

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
CHENNAI**

O.A. No. 66 of 2023 (SZ)

IN THE MATTER OF

P. Bala Murali Krishna
No.8 (New No. 1052), Sri Sai Nilayam
8th Main, Chowdeswari Layout
Marathahalli
Bengaluru-560037

... .. Applicant

Vs.

1. Hindustan Aeronautics Limited
Airport Services Centre (BC)
HAL – Bangalore Complex
Gate No. 30, Vimanapura
Bangalore-560017
2. Union of India, Represented by its
Secretary
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road
New Delhi-110003
3. Karnataka State Pollution Control Board, Represented by its
Chairman
Parisara Bhavan
No. 49, Church Street
Bangalore-560001
4. The Chief Secretary to Govt. of Karnataka
Govt. Secretariat, Room No. 320
3rd Floor, Vidhana Soudha
Ambedkar Veedhi, Sampangi Rama Nagara
Bangalore-560001
5. Central Pollution Control Board, Represented by its
Chairman
Parivesh Bhavan, East Arjun Nagar
Shahdara
Delhi-110032

... .. Respondents

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Marathahalli, Bangalore

... .. Applicant

Vs.

Hindustan Aeronautics Limited
Airport Services Centre (BC)
Bangalore

& Ors.

... .. Respondents

**REJOINER filed by the Applicant
to the REPLY STATEMENT
submitted by HAL-ASC**

P. BALA MURALI KRISHNA
APPLICANT

Mobile: 7975393182
e-mail: tulasimurali2011@gmail.com

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REJOINDER to the REPLY STATEMENT submitted by HAL-ASC

Learned Counsel Shri R. Sanjeev (hereinafter addressed as Mr. Sanjeev) representing the First Respondent M/s. Hindustan Aeronautics Limited - Airport Services Centre (hereinafter called HAL Airport) has put a good effort through an elaborate explanation in his Reply Statement, to establish

- that the HAL Airport is doing a mammoth service to the nation;
- that it's location cannot be changed on account of proximity to other research institutions;
- that it has settled over there for decades with necessary infrastructure for training and development;
- and that there is no hazard evident that necessitates a night curfew.

HAL Airport may declare its location as Industrial zone and enjoy permissions to generate excessive noise of 70dB plus. But the residential zones falling in the flight-path remain to be residential with permitted noise levels of 55dB during day and 45dB during night. The Airports shall give due regard to the immense research on health impacts caused by night flights (Annexure-1 of the O.A.), the results published by the WHO and the measures recommended to the Government. HAL Airport is certainly exceeding these noise limits along its flight paths, violating the norms stipulated by CPCB and causing extreme disturbance to the resting citizens as well as to their health. Operating flights by the HAL Airport and generating excessive noise levels is a gross violation of Noise Pollution (Regulation and Control) Rules 2000, and also the directions of WHO as endorsed by the Central Pollution Control Board and the Hon'ble NGT.

While Mr. Sanjeev, in his Reply Statement, was all the time dwelling on the precautions taken with regard to noise limits within the Airport, he should understand that the present case/grievance does not at all concern the Airport premises. He should henceforth

thoroughly remember that I am complaining/reporting/stressing only about the excessive noise pollution happening due to the flights from HAL Airport in the Residential zones falling in the flight-paths. If he is making any statement about controlling measures being observed in these areas by the HAL Airport, he is put to strict proof therefor.

Night-curfew resolves the issue of excessive noise not only for an Airport and its vicinity but also for all the residential zones falling in the flight-path - suffering from the noise as well as from the associated health problems. Does Mr. Sanjeev intend to deny the findings of W.H.O. with regard to health problems as a consequence of excessive noise levels? Or, does he intend to find fault with the question - "Why is night curfew not implemented for flights to and from airports across the country?" - posed by NGT to DGCA? Let me opine point-wise on what he conveyed, corresponding to the same bullet-numbers listed in the Reply Statement.

Para-1: The First Respondent cannot deny any of the allegations made in my O.A. if he understands that my role in this case as an Appellant is almost nil. I am just like any other person aggrieved by the flights of HAL Airport. I am requesting the Hon'ble Tribunal through this Application to alleviate our suffering by ensuring that the First Respondent abides by the existing rules of the Society and realizes his responsibility.

A. I haven't attempted to quote anything new in the O.A. I said the aircraft noise is the most detrimental environmental effect of aviation; it causes community annoyance, disturbs activities and communication, disrupts sleep, adversely affects academic performance of children, increases the risk for cardiovascular disease of people living in the vicinity of airports, leads to stress reactions etc. This is not my statement. These are the results (Annexure-1 of my O.A.) of the research done in 2016 by the team of Thomas Münzel, MD, Chief of the Department of Cardiology at the University Medical Center, Johannes Gutenberg University Mainz, Germany. He is an interventionist and got his post-doctoral training as a vascular biologist at the Institute

of Applied Physiology. These results and results of research from several other experts in the medical field have culminated in the declaration that disturbed sleep from night-time aircraft noise can trigger acute cardiovascular mortality. These are all the results which resulted in stipulating the Environmental Noise Guidelines by the W.H.O. and in alerting that the excessive noise generated by aircraft causes severe health hazards to citizens exposed to this noise pollution. I have just repeated the statement made by W.H.O.

- B. I said that the HAL Airport is causing health hazards to people in residential zones lying in flight paths by polluting the environment with high noise levels, which is a punishable offence. HAL Airport is violating the noise limits set for residential zones beyond any doubt. We do not allow even push-cart vendors to use mega-phones, complaining noise pollution; what to say of the scale of noise generated by aircraft? The Central Pollution Control Board has laid down the permissible noise levels in India for Industrial areas, Commercial areas and Residential zones. For residential areas the permissible noise limits are 55dB and 45dB during daytime and night respectively, as enforced by the CPCB. I have just repeated CPCB's guidelines.
- C. I said that the HAL Airport is not just bothering about the health problems the residents are facing because of its indiscriminate flying of aircraft day and night and because of the excessive aircraft noise people in the flight paths are exposed to. The Airport may be taking several measures to maintain the noise in the Airport premises within the required limits. But it has ignored the flight paths totally, and neglected the guidelines issued by DGCA in its Civil Aviation Requirements. DGCA required (page-22, para-7.3 of the Reply statement) two permanent noise-monitoring stations (on both sides of the runway) and temporary monitoring stations "for specific noise monitoring activity under the flight paths, where noise levels are expected to be higher." I am questioning the First Respondent on the same issue – whether or not the Airport is monitoring the noise loads in flight paths; if yes, where is the data? What do I do with Test Report of Sneha Test House which has limited its measurements to the Airport premises? As per page-23, para-13.1, "The noise monitoring data shall be

regularly compiled, documented and published by the Authorities designated by the Ministry of Civil Aviation.” Is that being done? If yes, please let me see. As per the CAR issued by the DGCA (page-24, para-1.2), “Reducing the effect of aircraft noise on people and communities is one of the ICAO’s main priorities,” and four pillars are suggested to achieve this through a balanced approach. Can I see the results of the attempts made by the HAL Airport for containing the aircraft noise in the flight paths – pillar-wise? Page-24, para-3.1.1 mandates that “Airport operators shall carry out a noise mapping study around their airports including the areas directly under the flight paths, to assess the existing noise loads and the population affected ...” Can I see what are the noise loads existing in the flight paths passing through Marathahalli, Brookefield etc.? Page-26, para-3.1.7 directs that “The airport operators shall take necessary corrective action against any exceedences” to noise limits prescribed by CPCB. Has anything been done in this direction? I am not raising any new controversies. Whatever I have asked in the O.A. is completely within the DGCA-guidelines that are expected to be followed by Airports.

- D. Since aircraft noise abatement procedures are not available for flight paths, the only solution available for this problem is pausing the operations of the Airport at least in the nights for a marginal relief to the citizens living under flight paths. This is one of the solutions suggested by the DGCA (page-24, para-1.2, pillar-4) – “Operating Restrictions.” And it is the very same solution suggested by the Hon’ble NGT through the question posed to the DGCA on 05.04.2016 (Annexure-4 of my O.A.) – “Why should there not be night flying restrictions at airports?” What I have requested the Hon’ble Tribunal is also for the same - that HAL Airport should be directed to follow night curfew for its flights.

Which of the above does the First Respondent want to deny? Whom does it want to put to strict proof? What is it that the HAL Airport wants the WHO, CPCB, DGCA, or the NGT to prove? I am asking the HAL Airport either to control the noise or consider curfew in the nights. If the Airport has got doubts about the noise levels in flight paths, let it check and confirm; it cannot simply deny the allegations made!

Paragraphs-3, 4, 5 – I agree with what has been stated, except that annexure numbers are not superscribed on the annexures.

Para-6 confirms that the HAL Airport had a great relief from May, 2008 from the heavy burden of handling 10.2 million passengers 24*7, an essential responsibility that was given off to the Kempegowda International Airport Limited (KIAL) at Devanahalli. With this, ideally the commercial career of HAL Airport should have come to an end. Once it was declared that “that the HAL Airport was closed for commercial operations vide Executive Order dated 16/05/2008,” let it be so! Why is it interested to undertake running of chartered flights or re-opening itself for civil commercial operations when it is already having enough load of other responsibilities and projects of national importance? And, even if the VVIPs and other eminent personalities insist on landing in the HAL Airport, what is such a compelling reason that their flights prefer to enter Bangalore in the middle of the night and not in the daylight? They are eminent people, and I am sure they are fully aware of the disturbance caused by their flights in the silence of the night, and the associated adverse impact on the health of the sleeping citizens! Additionally, the submission that “reopening of HAL Airport for civil commercial operations is in the pipeline” seems to be further provoking and throwing a challenge, “Let me see what you can do!”

Paragraphs-7, 8: The HAL Airport declares its location as Industrial zone, and accordingly owns the noise pollution limits pertaining to Industrial zones. But the residential zones falling in the flight-path can neither become industrial zones nor can their permitted noise levels be enhanced. It is mandatory as per CPCB that the permissible noise limits for residential zones shall be maintained as 55dB during day and 45dB during night. Hence the noise levels mentioned as maintained by the HAL Airport in the Airport premises serve no purpose. This data as well as the other guidelines, regulations, test-results etc. in the rest of the Reply Statement – concerning “HAL Airport premises” are not relevant with the present case. Present case presents the grievances faced by residents living in the residential zones falling in the flight-paths and not in the

vicinity of the Airport. So, I may kindly be permitted to ignore all such facts and figures belonging to the HAL Airport. I am concerned only about the noise levels maintained in residential zones.

Para-9: Not relevant.

Para-10: Not relevant. But I would like to object to the method of estimating the noise explained herein. Averaging the noise generated over a prolonged period of time and showing that as a proof of following the noise limits stipulated by CPCB is meaningless. This concept perhaps may be applicable inside an Airport but not along the flight paths. Averaged noise signifies nothing as far as its effects on human health are concerned. Remember, we use to shout suddenly and loudly from behind when we want to startle or frighten someone? Excessive exposure to impulse or sudden noises that are too loud, too close, or experienced for too long can cause irreversible and permanent damage to human health. It is the peak energy striking the ears that causes health hazards; not the energy averaged over time. This peak energy (noise) or constant exposure to noise beyond the tolerable limits affects the stress hormone which increases blood pressure and blood sugar, while decreasing the body's ability to fight off disease. Infections, colds and chronic health issues like diabetes and stomach ulcers are also stress-related. Poor sleep is linked to long-term health consequences like diabetes, obesity and heart disease. Irritability and anxiety worsen in noisy environments. *A study of noise on Airbus A321 aircraft reported levels of 60-65 decibels (dBA) before takeoff; 80-85 dBA during flight; and 75-80 dBA during landing.*

Paragraphs-11, 12: Not relevant.

Para-13: This point admits beyond doubt that the CAR requires Airport operators to develop a Noise Management Action Plan for their airports and the areas directly under flight paths in order to reduce the noise generated. The First Respondent also admits that he is required to develop a system to monitor permissible noise limits prescribed by the CPCB and take necessary corrective action if the set limits are exceeded. This is what

exactly being reported now that *the noise pollution limits are violated in the flight path*, adversely impacting the citizens' health. Where is the monitoring system? How can there be corrective measures in the absence of monitoring? First of all, where is the data on noise loads pertaining to flight paths? The respondent is not inclined to accept feedback from public, and Mr. Sanjeev declares - that my case has no legal or factual basis, there is evidently no hazard, it is all mere suspicion etc.! Has he got any data with him to prove that there is no hazard?

Para-14 mentions the noise abatement measures specific to Airports. They speak of landing, take-off, parking etc. All these measures are irrelevant except (c), i.e., "identifying sensitive flight paths from community annoyance point of view." The First Respondent has consciously and conveniently skipped making a mention of the one relevant measure suggested by DGCA and requested for through this case - "Operating Restrictions" (page-24, para 1.2) – which is nothing but imposing "Night Curfew" on HAL Airport.

Paragraphs-15, 16: Not relevant.

Para-17: Regulation-2.2 (page-25) says CAR apply to aircraft operators running commercial flights, but 2.3 says they don't apply to chartered flights carrying VVIPs etc. Why? CAR 3.1.1 mandates that the Airport operators shall assess existing noise loads in the areas under flight paths. Was it done? Can Mr. Sanjeev show me these loads for Marathahalli, Doddanekkundi, Kundalahalli & Brookefield – the areas that are worst-affected, being directly under flight paths?

The HAL Airport may proudly proclaim repeatedly that it is associated with projects of "National importance and National interest." But it is not the only premier establishment serving the nation. There are several other, but they don't interfere with people's safety. No premier institution is privileged to damage health of the public or to dispatch them early from the world. We at ISRO work day-in and day-out to safeguard our space assets which are worth crores, and which assume the highest importance in carrying out projects

of national interest. Which is the field that ISRO does not serve? After any disaster like floods, earthquakes etc. people look to us for the pre & post-disaster earth-imagery we constantly generate at every opportunity, to assess the extent of devastation from the disaster. Meteorology, hydrology, forestry, soil-erosion, fisheries, oceanography, cartography, disaster management ... and also for military surveillance! But, just because we are involved in so many projects of national importance, can we say we are privileged to play with people's health?

We know the importance of flights carrying out search & rescue operations, medical emergencies etc., and we are sensible enough not to block operations of such flights. In fact, I worked for the Search & Rescue Division of ISRO during the last three years of my service. And I played a key-role in designing the project to migrate the search and rescue operations from the Low-Earth to Medium-Earth Orbiting satellites (MEOSAR) for quickly locating the distressed ships, flights or individuals and passing the information to the concerned for rescue at the earliest. *The fact that the cost of search & rescue measures is entirely borne from the National or State Disaster Response Funds – stands testimony to the importance assigned to **life-saving** by the country.* Let the technology work for making the lives of people better, healthier and more comfortable. Can we say we are working for nation and hence we are authorized to harass public? No. Let the HAL Airport get it clear that it shall not undertake, particularly in the nights, to operate the commercial/chartered flights emitting heavy noise and causing health hazard to citizens. Let such flights be diverted to the International Airport which is just 40km away. HAL Airport need not worry about sustainable growth of civil aviation any further since this task has been taken away from it and handed over to KIAL in 2008 itself.

Para-18: As mentioned above, no rules or regulations are applicable for MoD flights. But, why and how chartered flights are also exempted from following the stipulated noise levels? Are the VVIPs and eminent personalities privileged to cause health hazards to the innocent citizens? Who is licensing them? And why should they fly in the nights, that too between 10pm & 5am? On a responsible thinking, the easy solution for this is **landing at**

KIAL if they prefer night-landing, and landing at HAL if they don't mind landing during daytime. Coming to operation of flights for MoD, it is observed that the HAL Airport frequently and proudly uses two phrases – ‘Defense Airport’ & ‘National Interest.’ Under the pretext of national interest if the HAL Airport schedules flights day and night, its action is obviously against the spirit of the personal liberty guaranteed under the Constitution. Can't this Defense Airport fly its flights during daytime in national interest? They mind only national interest and not Nationals' interest? Are they not responsible to safeguard the health of the public? Is there a nation without its nationals? The citizens have their right to live and right to health, right?

Article-47 of the Constitution of India emphasizes on the duties of the State towards improvement of public health. I do not think there can be something of higher priority than the health and life of public. The so-called "sustainable development" does not deserve to be called development if it puts the life of even one person at stake. But here activities are going on to worsen the public health and their living conditions! To add to the existing plight, they want to take up handling of all the domestic flights once again! Why should they aspire for that when this responsibility has already been handed over to KIAL? Any developmental activity that endangers public health and life shall never be contemplated for a nation. By nation we mean its citizens; not only its land. Therefore development of nation shall be achieved through development of life and health of its nationals; not by impairing their health. Betterment of living conditions of a community can never be subservient to national interest as conceived by the learned counsel of the First Respondent.

Para-19: Not relevant. This explanation is again out of focus; Test report reveals results pertaining to Airport. No such reports/results are available for flight paths. My allegation is not about noise pollution at the HAL Airport; my allegation is about noise pollution in the flight paths. But Mr. Sanjeev always talks about noise levels at the Airport and alleges that my allegations are baseless! Can he generate and produce the noise profile at every residential zone falling in the ground track of a flying aircraft?

Paragraphs-20, 21: Noise Management “at Airports” may not need a night curfew. But night curfew is essential for noise management in the residential areas lying along the flight path. This is a valid and valuable option – probably the only option - which certainly needs to be examined if citizens living in the flight paths are to be spared from the torture of excessive noise. Mr. Sanjeev cannot say “none of the Civil Aviation Regulations contemplates Night Curfews.” Before making such a drastic statement, let him read page-1 of his Annexure-3 (page-24 of the Reply Statement), the Civil Aviation Requirements issued by the DGCA. Option 4) of para 1.2 clearly suggests “Operating restrictions” as one of the options for noise management. The Airport must restrict its operations if no other option works for noise management. Precisely this translates into “Night Curfew” if the operators are unable to restrict the noise within permissible limits with other existing options. This is the very same Night Curfew Hon’ble NGT was demanding to be imposed across airports in the country. When this was questioned, DGCA didn’t reply stating that there is no such precedence. What is wrong in imposing it when it is possible and when it can solve the problem? Why to look for precedence? Imposing Night Curfew is certainly possible in case of HAL Airport.

Para-22: On one side it is claimed that the noise limits applicable for industrial zones are scrupulously followed by HAL Airport. On the other hand it is declared that there are no limits for HAL Airport, being Defense Airport. Fine, as I said, I am not worried about what is followed in the Airport campus. My concern is about residences in flight paths where the stipulated noise limit is 45dB in the nights. Isn’t the HAL Airport bothered to comply with this figure? Is it exempted from bothering? Does it mean to ask the affected people to sacrifice their life (or health) for the sake of Nation? Whether CPCB permitted HAL Airport to flout the noise limits set for residential areas? First of all, why HAL Airport is trying to compare itself with the other airports of the country? It is not a regular commercial airport; it is a special airport dealing with the defense requirements of the country, right?

Para-23: Comparison with the 2017 judgment delivered by Hon'ble NGT is unwanted in the present case because of three major differences:

- a). The 2017 case was in regard of noise from an additional runway in the IGI Airport whereas present case is about noise in residential zones falling in the flight paths of HAL Airport. Judgment pronounced for IGI Airport is in no way relevant here.
- b). The IGI Airport is a commercial airport handling heavy air traffic (80 to 82 flights land/take off every hour) because of which the night curfew option was declined, but in case of the HAL Airport its domestic operations are shut down and its air traffic is not too heavy, which makes night curfew practicable.
- c). Noise abatement within the Airport/runway may be possible by taking certain measures like avoiding reverse thrust, construction of sound barriers, providing of a green belt around the Airport etc. But these measures will not help to reduce the aircraft noise in the flight path. Night curfew is the only option remaining to rescue the citizens.

Para-24: How can a fine balance be struck between human life and national development?! How can citizens remain healthy amidst the heavy noise pollution generated from the aircraft flying day and night? This torture can only be experienced and cannot be explained. How did the HAL Airport take the liberty of outright violation of noise limits set for residential zones? What is the sustainable development HAL Airport has achieved by running chartered flights for VVIPs and eminent personalities in the midnight? What "peculiar circumstances" Mr. Sanjeev is claiming to be prevalent internationally today? Every human has got a right for his/her own health and life. Is it right to say that the rights of people are subject to restrictions? Then why are they called rights? Restrictions for any rights are OK, but not for the right to live a healthy life. In fact, this fight is not a fight for right. This fight is for our life. For a healthy life! And this fight is against HAL Airport for breaking the rules set by CPCB. HAL has no right to play with our life or health. **As per my opinion it will not be fair to say, "We are engaged in sustainable development. A few may die in the process; how much it matters?"**

What makes HAL Airport think that it can generate heavy noise at any time of the night and disturb the sleeping citizens? Are they not educated about the health impacts caused by night flights? Even DGCA's Civil Aviation Regulations address community annoyance as one of the important factors to be taken care of! Literature is available everywhere, alerting that aircraft noise disrupts sleep, adversely impacts academic performance of children, increases the risk of cardiovascular diseases, leads to stress reactions, causes obesity, blood pressure and the consequent cardiac problems. HAL Airport does not want to bother about all such problems encountered by public? Why so much resistance to shift the flight schedules by just three hours?

What surprises me is that Mr. Sanjeev declares my case has no legal or factual basis and there is no scientific evidence of any hazard existing on account of the enormous noise we are suffering from! His conclusion is that there is no need for any drastic action like night curfew because there is no evidence of hazard and my case is just fabricated! What is it he wants to disprove or disapprove? He questions the facts published by WHO on health hazards caused by night flights? Or, he disbelieves/denies the fact that aircraft generate heavy noise while they fly? I don't think they are passing in silent mode. We are practically experiencing this torture from flying aircraft and suffering every night. How can Mr. Sanjeev say there is no hazard? I wish he visits this place and personally enjoys this music before declaring anymore statements/suspicions. Let him say there is no hazard thereafter.

Para-25: My house is certainly not near the Airport's runway or near the Airport. Who said night curfew can be sought only by people living near runways? I am in the flight path, and I am suffering from the noise of night flights. Am I ineligible to seek for a solution? People living near flight paths are facing bigger problems because the abatement measures followed in the Airport do not give them any relief. The only solution available for them is night curfew. Night curfew can alleviate the suffering of residents nearby airports as well as residents en route flight path, right? In fact, the 2017 judgment of the Hon'ble NGT is not applicable in my case because I don't reside near

any runway. So, the prayer for night curfew denied in 2017 by Hon'ble NGT need not be denied to me since I am in the flight path and night curfew is the only option that can alleviate our suffering.

Paragraphs-26, 27: Even though the city has expanded around and beyond the HAL Airport area, the Airport can still “protect the residences from the noise created by frequent takeoff and landing” if only the Airport is inclined to. It is not a commercial airport anymore with its domestic terminal dumped in KIAL in 2008. So, it is definitely not difficult to pause its operations for 7 hours (from 10pm to 5am) if there is a will. It can cater to all its activities of testing, development, VVIP-transportation etc. during daytime, allowing rest and good health to citizens around during nights. Any personalities insisting to land in Bangalore during nights can be redirected to KIAL.

Paragraphs-28 to 34: I agree with the statements made.

Para-35: Residents around HAL Airport have settled there, knowing about the existence of an Airport and its operations. Similarly HAL Airport would have been established in 1941 with the knowledge of its responsibilities towards residents that settled around. I have settled in Marathahalli in 2019 with the knowledge that the domestic terminal does not exist anymore with the HAL Airport. I was certainly not aware that the HAL Airport is still undertaking various practices of running chartered flights, attempting to grab the domestic terminal back once again etc.

NOC for height clearance should be obtained from HAL Airport or Bangalore Municipal Authorities (BBMP)? When an FAR (Floor Area Ratio) is specified for a particular area, what is the need for this NOC? We submit the building plan, and BBMP approves if the plan conforms to the set rules and regulations. I have not seen anyone anytime approaching the HAL Airport or AAI for an NOC. Ironically, they don't obtain plan approval from BBMP even. There is no such practice as far as I know. Is it happening? For example, FAR permitted for Marathahalli is 1.75 which means anyone building a house in Marathahalli is allowed to construct a maximum of two floors on the ground floor (G+2) on account of its proximity to the HAL Airport. BBMP is not supposed to

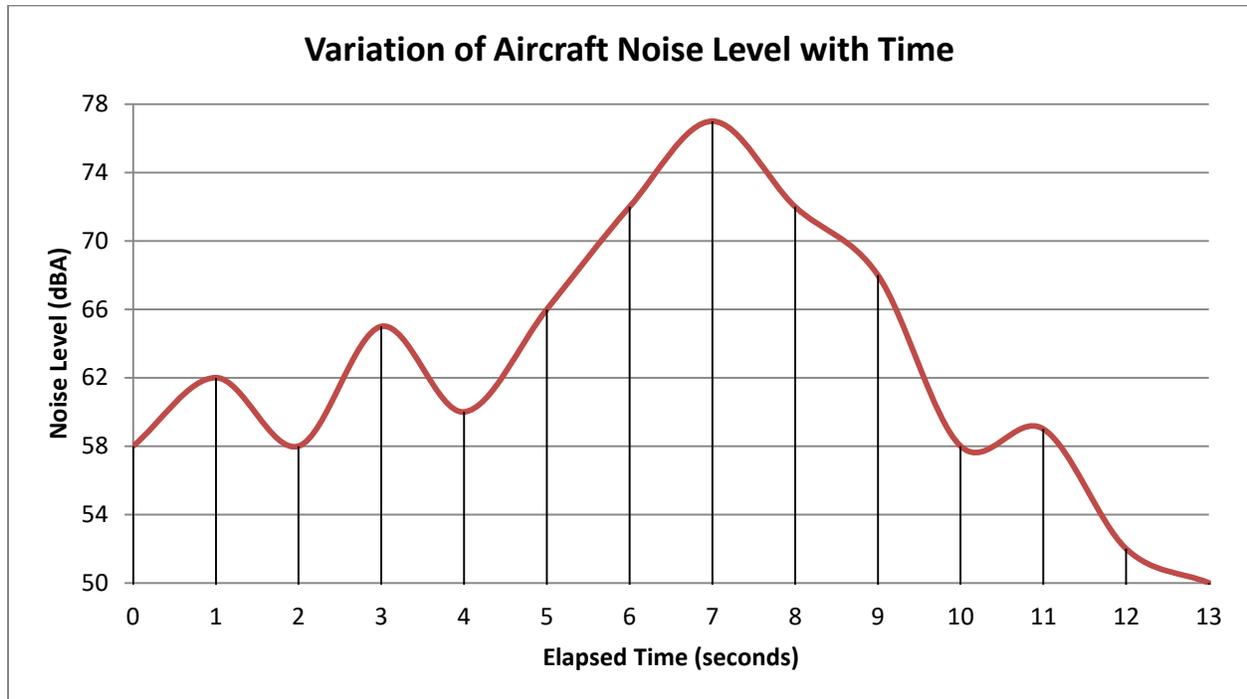
approve anything beyond this, and I have not seen anyone executing any undertaking before building a building, as stated by Mr. Sanjeev. There is no such demand for Low-rise buildings. The conditions to construct Low-rise buildings are given in the last page of this Rejoinder. NOC is demanded only from the Karnataka State Pollution Control Board (KSPCB), the Bangalore Water Supply and Sewerage Board (BWSSB) and the State Environment Impact Assessment Authority (SEIAA), but still BBMP accords building approval without bothering to check or ask for any such NOC from KSPCB.

An NOC from the AAI is a condition applicable only in case of High-rise buildings. But I have witnessed four G+6 buildings coming up in my own street, and I find that neither BBMP nor Airports Authority of India is bothered about these illegal constructions, built in B-khatha sites. It surprises me to read in the Reply Statement (para-35), that people settling around the HAL Airport were required to undertake that they do not complain against Aircraft noise! How such a clause was demanded? May I ask Mr. Sanjeev for a copy of one such undertaking executed or one such NOC issued recently? I would also ask him not to misconceive that I have filed this case for my personal interest alone. This is a community problem too. An extensive research about health problems from night flights backs up this case.

Para-36: Operations undertaken within the Airport premises by HAL Airport may be in compliance with the applicable regulations but they do not comply with the regulations stipulated for flight paths. Learned Counsel Mr. Sanjeev declares, “In the present case, it is evident that no hazard exists.” Can he show me the evidence he has got to make this statement? What evidence is he asking me to show that health hazards exist from excessive noise caused by night flights? Has he not gone through the experiments and actual observations made worldwide confirming the health hazards?

Given below is a typical plot (smoothed curve) showing the flight-noise as the flight approaches the observer and as it recedes from him. This is a 13-second portion of a flight captured from my house in the midnight of 9/9/2022 with its peak noise at 77.2dBA. I can give plenty of such plots for all the flights passing our way, confirming

aircraft noise pollution from HAL Airport. A few more appended at the end of the document.



But, one demand still baffles me. Why is the First Respondent asking me to substantiate my statements with scientific data/evidence? I should provide the data to the Respondent or the Respondent is supposed to provide data to me, being the custodian of such data? It has provided some Test report prepared and issued by M/s. Sneha Test House. But this report concerns ambient noise as observed near LCA-Tejas Division Gate. We are neither speaking of ambient noise nor a location at Tejas Gate. Where is the actual field data collected from residential zones? Isn't the Airport responsible (as per CAR – Reply Statement - page-26, para-3.1.8)) to monitor the noise loads in the flight paths, store it and send periodical reports to the DGCA? Also, as per para-3.1.7, isn't the Respondent mandated “to take necessary corrective action against any exceedences to prescribed noise limits? Is Mr. Sanjeev really unaware that people in flight paths are suffering from aircraft noise? Or, is he thinking that flights from HAL Airport are flying in silent mode? I would like to know – out of the following statements that I have made in my O.A., which is the statement against which Mr. Sanjeev is asking for “evidence”:

- i. Aircraft from HAL Airport are causing excessive noise pollution in the residential zones along their flight-paths, violating the noise pollution limits set by CPCB.
- ii. Aircraft noise is the most detrimental environmental effect of aviation, causing various adverse effects to the health of residents, particularly during nights.
- iii. WHO has issued alerts about the consequences of disturbed sleep.
- iv. Many of the countries have already imposed Night Curfew for their Airports.
- v. Hon'ble NGT has questioned the DGCA as to why is night curfew not implemented for flights to and from airports across the country.

Which of the above statements he wants me to substantiate with evidence? There was clear evidence that night flights are bad for people's health according to studies from Imperial College of London with 5,000 participants aged between 45 and 70 years (Annexure-1 of my O.A.). The study found that noise from night flights causes immediate increases in blood pressure in sleeping people, even if they are not woken up by the noise. It discovered a 14% increase in the risk of high blood pressure (hypertension) for each 10dB increase in night-time aircraft noise. Hypertension can lead to heart problems and even early death. Does Mr. Sanjeev desire to do all this research again *ab initio*? What evidence is he asking for?

It is very much evident that hazard exists on account of excessive noise. It is not just hazardous; it is disastrous. Let Mr. Sanjeev come here with his mobile phone, and I will show him the sound meter shooting up to 70s and 80s of dBA! How and why is he questioning on a "plausible indication of environmental injury and health hazard?" There is certainly a plausible indication of environmental injury and health hazard in the residential areas! He is welcome to confirm this fact from whichever Test House he trusts. Are his questions backed up by any scientific foundation which is better than the World Health Organisation? Is he not able to infer anything from the Hon'ble NGT's query, "Why is night curfew not implemented ... ?"

Para-37: The two statements made in this paragraph are contradicting each other. Mr. Sanjeev declares that my case has no legal or factual basis. Next moment he says my case

should be treated as subservient to national interest, being personal in nature (which means there is some basis for my case – whether personal or universal). As I have already explained, I have not filed this case for my personal interest alone. What makes him think this is only in personal interest?! This is in the interest of the community! There are schools and hospitals in the flight paths getting continuously exposed to the excessive noise generated by the flights moving to and from HAL Airport. They are under severe risk from this heavy noise, and Mr. Sanjeev cannot ignore the statement of WHO – that thousands of people are dying prematurely or succumbing to diseases through the ill-effects of chronic noise exposure. W.H.O. has published that the blood vessels which feed the brain dilate due to noise, thereby causing headache. Besides this, other ill-effects of noise on the human body are in the form of galvanic skin response, ulcer formation, changes in intestinal motility, etc. Subjecting cardiac and neurological patients to sudden loud noise or constantly exposing to excessive noise could be harmful, even potentially fatal. Chances of a heart attack in humans go up by 72% in a high-noise environment.

As one of the Action Plans contemplated for Phase-2 (page-29, point-e) to realize the Civil Aviation Requirements, DGCA suggests identification of problematic areas and situations that require improvement and implement necessary noise abatement measures. What measures do we have for noise abatement when the aircraft are en route? There are certain mitigation measures for reducing the noise pollution and betterment of situation inside an Airport but I don't find any that can rescue the residential zones in the flight paths. Shifting the residents or stopping the flights – one of these two alternatives has to be resorted to. Since the former task is impossible, the latter one, i.e., imposing a Night Curfew is the best solution as suggested by the Hon'ble NGT (Annexure-4 of my O.A.).

DGCA also recommends that ICAO's document "Guidance on the Balanced Approach to Aircraft Noise Management" can be considered for reference for noise management. As far as human life and health are concerned this "Balanced Approach" will not work unless it concludes that compromising a few lives in the interest of Nation is fine. But it is not the right attitude. As I already stated, a nation is its people too; not its land alone.

A human's life is of paramount importance when compared to national interest. In fact, it's of highest priority (except in case of soldiers in borders). Every human is interested in life and living – a healthy living. Anything can be thought of or done only if a person is alive. If some flight emerges at some odd instant of time from the silence of the space and wants to take away this life, how can it be allowed? It's highly dangerous, it puts the life of people in risk, and it is advocated against by the WHO, CPCB, DGCA, MoEFCC and Hon'ble NGT. What meaningful development HAL Airport wants to achieve by torturing citizens with its noise pollution, that too in the nights when the citizens are resting? Can anyone actively participate in the day-time activities if his/her sleeping hours are ruined? Several Scientists, Engineers, Doctors and other professionals contributing for the development of nation are also living in these flight paths and suffering from the noise of night flights. Their life and health have no value? Safeguarding their health is not of any national interest? Why so much fuss to shift flight schedules by 3 hours plus or minus?

To sum up,

- a) Sneha Test House Report is irrelevant in the present context since it speaks of noise measurements made at the Airport and not in the flight paths.
- b) HAL Airport may claim for itself the status of an industrial zone and declare that it is following noise limits of 70 to 75dB. But residential zones cannot become industrial zones. So, their noise limits continue to be 55dB & 45dB for day and night. Mr. Sanjeev should have asked Sneha Test House to check the noise loads when the aircraft are in flight.
- c) Flights from HAL Airport are violating the noise pollution limits set for residential zones, causing health hazards to citizens under flight paths.
- d) HAL Airport does not have any explicit consent from CPCB to flout the noise levels set for residential zones in flight paths.
- e) CAR mandates monitoring of noise loads in flight paths and initiation of corrective measures in case they are excessive. I do not see this being followed.
- f) CAR suggested "Operating Restrictions" to be considered as one of the options for areas where the Airport fails in noise management. Accordingly, night curfew should have been implemented to avoid environmental noise pollution during nights in residential areas. But HAL Airport has overlooked this option and neglected the grievances of residents.

- g) HAL Airport is further adding up noise loads in the nights by entertaining transportation of VVIPs and eminent personalities. It is doing this unwanted business, despite knowing that such jobs are KIAL's responsibility since 2008.
- h) Besides this, HAL Airport announces with all the enthusiasm that it will soon revive its domestic terminal. Do not the authorities know that they are going to trouble citizens even more with this proposal?
- i) Strict curfew shall be implemented in the night for HAL flights. Test and Development, Training, Repairs and maintenance activities of various Agencies associated with HAL can very well be carried out during daytime (which is in fact safer compared to night working). Occasional night flights (only for MoD) can be allowed for night-flying practice purpose.
- j) This 7-hour pause in the nights requires advancing or postponing of flights by just 3½-hours.
- k) Prayer for imposing Night curfew for IGI Airport was declared 'not practicable' because it concerns the noise added up due to an additional runway and it is handling heavy air traffic. But since HAL Airport has ended its commercial career, implementation of night curfew is not a problem.
- l) BBMP/HAL Airport is not insisting that citizens should give undertakings stating that they wouldn't claim any compensation in case of damages to their properties in flight paths. Even otherwise, such undertaking cannot be applied towards damages to health of citizens.
- m) This case is not filed out of any suspicion, as stated by Mr. Sanjeev. This case has been filed because I have been experiencing setbacks in health due to indiscriminate flying of HAL aircraft day and night without bothering about noise pollution limits. I had all the time been a very healthy person as long as I was away from Marathahalli. Now I am a subject of Hypertension and GERD (Acid-reflux).
- n) Neither the VVIPs nor the commercial flights transporting them have the privilege or permission to damage the sleep and health of citizens.
- o) Enough data has already been analyzed before it was announced that night flights cause health hazards to citizens. The CPCB has acknowledged these results by stipulating noise pollution limits and the NGT has acknowledged these results through advising night curfews for Airports. It is meaningless that Mr. Sanjeev demands for scientific data as evidence at this stage to prove that night flights cause health hazards.
- p) Mr. Sanjeev has stated that there is no evidence of any health hazard due to night flights. If so, what is the need to obtain undertaking from residents for not claiming any compensation against Aircraft noise? Why these two contradicting statements? Isn't this making it clear that Aircraft noise poses health problems to people?

- q) Human life is not subservient to National interest (unless that human is guarding the borders). Human life assumes higher priority and cannot be put in risk on account of any developmental work. Bearing only this fact in mind, the Authorities from Organisations such as WHO, CPCB, DGCA, MoEFCC and NGT are trying to regulate the noise pollution from aircraft through several initiatives.
- r) The method of estimating the noise by averaging the measurements over time is not a meaningful method. Showing these figures as a proof of following the noise limits stipulated by CPCB is meaningless. This concept perhaps may be applicable inside an Airport but not along the flight paths. Averaged noise signifies nothing as far as its effects on human health are concerned. Only sudden or peak noise is responsible for causing health hazards.
- s) Some abatement measures may possibly reduce noise in the airport premises but for controlling the noise pollution in residential zones (falling in flight paths) within limits, imposing a night curfew is the only solution available.

Prayer:

It is Nature that puts every creation to sleep, for a fresh recharge and rejuvenation by next morning. And this Nature wouldn't allow interruptions to the sleep without an associated penalty - which could be severe. Hence it is binding on the HAL Airport to pause its operations in the nights in order to ensure that residents living near the Airport and along the flight paths can have undisturbed sleep during nights which could lead them to lead a happy and healthy life for long. While the development and testing activities that can be done on ground can continue to go on even throughout the night, we only request a seven-hour pause for flying in the nights.

I earnestly request that the Hon'ble Tribunal may kindly consider the facts presented in this Rejoinder and direct the First Respondent to reconsider its decisions in the light of above submissions, and implement Night Curfew for its aircraft operations, following the airports of other countries across the world. Hoping for a favourable judgment in the interest of justice,

Sincerely,

**P. BALA MURALI KRISHNA
APPLICANT**

A Recent News:

I have recently come across the news which has occupied the next two pages. Hon'ble Tribunal will observe that the First Respondent has exposed his hidden agenda here, and made it clear that he is determined to train all the pilots of all the civilian airlines to enhance the GDP of the country. Can the HAL Airport flout the CPCB regulations for contributing to the GDP? Every businessman in India, including the vegetable-vendor in the street is working towards the same goal - a better GDP for India, right? Then how can the police snatch the megaphones of street-vendors, alleging noise pollution?

HAL Airport is also causing the same pollution, in a bigger scale. The Reply Statement from the First respondent is filled with phrases like national defense, national interest etc. but not a word about GDP. If its business includes training for pilots of civilian airlines and commercial aircraft operations for enhancement of nation's GDP, then let the first respondent stick to the guidelines stipulated by CPCB, and pay penalty every time the noise levels exceed 55dB. They cannot torture the citizens in the nights, in the name of GDP. I pray Hon'ble Tribunal to direct the HAL Airport to mend its ways and shut its gates in the nights for a complete curfew of 7 or 8 hours.

Bengaluru residents complain about nighttime aircraft training, HAL says won't stop

The residents have filed an online petition demanding changes in flight schedules. They request that flight training pilots from commercial airlines should not be allowed after 10 pm.



Written by: Shivani Kava

Edited by: Nandini Chandrashekar

Published on: 13 Aug 2023, 3:10 pm



Peaceful quiet nights have disappeared for residents of Koramangala, HAL and Ejlpura as planes have been disrupting their sleep for several weeks. The operation of flights for training pilots from commercial airlines from HAL (Hindustan Aeronautics Limited) Airport has left the residents to deal with the constant noise of planes circling above. The skies over these neighbourhoods have been buzzing with activity for weeks, leaving residents tired and frustrated.

A petition to HAL by the residents on behalf of Koramangala 3rd Block Residents Welfare Association said, "Many are witnesses to being awakened by the sound of these aircrafts describing the deafening and terrifying sound they hear every night. The sound is so loud that it almost feels like something can come crashing over your home...Flight radar tracking has clearly shown that these are not defence flights training but commercial airlines who are training their pilots. Some of them do 20 sorties over a short period in the middle of the night."

Ajay Reddy, president of the Koramangala 3rd block Residents Welfare Association, voiced the collective frustration saying, "We've been meticulously tracking these aircraft movements and found nearly 30 planes flying between 12 am and 2:30 am. What's troubling is that these are pilot training for commercial airlines, not defence flights. We fully understand the importance of defence activities, but we urge the restriction on these flights during daylight hours."

Another resident added, "It's a menace at night. There are senior citizens in the area who are particularly vulnerable to such disturbances." He added that there has been an increase in nighttime aircraft activity in the last three weeks.

"The nights have turned into a battleground of noise, and it's taking a toll on our health. We wake up tired and anxious, and it's affecting our daily lives," said a resident of Ejjipura who didn't want to be named.

The screenshots of flight radar tracking show Air India flights circling Koramangala, Ejjipura, and surrounding areas from 11 pm to 3 am.

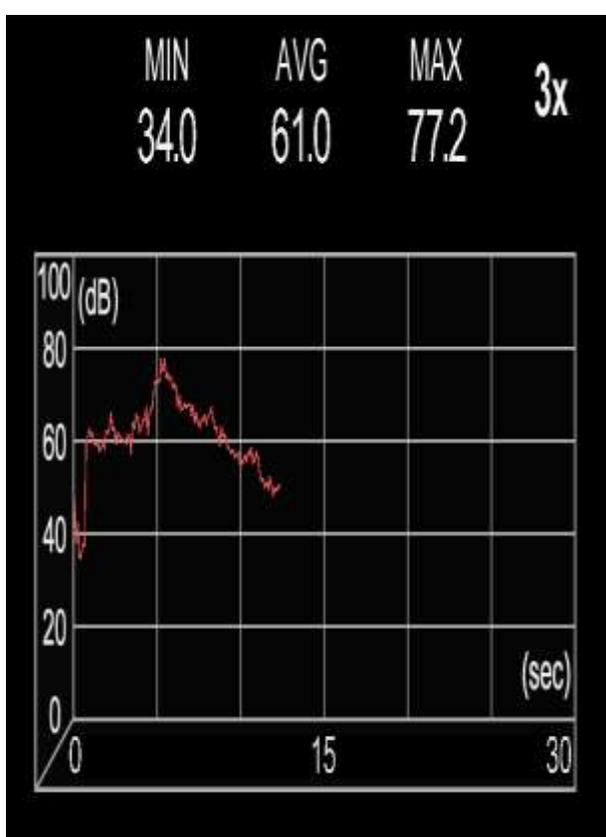
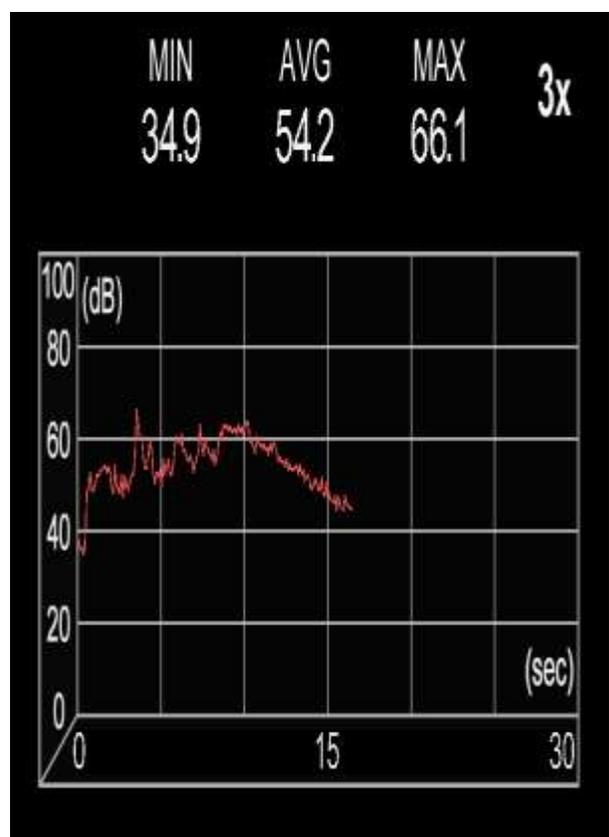
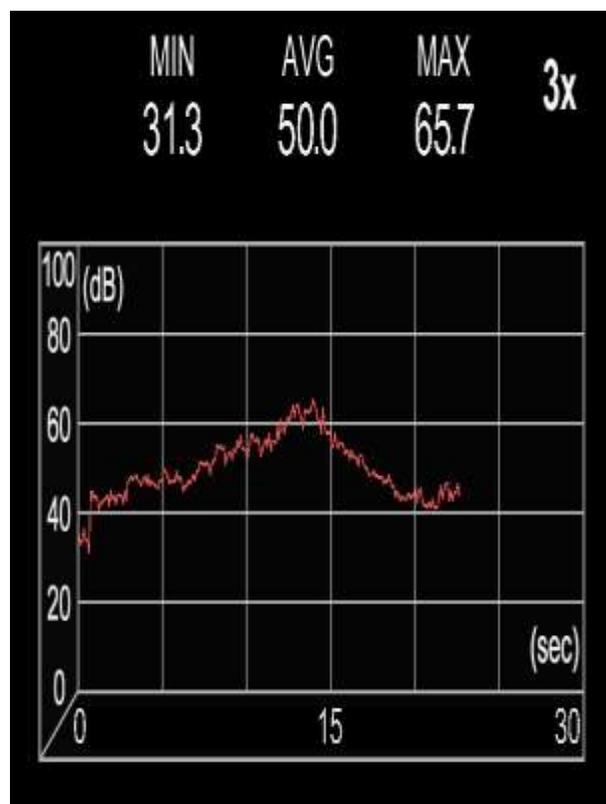
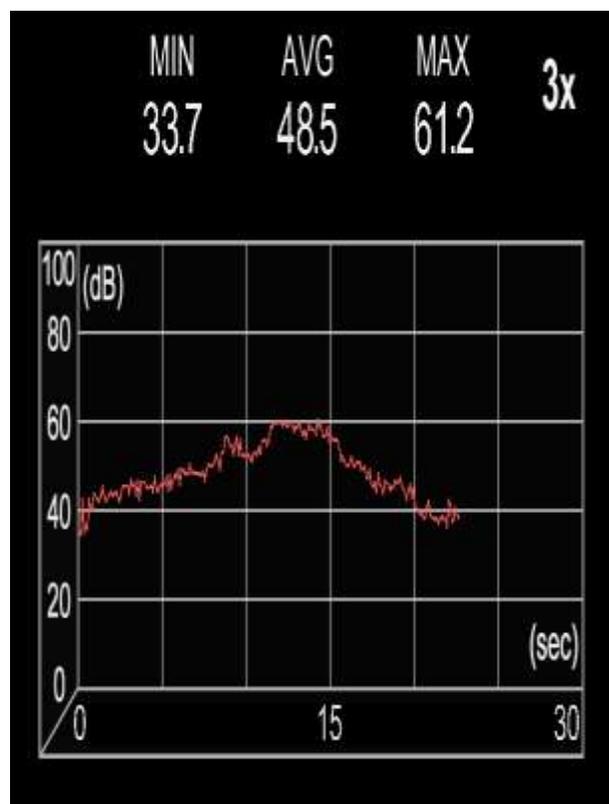
The root of the conflict lies in striking a balance between aircraft training activities and the quality of life for nearby residents. They object to the disturbance caused by these flights operating during nocturnal hours. The residents have filed an online petition demanding changes in flight schedules. They request that these flights should be stopped after 10 pm. "We are only asking to restrict the pilot flight training movement from 6 am to 10 pm," Ajay added.

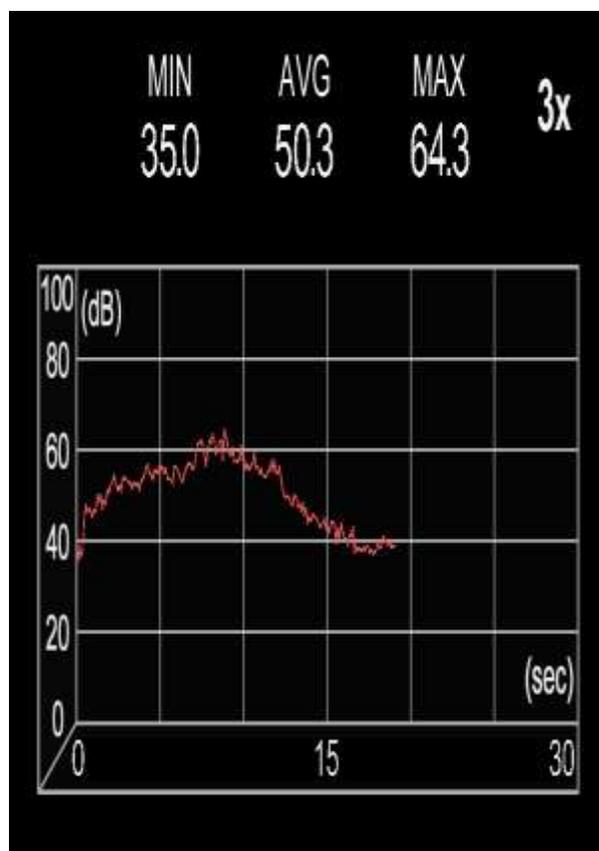
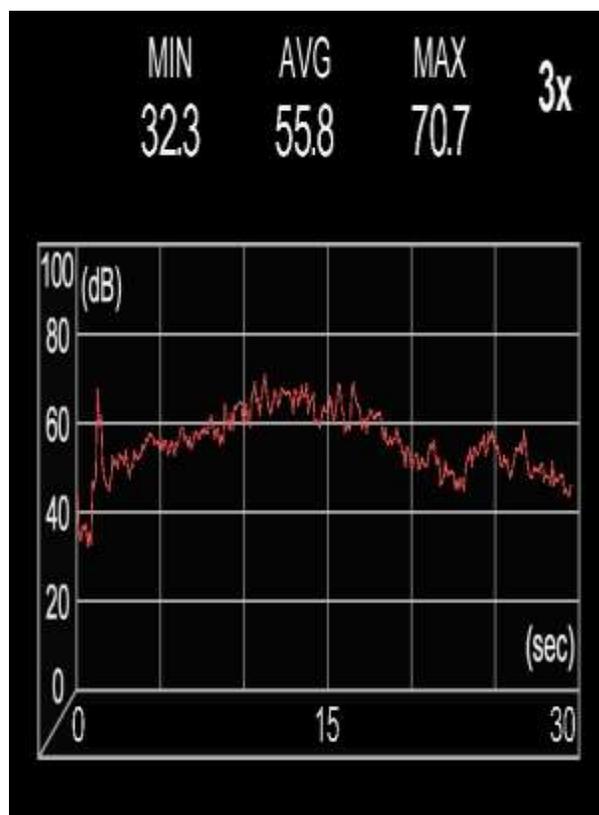
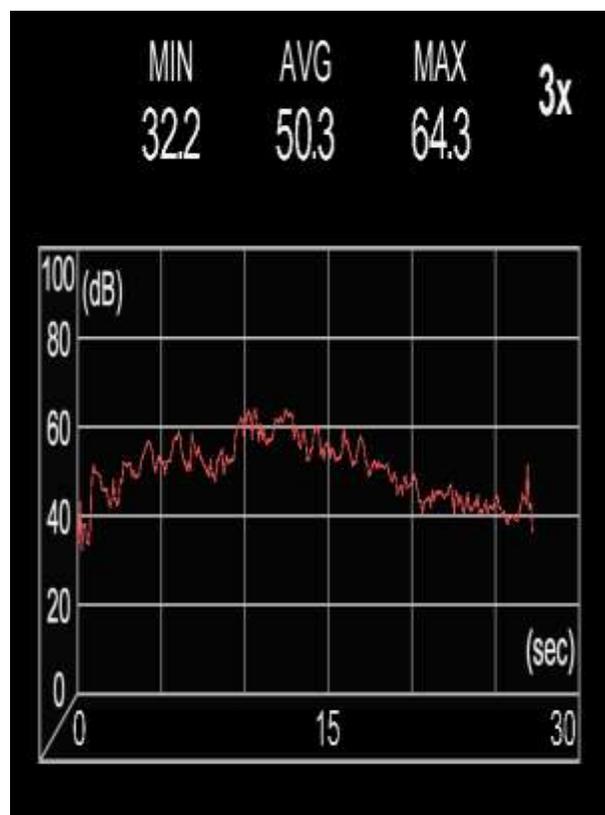
In an email response to the residents, Hindustan Aeronautics Limited (HAL) – responsible for the aircraft operations – said operations at HAL Airport are crucial and cannot be stopped. "HAL is a Defence Airport and all flying activities are being undertaken on behalf of the Ministry of Defence, Government of India in the national interest. Under no circumstances can the said activities be paused or stopped," the statement read.

The statement further read, "HAL Airport caters to VVIP/Non-Scheduled operations and training flights of all major civil scheduled airlines in the country. Through these activities, HAL supports the civil aviation growth of the country which is growing at an unprecedented rate under the able guidance & monitoring of the Civil Aviation Ministry and PMO. It is pertinent to mention that by accommodating the said operations throughout the year HAL is contributing to the GDP growth of the country."

HAL also referred to regulations stipulating that aerodromes should ideally be situated away from residential areas to mitigate noise disruptions. They said that urban development had led to a scenario where the airport was now surrounded by densely populated neighbourhoods. "Under Section 5 of the Aircraft Act, 1934, it is expected that aerodromes be constructed far away from residential areas of a city in order to protect residences from the noise created by frequent take-off and landing. Accordingly, HAL Airport was also built in 1941 in an area that was at a distance from the populated residential areas. However, with an unprecedented pace and a sudden growth, the urban areas in and around HAL Airport have become densely populated," the statement read.

TNM reached out to HAL authorities but did not receive any response. This story will be updated as and when we hear from them.





BBMP/ADDL.DIR/JD NORTH/LP/0-----/2015-16

This Plan Sanction is issued subject to the following conditions

1. Sanction is accorded for the ----- Building at -----, Bangalore.
 - a) Consist of BF+GF+ 4 UF (Four upper floors) only
2. Sanction is accorded for ----- **use** only. The use of the building shall not be deviated to any other use.
3. ----- area reserved for car parking shall not be converted for any other purpose.
4. Development charges towards increasing the capacity of water supply, sanitary and power main has to be paid to BWSSB and BESCOM if any.
5. Necessary ducts for running telephone cables, cubicles at ground level for postal services & space for dumping garbage within the premises shall be provided.
6. The applicant shall construct temporary toilets for the use of construction workers and it should be demolished after the construction.
7. The applicant shall INSURE all workmen involved in the construction work against any accident / untoward incidents arising during the time of construction.
8. The applicant shall not stock any building materials / debris on footpath or on roads or on drains. The debris shall be removed and transported to near by dumping yard.
9. The applicant / builder is prohibited from selling the setback area / open spaces and the common facility areas, which shall be accessible to all the tenants and occupants.
10. The applicant shall provide a space for locating the distribution transformers & associated equipment as per K.E.R.C (Es& D) code leaving 3.00 mts. from the building within the premises.
11. The applicant shall provide a separate room preferably 4.50 x 3.65 m in the basement for installation of telecom equipment and also to make provisions for telecom services as per Bye-law No. 25.
12. The applicant shall maintain during construction such barricading as considered necessary to prevent dust, debris & other materials endangering the safety of people / structures etc. in & around the site.
13. The applicant shall plant at least two trees in the premises.
14. Permission shall be obtained from forest department for cutting trees before the commencement of the work.
15. License and approved plans shall be posted in a conspicuous place of the licensed premises. The building license and the copies of sanctioned plans with specifications shall be mounted on a frame and displayed and they shall be made available during inspections.
16. If any owner / builder contravenes the provisions of Building Bye-laws and rules in force, the Architect / Engineer / Supervisor will be informed by the Authority in the first instance, warned in the second instance and cancel the registration if the same is repeated for the third time.
17. Technical personnel, applicant or owner as the case may be shall strictly adhere to the duties and responsibilities specified in Schedule – IV (Bye-law No. 3.6) under sub section IV-8 (e) to (k).
18. The building shall be constructed under the supervision of a registered structural engineer.
19. On completion of foundation or footings before erection of walls on the foundation and in the case of columnar structure before erecting the columns “COMMENCEMENT CERTIFICATE” shall be obtained.
20. Construction or reconstruction of the building should be completed before the expiry of five years from the date of issue of license & within one month after its completion shall apply for permission to occupy the building.
21. The building should not be occupied without obtaining “OCCUPANCY CERTIFICATE” from the competent authority.

22. Drinking water supplied by BWSSB should not be used for the construction activity of the building.
23. The applicant shall ensure that the Rain Water Harvesting Structures are provided & maintained in good repair for storage of water for non-potable purposes or recharge of ground water at all times having a minimum total capacity mentioned in the Bye-law 32(a).
24. The building shall be designed and constructed adopting the norms prescribed in National Building Code and in the "Criteria for earthquake resistant design of structures" bearing No. IS 1893-2002 published by the Bureau of Indian Standards making the building resistant to earthquake.
25. The applicant should provide solar water heaters as per table 17 of Bye-law No. 29 for the building.
26. Facilities for physically handicapped persons prescribed in schedule XI (Bye laws – 31) of Building bye-laws 2003 shall be ensured.
27. The applicant shall provide at least one common toilet in the ground floor for the use of the visitors / servants / drivers and security men and also entrance shall be approached through a ramp for the Physically Handicapped persons together with the stepped entry.
28. The Occupancy Certificate will be considered only after ensuring that the provisions of conditions vide Sl. No. 23, 24, 25 & 26 are provided in the building.
29. The applicant shall ensure that no inconvenience is caused to the neighbours in the vicinity of construction and that the construction activities shall stop before 10.00 PM and shall not resume the work earlier than 7.00 AM to avoid hindrance during late hours and early morning hours.
30. Garbage originating from Apartments / Commercial buildings shall be segregated into organic and inorganic waste and should be processed in the **Recycling processing unit** ----- k.g capacity installed at site for its re-use / disposal (Applicable for Residential units of 50 and above and 5000 Sqm and above built up area for Commercial building).
31. The structures with basement/s shall be designed for structural stability and safety to ensure soil stabilization during the course of excavation for basement/s with safe design for retaining walls and super structure for the safety of the structure as well as neighbouring property, public roads and footpaths, and besides ensuring safety of workman and general public by erecting safe barricades.
32. Sufficient two wheeler parking shall be provided as per requirement.
33. Traffic Management Plan shall be obtained from Traffic Management Consultant for all high rise structures which shall be got approved from the Competent Authority if necessary. .
34. Payment of license fees for sanction of this plan is subject to result of W.P.No. 4906/2008 & 2993/2008.
35. If any owner / builder contravenes the provisions of Building Bye-laws and rules in force, the authority will inform the same to the concerned registered Architect / Engineers / Supervisor in the first instance, warn in the second instance and cancel the registration of the professional if the same is repeated for the third time.
36. The Builder / Contractor / Professional responsible for supervision of work shall not materially and structurally deviate the construction from the sanctioned plan, without prior approval of the authority. They shall explain to the owner about the risk involved in contravention of the provisions of the Act, Rules, Bye-laws, Zoning Regulations, Standing Orders and Policy Orders of the BBMP.
37. In case of any false information, misrepresentation of facts, or pending court cases, the plan sanction is deemed cancelled.

II. NOC Details

Sl No.	Name of the Statutory Department	Reference No. & Date	Conditions Imposed
1	KSPCB		
2	BWSSB		
3	SEIAA		

MORE NEWS ON THE SUBJECT

HOME > GOVERNANCE > Aero noise menace disturbs Bengaluru residents

Aero noise menace disturbs Bengaluru residents

October 26, 2023 Nitin Seshadri

NOISE POLLUTION



Low altitude, night time flight training over residential areas by HAL, Airport, Bengaluru. Representative image: Sandhya Bhat using Canva

Residents near the old HAL airport in Bengaluru have been finding peaceful living a problem over the past few months. Authorities at HAL have leased out their airport and airspace for civilian low-altitude, night time pilot training by civilian airlines. The list of such airlines includes Indigo, Vistara and Air India.

The aircraft operate at low altitudes-typically 3,000 feet to 5,000 feet above ground and take an elliptical predefined path, which passes over Koramangala, HSR layout, Sarjapur Road, Old Airport road, Kaggadasapura and other neighbouring areas. Training begins around midnight most days and goes on almost until daybreak.

It may be recalled that the Hindustan Aeronautics Airport was the only airport in Bengaluru, up to May 2008, when the new Kempegowda Airport in Devanahalli took over all scheduled commercial, civilian air traffic. HAL airport was left with just Air force operations, charter flights and VIP flight movement. It would appear that HAL has resorted to leasing out its facilities for this training in order to augment revenues.

Is HAL a manufacturing unit ?

In an interesting submission before the Hon'ble High Court of Karnataka, in Chalet Hotels P Ltd vs Hindustan Aeronautics Ltd in WP 37571/2013, the counsel representing HAL had stated before the court that HAL is "primarily a public sector undertaking carrying on manufacturing activity". The same had been recorded by the Hon'ble High Court in its judgement in the writ petition.

If, as HAL have themselves conceded, Hindustan Aeronautics is a manufacturing facility then the provisions of the Karnataka State Pollution Control Board (KSPCB) certainly apply to it. **KSPCB has categorised industries** into colours — Red, Orange, Green and White. Out of these, the red category is reserved for highly polluting or sensitive industrial activities and operations. The very first item in the KSPCB red list is listed as "1,100 Airports and Commercial Air Strips"

It is very clear, therefore, that HAL falls squarely within the ambit of the KSPCB regulations on noise pollution both on account of it conducting manufacturing activity and because it operates as an airport. Units operating with a Consent to Operate (CTO), issued by the KSPCB, cannot change the scope of activity without a fresh CTO application. There is no indication of HAL having applied for the same from the KSPCB.

What are residents objecting to?

An online petition with hundreds of signatures was floated. A copy of it was sent to HAL by the Koramangala 3rd Block Residents Welfare Association (RWA) on behalf of several RWAs in the area. The petition made the following points:

- Residents do not object to military flight training or operations at any time of the day or night since this is a vital component of the country's defence.
- Residents do not object to civilian flight training as long as this is conducted at hours applicable for similar activity over a residential area. In other words, they requested a silent zone between 10 pm and 6 am as many residents were being deprived of a peaceful night's sleep.
- In response, HAL, in its email reply dated July 29th, avoided addressing the main issue until the very end of the communication. Instead it went into the history of HAL operations and digressed into a number of irrelevant considerations, including the impact on Defence preparedness. This would hardly be relevant as residents have time and again pointed out that their objection was only with respect to commercial civilian operations being conducted during the night .
- They also mentioned that "HAL supports the civil aviation growth of the country, which is growing at any unprecedented rate..... contributing to the GDP growth of the country".

A reply was sent to HAL on August 1st pointing out that the core issue in the complaint had not been addressed. However, post this communication there has been silence from the HAL authorities.

What do the KSPCB noise pollution rules state ?

KSPCB, in its official communication **No/PCB/NEC /1/2013-14/7908 dated 28 March 2014**, has clearly laid down the standards for ambient noise in various zones as below:

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.

KSPCB Rules on Ambient Air Quality standards in respect of noise in Industrial, Commercial, Residential and Silent zones. Pic courtesy: [KSPCB](#)

Measurements made by residents from handheld mobile devices (which are admittedly approximate) show readings of more than 70 db when the flights pass directly overhead.

What Indian courts have said on this subject

A number of court judgements and pronouncements have addressed the issue of aircraft noise causing disturbances to residential communities.

In 2016, the Principal bench of the National Green Tribunal (NGT) had [directed the Government](#) to lay down standards for noise pollution linked to airports and report on suitable measures within two weeks.

Shortly thereafter, the Government notified [standards for noise pollution](#) within airport boundaries (which is a meaningless standard since nobody lives within an airport boundary). The limits were deemed to be as applicable for an Industrial area.

Various High Courts in the country have also heard similar cases, like this [report](#) on the Delhi High Court hearing a case on a similar ground in 2005. However, nothing emerged from these hearings.

It may be interesting to note that several airports in developed countries do not allow even regular commercial flights during the night to protect the rights of residents living nearby. A key example is London's Heathrow Airport, which comes to a total halt during night time.

What recourse is left to residents ?

Residents plan to take up the matter with their elected representatives. If that approach fails then they will be forced to seek judicial recourse in the matter.



CURRENT ISSUE

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GOVERNMENT AND BIAL DISCUSS REVIVAL OF HAL AIRPORT

NEWS:

A proposal to develop Hosur airport in Tamil Nadu for commercial flights has given rise to talk about the reopening of HAL airport in Bengaluru. Commercial flights at HAL airport were discontinued nearly a decade ago after the Kempegowda International Airport (KIA) in Devanahalli became operational. The Ministry of Civil Aviation (MoCA) is in talks with Bangalore International Airport Ltd (BIAL) which operates KIA, for its consent for both Hosur and HAL airports. "The government is keen on this proposal and we are hoping for a breakthrough in the ongoing talks," said an official in the MOCA. "Talks are on between BIAL and the MOCA on many fronts. However, we offer no comments as far as Hosur and HAL airports are concerned at this juncture," said a BIAL spokesperson.

📅 Issue: 07-2017 👤 By Air Marshal B.K. Pandey (Retd) 🎨 Illustration(s): By Anoop Kamath

Ever since the HAL airport was shut down for regular commercial flights, the loss of revenue for HAL has been considerable. As per an affidavit on behalf of HAL, filed before a Division Bench during the hearing of a public interest litigation (PIL) petition filed by the Airport Authority of India Employees' Union, which had sought reopening of HAL Airport for commercial operations, in a period of seven years since the closure of the airport to commercial traffic, HAL had incurred a loss of Rs. 1,480 crore. While HAL has been clamouring quite understandably for reopening HAL airport for commercial flight operations, the Court pointed out an anomaly that in the present situation, appears somewhat incongruous. In January 1990, the then Chairman HAL had written to the Central Government expressing concern over hazard to air safety on account of civil and military air operations simultaneously from the same airfield. The Chairman HAL had recommended that civil air operations be discontinued at HAL airport and relocated at some other airfield. This definitely has weakened the case for resuming commercial flights at HAL. Did HAL actually shoot itself in the foot?

High-rises around HAL airport under the scanner

Many such structures have come up illegally in a 5-km radius, says complainant

April 15, 2019 01:54 am | Updated April 16, 2019 08:12 am IST - Bengaluru

SPECIAL CORRESPONDENT

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A file image of the HAL airport

High-rise buildings close to HAL airport have come under the scanner after the HAL police received a complaint that several such structures had come up “illegally” within a 5-km radius of the airport.

A special police team from Whitefield Division has been formed to probe into the complaint by Bharath Yadav, a resident of Virgo Nagar, who said that high-rise buildings were a threat to VVIP movement and Indian Air Force flights from the airport.