

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE CHENNAI**

**ORIGINAL APPLICATION NO. 262 OF 2020**

**IN THE MATTER OF:**

ONAKKAR PARSTHITI

SAMRAKSHNA SAMITHY

...PETITIONER

V/s

KERALA STATE POLLUTION

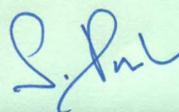
CONTROL BOARD

...RESPONDENTS

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,  
FOREST AND CLIMATE CHANGE (RESPONDENT NO.4).**

**MOST RESPECTFULLY SHOWETH:**

1. I, Dr. S. Prabhu S/o Late K Subramani in the Integrated Regional Office, Ministry of Environment, Forest and Climate Change (erstwhile known as the Ministry of Environment and Forest) having office at Bangalore do hereby solemnly affirm and state as under:
2. That I, in the capacity of Scientist C of the Integrated Regional office, Ministry of Environment, Forest and Climate Change (MoEF&CC), am fully conversant with facts of the case and competent to swear this affidavit on behalf of Respondent No. 4.
3. That the contents of this original application which have not been specifically admitted hereunder are either a matter of record or are denied.
4. That in exercise of the powers conferred under the Environment



(Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government has notified the Noise Pollution (Regulation and Control) Rules, 2000 and makes amendments thereof.

5. That as per section 3(2) of the Noise Pollution (Regulation and control) Rules, 2000, it is mentioned that the State Government and concerned authorities shall categorize the areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards for different zones.
6. That as per the section 4(3) of the Noise Pollution (Regulation and control) Rules, 2000, the respective State Pollution Control Boards and Pollution Control Committee in consultation with the Central Pollution Control Board shall be responsible to collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.
7. That the Section 5A of the Noise Pollution (Regulation and Control) Rules, 2000, restricts the use of horns, sound emitting construction equipments and bursting of fire crackers. The Section 5A of the said rules is reproduced herein below:

*“5A. Restrictions on the use of horns, sound emitting construction equipments and bursting of fire crackers.*

*(1) No horn shall be used in silence zones or during night time in residential areas except during a public emergency.*

*(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.*

*(3) Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones.”*
8. That as per Section 7 of the Noise Pollution (Regulation and Control) Rules, 2000, any complaint with respect to the violation of any provision of these rules is to be made to the competent authority. Section 7 of the said rules is reproduced herein below:

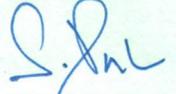
*“Complaints to be made to the authority.*

1) A person may, if the noise level exceeds the ambient noise standards by 10 dB (A) or more given in the corresponding columns against any area/zone, [or, if there is a violation of any provision of these rules regarding restrictions imposed during night time,] make a complaint to the authority.

(2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force."

9. That as per the section 4(3) of the Noise Pollution (Regulation and control) Rules, 2000, the respective State Pollution Control Boards and Pollution Control Committee in consultation with the Central Pollution Control Board shall be responsible to collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

In view of the above submissions, this Hon'ble Court may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.



DEPONENT

Dr. S. Prabhu  
Scientist "C"

Ministry of Environment, Forest & Climate Change  
Regional Office, (Southern Zone),  
Kendriya Sadan, Koramangala  
Bengaluru-560034

VERIFICATION

Verified at Bengaluru on this 25<sup>th</sup> day of January, 2021 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

ATTESTED



श्री. तिरुनावुक्करसु  
Shri E. Thirunavukkarasu  
श्री. "ई"  
Scientist "E"

भारत सरकार/Government of India  
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय (दक्षिण क्षेत्र)  
Regional Office, (Southern Zone)  
बंगलुरु/Bengaluru.



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