

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 49 of 2020 (SZ)

K. Udayakumar,
Coimbatore.

....Applicant

Vs

The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore & others.

... Respondents

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**Filed by
Thiru. C. Kasirajan
Advocate, Chennai.**

Report of the Joint Committee on Thiru.K.Udhayakumar, No.2, Mariamman Kovil Street, Near G.V. Residency Uppiliplayam, Coimbatore District as per the orders of the Hon'ble National Green Tribunal (SZ), Chennai O.A. No. 49 of 2020 Dated: 28.02.2020

1.0. BACKGROUND:

Thiru. K. Udayakumar has filed a case in the Honorable NGT (SZ), Chennai vide O.A. No. 49 of 2020 regarding noise pollution caused by three temples namely Mariamman Kovil, Veera Masthiamman Kovil and Agasarayar Kovil located at Mariamman Kovil Street, Uppiliplayam, Coimbatore – 15.

In this regard, the Hon'ble NGT (Southern Zone) Chennai order in OA No. 49 of 2020 order Dated: 28.02.2020 ordered as follows:

“12. In order to ascertain the present status and also the regulatory mechanism that is being adopted by the regulators in this regard, we constitute a Joint Committee comprising of Commissioner, Coimbatore Municipal Corporation, and the Tamil Nadu Pollution Control Board and Superintendent of Police, Coimbatore for ascertaining the allegation in the application and submit a factual and action taken report in this regard to this Tribunal within a period of one month”

In continuation to the above, committee has been constituted comprising the members Commissioner, Coimbatore Corporation, Commissioner of Police, District Environmental Engineer, Tamilnadu Pollution Control Board.

Moreover, Hon'ble NGT has directed them to submit a report to Tribunal and posted the case to 13.04.2020. On 13.04.2020, it was adjourned to 08.05.2020, on 08.05.2020, it was adjourned to 09.06.2020, on 09.06.2020, it was adjourned to 26.06.2020, on 26.06.2020, it was adjourned to 02.07.2020 and on 02.07.2020, it was adjourned to 24.08.2020, on 24.08.2020,

The Hon'ble NGT (Southern Zone) Chennai order in OA No. 49 of 2020 order Dated: 24.08.2020 ordered as follows:

“For appearance of parties, completion of pleadings and consideration of report, post on 06.11.2020”.

Subsequent to this, the Assistant Director, Advanced Environmental Laboratory, Tamil Nadu Pollution Control Board, Coimbatore has been addressed to conduct Ambient Noise Level survey vide this office letter dated.11.09.2020.

Further, a letter has been communicated to the Joint committee members regarding the ambient noise level survey to be conducted by Advanced Environmental Laboratory on 22.10.2020 vide this office letter dated 21.10.2020.

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

As per the Noise Pollution (Regulation and Control) Rules, 2000:

Rule 2:

“(c)“authority” means any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force;”

Rule 3:

(1) The ambient air quality standards in respect of noise for different areas/zones shall be such as specified in the Schedule.

SCHEDULE (see rule 3(1) and 4(1)) Ambient Air Quality Standards in respect of Noise

Area code	Category of Area/Zone	Limits in dB(A) Leq *	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Note

1. Day time shall mean from 6.00 a.m. to 10.00 p.m
2. Night time shall mean from 10.00 p.m. to 6.00 a.m

3. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

* dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

A "decibel" is a unit in which noise is measured.

"A, in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq : It is an energy mean of the noise level, over a specified period.

Rule 4:

"(2) The authority shall be responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise."

Rule 5:

"Restrictions on the use of loud speakers/public address system.

(1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

(2) A loud speaker or a public address system shall not be used at night (between 10.00 p.m. to 6.00 a.m.) except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls."

Rule 6:

Consequences of any violation in silence zone/area includes clause (i,ii,iii).

Rule 7:

"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, 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."

Under Noise pollution Rules, 2000 responsibilities are vested with State Governments, district Magistrate, Police commissioner, or any other officer not below the rank of Deputy Superintendent of Police, as per details given below:

- i. Restriction on the use of Loud Speakers/Public Address system.
- ii. Restriction on the use of Horns, Sound emitting construction equipment and bursting of Fire crackers.
- iii. Prohibition of continuance Music Sound or Noise.

3.0 ANALYSIS OF ENVIRONMENTAL POLLUTION:

Ambient Noise Level survey was conducted by Assistant Director, Advanced Environmental Laboratory, Tamilnadu Pollution Control Board in presence of TNPCB officials O/o. District Environmental Engineer, Coimbatore (South) & Thiru.K.Udhayakumar, complainant during 6 pm to 8.15 pm. on 22.10.2020 at the following locations:

The noise monitoring was carried out at the complainants house at study room (1st floor), at bed room (1st floor), inside the hall (Ground floor). The distance between complainants's Thiru. K. Udhayakumar house and Mariamman temple was around 13 ft.

Sl. No	Location of Noise Level measurements made (At complainant's House)	Direction from source	Distance from source (M)	Noise Level in Leq dB (A)	
				With Operation	Without Operation
1	At Study Room	East	3	68.0	49.3
2	At Bed Room	East	3	62.7	54.2
3	Inside the hall	East	3	58.7	45.3

ROA of ANL survey reveals that the parameter was exceeding standards prescribed by the Board.

It was found to be between 58 to 68 dB, which was much above the permissible limit of 55 dB.

As per Noise Pollution (Regulation and Control) Rules, 2000 the permissible noise limits during day time (06.am to 10 pm) in residential areas is 55 dB.

General Observation at the time of survey:

1. Two number of box type speakers used with Mic for singing devotional songs during the time of Noise Level Survey. Also electrical operated drum bell was operated during the survey.
2. The temples Veeramasathiamman Kovil and Agasarayan Kovil were not in functioning during the time of Noise Level Survey.
3. There are two loudspeakers which are fixed inside the Mariamman temple on the top of eastern pillar at a height about 15 ft from the ground level.
4. Even after the non functioning of other two temples mentioned in the complaint, noise level of loud speakers used by Mariamman Temple was found more than the permissible limits
5. It was reported by the complainant that
 - I. They use loudspeakers throughout the year box type speakers were operated from 6.45 a.m. to 9 a.m in the morning and 6.30 pm to 9 pm in the evening. At times in the Tamil month of "Markali" they start speakers from 4 a.m. to 9 a.m in the morning and 6 pm to 8 pm in the night.
 - II. The sound level will be unbearable and disturb all the Residents nearby. It was not possible for the residents to speak to one another and the effect is unbearable that one will not be able to attend even a phone call.
 - III. The sound of calling bell will be masked by the use of loudspeakers. Students are also affected because of the noise pollution.
 - IV. After COVID 19 pandemic nationwide lockdown they are using speakers on the eastern tower by reducing the hours of usage, which at present is from 6.45 a.m. to 9 a.m. in the morning and from 7 p.m. to 9 p.m. in the evening.
6. Temple Management and control was not come under the purview of the HRNC Department. Three temples were come under the purview of private temple priest.

4.0 SCALE OF COMPENSATION FOR VIOLATION OF NOISE RULES:

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

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

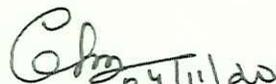
In Compliance to above, CPCB submitted its report before the Hon'ble NGT on 14.11.2019 uploaded on 20.11.19 meeting of the committee for compliance of NGT directions was held on 5th March 2020. Enlistment of Violation of Noise Rules and their respective Scale of Compensation is as follows:

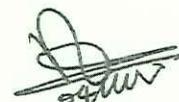
Sl. No	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1	USE OF LOUD SPEAKERS / PUBLIC ADDRESS SYSTEM (Clause 5(1)-5(2), 6(i,ii,iii) ¹⁻³	10,000	Seizure Authority- Commissioner of Police

5.0. Conclusions:

In this regard, it is submitted that necessary action is being taken by the designated Authority (Commissioner of Police) has already issued notice dated 02.11.2020 to the 3 temples namely, Thiru.Nagendran for Agasarayar Kovil, Thiru.R.Manikavasagam for Arulmigu Mariamman Kovil, and Thiru.Karuppusamy for Veera Masthiamman Kovil. Copy of the notice is enclosed. The authority has assured that they will closely monitor the usage of loud speaker as per Noise Pollution (regulation and Control) Rules, 2000.


Thiru. Kumaravel Pandian, I.A.S.,
Commissioner
Coimbatore Corporation


Thiru. G. Stalin
Deputy Commissioner of Police (L&O)
Coimbatore City


Thiru. P. Manimaran
District Environmental Engineer/
Nodal officer of the Joint Committee
Tamil Nadu Pollution Control Board
Coimbatore South

POLICE NOTICE

From

Inspector of Police,
E1 Singanallur L&O PS,
Coimbatore City.

To

Tr.Nagendran,
Agasarayar Kovil,
Upplipalayam, Singanallur,
Coimbatore.**Date : 02.11.2020**

Sub: Order of the Honorable National Green Tribunal,
Southern Zone, Chennai OA No.49/2020, Dated:28.02.2020
- Reg.

- Ref : 1) The Noise Pollution (Regulation and Control) Rules, 2000
2) Hon'ble NGT (Southern Zone) Chennai order in OA No.49 of
2020 order, dated:28.02.2020
3) This Office letter No. DEE/TNPCB/CBS/F.CBS-NGT/2020-4,
dated :10.03.2020
4) Hon'ble NGT (Southern Zone) Chennai order in OA No.49 of
2020 order dated:24.08.2020
5) This office Letter No. DEE/TNPCB/CBS/F.CBS-NGT/2020-1,
dated: 11.09.2020

* * * * *

Based on the joint committee on Tr.K.Udayakumar, No.2 Mariyamman
Kovil Street, Near GV Residency, Upplipalayam, Coimbatore as per Order of the
National Green Tribunal (Southern Zone) Chennai O.A No.49 of 2020 dated
28.02.2020.

You were found caused noise pollution at your Temple. As per
Enlistment of Violation of Noise Rules and their respective scale for use of Loud
speakers/Public Address system (clause 5(1)-5(2), 6(i,ii,iii)¹⁻³ you are liable to pay
Rs.10,000/- and the properties used for this default should be seized by Police
Department. Since the Commissioner of Police is defined as per clause 2(c) of
Noise Pollution (Regulation and Control) Rules 2000 shall impose penalty and take
necessary action against the defaulters.

Hence to avoid noise pollution you are instructed to change the
current usage loud speaker or cause below noise pollution as per directions given
by the Authority concerned.

Hence you are required to acknowledge the receipt of this Notice as
token of acceptance.

Place : Coimbatore

Date : 02.11.2020

e. Nagendran
21/11/20

 Inspector of Police,
E-1 Singanallur L&O PS,
Coimbatore City

Rivast
P. An Baijath

Agasarayar Kovil

Upplipalayam

e. Nagendran
21/11/2020

POLICE NOTICE

From

Inspector of Police,
E1 Singanallur L&O PS,
Coimbatore City.

To

Tr.Karuppusamy,
Veeramathi Amman Kovil,
Upplipalayam, Singanallur,
Coimbatore.**Date : 02.11.2020**

Sub: Order of the Honorable National Green Tribunal,
Southern Zone, Chennai OA No.49/2020, Dated:28.02.2020
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e. Karuppusamy
Inspector of Police,
E-1 Singanallur L&O PS,
Coimbatore City

മുൻപ് നടന്ന ശബ്ദം കുറയ്ക്കുന്നതിനായി

V. Karuppusamy
2-11-2020
(S. Karuppusamy)

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 49 of 2020 (SZ)

K. Udayakumar,
Coimbatore.

....Applicant

Vs

The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore & others.

...Respondents

**REPORT OF THE JOINT COMMITTEE
ON THIRU K. UDAYAKUMAR,
COIMBATORE DISTRICT AS PER THE
ORDERS OF THE HON'BLE NGT (SZ)
CHENNAI O.A.NO.49 OF 2020 DATED
28.02.2020 FILED BY THE TNPCB.**

**Advocate for Respondents No.
Thiru. C. Kasirajan
Advocate, Chennai.**

Date: 04.11.2020.

