCB in terms of earlier directions, it is not necessary to refer to the reports filed by some individual States/PCBs/PCCs.

The application stands disposed of

A copy of this order be forwarded to the CPCB, Chief Secretaries of all States/UTs and all PCBs/PCCs by e-mail for compliance.

1 Principal Bench, New Delhi.

1 [https://cpcb.nic.in/uploads/Non-Attainment\\_Cities.pdf](https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf) and  
<https://economictimes.indiatimes.com/news/environment/pollution/20-more-cities-added-to-cpcbs-polluted-list/articleshow/70721767.cms?from=mdr>

2 Para 7 of order dated 23.07.2020

3 Para 21 of the order

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## THE SARÁÍS ACT, 1867

ACT NO. XXII OF 1867<sup>1</sup>.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.  
(Received the assent of the Governor General on the 15<sup>th</sup> March 1867.)

*An Act for the regulation of public Saráis and Puraos..*

**Preamble.**—WHEREAS it is expedient to provide for the regulation of public Saráis and Puraos; It is hereby enacted as follows :—

1. [*Repeal of Bengal Regulation 14 of 1807, section 11. Clause 5.*] Rep. by the Amending Act, 1891 (12 of 1891)

2. **Interpretation clause.**—In this Act, unless there be something repugnant in the subject or context,—

“**Sarái.**” —“Sarái” means any building used for the shelter and accommodation of travellers, and includes, in any case in which only part of a building is used as a Sarái, the part so used of such building. It also includes a Puraos so far as the provisions of this Act are applicable thereto:

“**Keeper of a Sarai.**” —“Keeper of a Sarái” includes the owner and any person having or acting in the care or management thereof :

<sup>2</sup>[“**Magistrate of the District.**” —“Magistrate of the District” means the chief officer charged with the executive administration of a district in criminal matters whatever may be his designation :]

<sup>3</sup>[\* \* \* \* \*]

3. **Notice of this Act to be given to keepers of Sarái.**—Within six months after this Act shall come into operation, the Magistrate of the District in which any Sarái to which this Act shall apply may be situate shall, and from time to time thereafter such Magistrate may, give to the keeper of every such Sarái notice in writing of this Act, by leaving such notice for the keeper at the Sarái; and shall by such notice

1. As to extent, see note to s. 17, *infra*.

The Act has been declared, by notification under s. 3(a) of the Schedule Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely :—

The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p.44), and Manbhum, and Pargana Dhalbhum and the Kolhan in the District of Singbhum. See Gazette of India, 1881, Pt. I, p. 504.

The Tarai of the Province of Agra. See Gazette of India, 1876, Pt. I, p. 505.

It has also been extended to the districts of Ganjam and Koraput and to certain partially excluded areas in the Province of Orissa. See Orissa Govt. notifications No. 776-P, dated 23<sup>rd</sup> June, 1941 and No. 188-P, dated 18<sup>th</sup> January, 1939, respectively.

2. This reference should now be read as “District Magistrate”. See para. 2 of s. 3 of the Code of Criminal Procedure, 1898 (5 of 1898).

3. The words “words in the singular include the plural, and vice versa” rep. by Act 10 of 1914, and the definition of “L.G.” rep. by the A.O. 1937.

require the keeper to register the Sarái as by this Act provided. Such notice may be in the form in the Schedule to this Act annexed or to the like effect.

**4. Registers of saráis to be kept.**—The Magistrate of the District shall keep a register in which shall be entered by such magistrate or such other person as he shall appoint in this behalf, the names and residences of the keepers of all Saráis within his jurisdiction, and the situation of every such Sarai. No charge shall be made for making any such entry.

**5. Lodgers, &c., not to be received in Saráis until registered.**—After one month after the giving of such notice to register as by this Act, provided, the keeper of any Sarái or any other person shall not receive any lodge or allow any person, cattle, sheep, elephant, camel or other animal, or any vehicle to halt or be placed in such Sarái until the same and the name and residence of the keeper thereof shall have been registered as by this Act provided,

**6. Magistrate may refuse to register keeper not producing certificate of character.**—The Magistrate of the District may, if he shall think fit, refuse to register as the keeper of a Sarái, a person who does not produce a certificate of character in such form and signed by such persons as the State Government shall from time to time direct.

**7. Duties of keepers of Saráis.**—The keeper of a Sarái shall be bound.—

(1) When any person in such Sarái is ill of any infectious or contagious disease, or dies of such disease to give immediate notice thereof to the nearest police-station;

(2) At all times when requires by any Magistrate or any other person duly authorized by the Magistrate of the District in this behalf, to give him free access to the Sarái and allow him to inspect the same or any part thereof;

(3) To thoroughly cleanse the rooms and verandahs, and drains of the Sarái, and the wells, tanks, or other sources from which water is obtained for the persons or animals using it, to the satisfaction of and so often as shall be required by the Magistrate of the District, or such person as he shall appoint in this behalf :

(4) To remove all noxious vegetation on or near the Sarái, and all trees and branches of trees capable of affording to thieves means of entering or leaving the Sarái:

(5) To keep the gates, walls, fences, roofs and drains of the Sarái in repair :

(6) To provide such number of watchmen as may, in the opinion of the Magistrate of the District, subject to such rules as the State Government may prescribe in this behalf, be necessary for the safety and protection of persons and animals or vehicles lodging in, halting at or placed in the Sarái lodging and;

(7) To exhibit a list of charges for the use of the Sarái at such place and in such form and languages as the Magistrate of the District shall from time to time direct.

**8. Power to order reports from keepers of Saráis.**—The keeper of a Sarái shall from time to time, if required so to do by an order of the Magistrate of the District served upon him, report, either orally or in writing as may be directed by the Magistrate, to such Magistrate or to such person as the Magistrate shall appoint, every person who resorted to such Sarái during the preceding day or night. If written reports are required for any space of time exceeding a single day or night, schedules shall be furnished by the



**AKALATNAMA**

**IN THE COURT OF BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOLKATA**

**ORIGINAL APPLICATION NO. ....OF 2025**

**IN THE MATTER OF:**

**TARUN PRAKASH**

**.....APPLICANT**

**Versus**

**STATE OF BIHAR AND ORS.**

**.....RESPONDENT(S)**

KNOW ALL to whom these present shall come that appoint shall come that I/We **Tarun Prakash, aged 34 years (Aadhaar No. 950153274433), S/o Ramnath Singh, R/o Lah Bazar, Chapra, Saran, Bihar - 841301**, the above named Claimant do hereby appoint: **Ms. Rachitta Rai/ Mr. Pandey Sangeet Rai/ Mr. Shehan Ashraf/ Mr. Samresh Chandra Jha**, herein after called the advocate(s) to be my/our advocate(s) in the above case and authorise them:

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard. To sign, file, verify and present on my/our behalf pleading or petitions for executions, review revision, withdrawal, complaint compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution or the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or their substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or their substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

**IN WITNESS WHEREOF** I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this ....18.....day of.....March..... 2025.

Accepted subject to the terms of the fee.

*Raunpakam*

**CLIENT**

**I Identify the Signature/Thumb impression of the client**

**Who has signed in my presence**

**Advocate**

1. Rachitta Rai

2. Pandey Sangeet Rai

3. Shehan Ashraf

4. Samresh Chandra Jha

D/3358/2023

*Samresh*