

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

Original Application No. 221 of 2025 (SZ)

Petitioner : Subhash. S, Kerala.

Versus

Respondent(s) : State of Kerala, Represented by
Chief Secretary, Kerala and ors.

**AFFIDAVIT SUBMITTED BY THE ENVIRONMENTAL
ENGINEER LEGAL CELL REGIONAL OFFICE
ERNAKULAM ON BEHALF OF KERALA STATE
POLLUTION CONTROL BOARD**



Adv. Rema Smrithi.V.K

**ADDITIONAL STANDING COUNSEL FOR THE FOURTH
RESPONDENT**

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VOLUME - II
Index

1	AFFIDAVIT FILED BY EE	1
2	Annexure - 1: Direction from Chairman CPCB A-14011/1/2021-MON/1116 dated 27.04.2021	5
3	Annexure - 2: Direction from Chairman Kerala PCB to Inspector General of Police dated 19.05.2021	8
4	Annexure - 3: Minutes of the Meeting Chaired by Additional Chief Secretary Environment dated 25.11.2022	14
5	Annexure - 4: Draft Scheme for Environmental Compensation Regime submitted by Board to Government on 06.01.2023	15
6	Annexure - 5: Letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025 from Environment Department Kerala	32
7	Annexure - 6: Letter No. KSPCB/1017/2025-EE-4 dated 29.06.2025 to Tripura SPCB, West Bengal PCB	34
8	Annexure - 7: Letter No. KSPCB/1017/2025-EE-4 dated 09.11.2025 issued to CPCB Regional Directorate Bengaluru	35
9	Annexure - 8: Letter No. KSPCB/1017/2025-EE-4 dated 09.11.2025 to Special Secretary Environment	37
10	Annexure - 9: Letter No. KSPCB/1017/2025-EE-4 dated 07-01-2026 to Member Secretary CPCB	124
11	Annexure- 10: Reminder letter No. KSPCB/1017/2025-EE-4 dated 07-01-2026 to CPCB Regional Directorate Bengaluru	220
12	Annexure -11: Reminder letter No. KSPCB/1017/2025-EE-4 dated 07-01-2026 to Tripura and West Bengal PCB	221

Dated this the 24th day of January, 2026

Adv.Rema Smrithi.V.K

ADDITIONAL STANDING COUNSEL FOR THE FOURTH
RESPONDENT

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

IN

Original Application No. 221 of 2025 (SZ)

**AFFIDAVIT FILED BY ENVIRONMENTAL ENGINEER LEGAL
CELL, REGIONAL OFFICE ERNAKULAM ON BEHALF OF
KERALA STATE POLLUTION CONTROL BOARD IN
COMPLIANCE TO HEARING DATED 04.11.2025.**

I, Noby George, aged 48 years, S/o late K.T George, residing at Ernakulam presently working as Environmental Engineer, Kerala State Pollution Control Board, Legal Cell, Regional Office, Ernakulam do hereby solemnly affirm and state as follows:

1. I am the Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as Board), Legal Cell, Regional Office, Ernakulam duly authorised to file the affidavit before the Hon'ble Tribunal. I am aware of the facts affirmed by me in this Affidavit. I am swearing that this is the report based on the best of my knowledge, information and belief and the facts revealed from the records.
2. Based on Hon'ble NGT orders in OA 519/2016(PZ), 496/2018(PZ), 196/2018(PZ), 197/2018(PZ), the Chairman CPCB has issued direction No. A-14011/1/2021-MON/1116 dated 27.04.2021 to Kerala SPCB to direct all designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble NGT. The direction is submitted herewith and marked as **Annexure 1**. Subsequently, a direction PCB/HO/EE3/NGT/OA No. 681/2018/24/19(M) dated



19.05.2021 was issued by Board to Inspector General of Police to implement the scale of compensation for violation of the Noise Pollution (Regulation and Control) Rules 2000 as accepted by Hon'ble NGT. Same is submitted herewith and marked as **Annexure 2**

3. It is respectfully submitted that as per decision taken in the meeting chaired by Additional Chief Secretary Environment on 25.11.2022 , it was instructed to prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000 and the Environment Department shall issue Government Order after getting the draft vetted by the Law Department. Minutes of the meeting is submitted herewith and marked as **Annexure 3**. The Board has submitted the draft scheme regarding implementation of environmental compensation regime for noise pollution to Government vide letter dated 06.01.2023, the draft scheme is under scrutiny and consideration of the State Government. The Board vide letter dated 11.01.2025 has again brought the matter to the kind notice of the Government. Letters are submitted herewith and marked as **Annexure 4**.
4. It is respectfully submitted that the Government of Kerala vide letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025 has instructed to submit the details of the scheme implemented by the States of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016. Government letter is submitted herewith and marked as **Annexure 5**. The Board has issued letters to Tripura State Pollution Control Board (SPCB) and West Bengal SPCB vide letter dated 29.06.2025 requesting to provide the details called for by the



Government. Letter to Tripura SPCB and West Bengal PCB is submitted herewith and marked as **Annexure 6**. But, there is no response till date from the PCBs. Meanwhile CPCB Regional Directorate Bengaluru was also requested vide letter dated 09.11.2025 to assist in obtaining the requisite information on implementation of the Noise Compensation regime by any of the States. Same is submitted herewith and marked as **Annexure 7**.

5. It is respectfully submitted that since the draft scheme for implementation of the Environmental Compensation regime for noise pollution has already been submitted to the State Government of Kerala, the Board vide letter dated 09.11.2025 has requested the Government to explore the possibility of proceeding with the same draft scheme, in view of the non-receipt of responses from the Pollution Control Boards of Tripura and West Bengal. Letter to Government is submitted herewith and marked as **Annexure 8**.
6. It is humbly submitted that the Board vide letter dated 07-01-2026 has requested Central Pollution Control Board, Head Office and Regional Directorate Bengaluru to provide necessary guidance on whether Environmental Compensation scheme related to noise pollution has been implemented in any of the States in India. Letters issued to CPCB Head Office and Regional Directorate is submitted and marked as **Annexure 9 & Annexure 10** respectively. Also reminder letter dated 07-01-2026 was served on Tripura & West Bengal PCBs requesting the information. Reminder letter to Tripura & West Bengal PCBs is submitted herewith and marked as **Annexure 11**.



NOBY GEORGE
ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE
GANDHI NAGAR, KOCHI-682020

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 24th day of January 2026



**ENVIRONMENTAL ENGINEER
LEGAL CELL, ERNAKULAM**



NOBY GEORGE
ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE
GANDHI NAGAR, KOCHI-682020



1320
21/06/2021

ANNEXURE 1

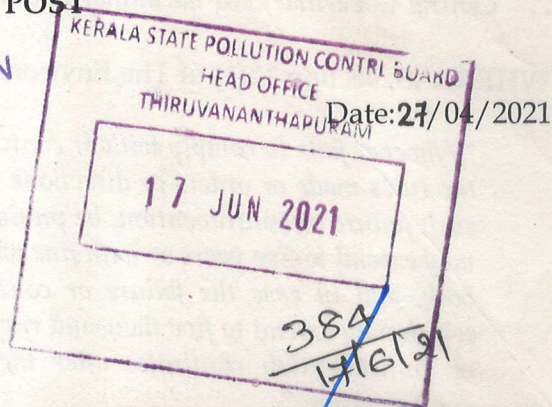
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED- POST

File No. A-14011/1/2021-MON

To,

The Chairman
Kerala State Pollution Control Board,
Plamoodu Jn., Pattom Palace P.O.
Thiruvananthapuram-695 004



DIRECTIONS UNDER SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof; and

WHEREAS, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, following responsibilities are vested with CPCB and SPCBs:

1. The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule, and
2. The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, under section 19 of The Environment (Protection) Act, 1986, No court shall take cognizance of any offence under this Act except on a complaint made by –
“(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid."

WHEREAS, section 15(1) of The Environment (Protection) Act, 1986 states that:

"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

WHEREAS, section 9(3) of The Environment (Protection) Act, 1986, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"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."

WHEREAS, in compliance to directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 14/11/2019 (copy attached); and

WHEREAS, Hon'ble NGT CPCB vide order dated 15.11.2019 directed CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.

- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensure that same is not restored to.

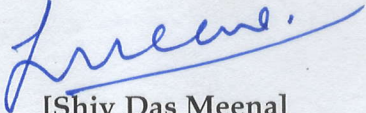
WHEREAS, in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020 (copy attached); and

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 11/08/2020, Hon'ble NGT further directed CPCB as follows:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs."

NOW, THEREFORE, in view of the above stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it is hereby directed that Chairman Kerala SPCB shall direct designated Authorities of the State to implement *Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000* as accepted by Hon'ble NGT.

The Chairman, SPCB shall acknowledge the receipt of this direction within 15 days and shall communicate the status on the action plan and its implementation.


[Shiv Das Meena]
Chairman

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 – 2318134, 2318152 web: www.keralapcb.nic.in



KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram – 695 004

PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19(M)

Date:19/05/2021

DIRECTION UNDER SECTION 5 OF ENVIRONMENT (PROTECTION)ACT,1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

WHEREAS under Sec17(1) of the Air (Prevention & Control of Pollution)Act 1981, one of the functions of the State Pollution Control Boards is to plan a comprehensive programme for the prevention and control or abatement of air pollution in the State and to secure the execution thereof;

WHEREAS under Sec 2(a) of theAir (Prevention & Control of Pollution)Act 1981, noise is defined as air pollutant;

WHEREAS as per Rule 4(2) of theNoise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of ambient air quality standards in respect of noise;

WHEREAS Sec 15(1) of the Environment (Protection) Act, 1986 states that “Whoever fails to comply with or contravenes any of the provisions of this Act, or the Rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which

may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention”;

WHEREAS Sec 9(3) of Environment (Protection) Act, 1986 states that “The expenses if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Govt. May, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand”;

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, the Hon’ble NGT directed Central Pollution Control Board on 1-8-2019 that, “CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 by the concerned Authority on the basis of “Polluter Pays” Principle. Though violation of the rules like Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986, with imprisonment up to 5 year and fine up to 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”;

WHEREAS in compliance to the directions of Hon’ble NGT, CPCB prepared scale of compensation for violation of the Noise Pollution(Regulation and Control)Rules,2000 as follows and submitted before the Hon’ble NGT (Copy attached as Annexure);

Sl.No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulters		Action to be taken by designated Authorities
1	Use of loudspeakers/Public address system(1) (Clause 5(1)-5(2), 6(I ,ii,iii and v) ⁽¹⁻⁵⁾	Rs. 10,000/-		Seizure
2	Violation with respect to Generator set Norms(Standards attached as Annexure)			
a)	D.G.sets more than 1000 KVA	Rs.1,00,000/-	Sealing of D.G.sets	Seizure/Sealing of equipment
b)	D.G.sets 62.5 KVA to 1000 KVA	Rs.25,000/-		
c)	D.G.sets upto 62.5 KVA	Rs.10,000/-		
3	Violation of use of sound emitting construction equipment ⁽⁶⁾	Rs.50,000/-		
4	Bursting of firecrackers beyond the prescribed time limit			
	(Hon'ble Supreme Court order & Clause 5A ⁽²⁾ & 6(iv) ⁽⁷⁻⁸⁾			
4(1)	Violation by individuals/household	Residential/Commercial/Mixed Zone	Silence Zone	Fine to be paid by the individual
4(2)	Violation during possession	Rs.1000/-	Rs.3000/-	Fine to be paid by the Organizer
	a. Public Rallies	Rs.10,000/-	Rs.20,000/-	
	b. Barat during marriage			
	c. Religious events			
4(3)	First violation within a fixed premises	Rs.20,000/-		Fine to be paid by organizer and owner of the place
	a. Function organized by RWA			
	b. Marriage function			
	c. Public function			
	d. Institution function			
	e. Banquet hall			
4(4)	f. Open ground functions	Rs.40,000/-		
4(4)	Second violation within a fixed premises			

	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		
4(5)	More than two violations within a fixed premises	Rs.1,00,000/- and action under EP Act	Sealing of premises
	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used as except after obtaining written permission from the Authority.
2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency
3. Clause 6(i): Playing any music or using any sound amplifiers in any place covered under the silence zone/area is prohibited.
4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.
5. Clause 6(iii): Exhibits any mimetic musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5(A)(3): Sound emitting construction equipment shall not be used or operated during **night** time in residential areas and silence zones.
7. Sound emitting fire crackers shall not be burst in silence zones or during night time in each zone.
8. As per directions of Hon'ble Supreme Court, following time limits are prescribed for bursting **fire** crackers;
 - Diwali - 8 PM - 10 PM
 - Gurupurb - 4 AM - 5 AM and 9 PM - 10 PM
 - New Year and Christmas- 11.55 PM-12.30 PM
9. It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicles Rules, 2019.

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, Hon'ble NGT further directed CPCB that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied within all the States;

WHEREAS CPCB vide letter no. A-14011/1/2021-MON dated 27.04.2021 directed the undersigned to direct the designated authorities of the State to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

ANDWHEREAS as per the Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002, Govt. Of Kerala designated the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police (Sub. divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State;

NOW THEREFORE you are hereby directed to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

The status of the action plan and its implementation shall be submitted to the Board within 30 days of receipt of this Direction for submitting to the Central Pollution Control Board.

FOR AND ON BEHALF OF
KERALA STATE POLLUTION CONTROL BOARD

Sd/-
CHAIRMAN

To

The Inspector General of Police
Social Policing and Traffic
Police Head Quarters,
Vazhuthacaud, Thiruvananthapuram

- Copy to: 1. The Chairman, Central Pollution Control Board (with covering letter)
2. The Additional Chief Secretary, Environment Department, (with covering letter)
3. Chief Environmental Engineer, Regional Office, TVM/EKM/KKD
4. Environmental Engineer, AllDOs
5. All Technical officers in HO

Minutes of the Meeting convened by Additional Chief Secretary, Environment Department, at 12.30 PM on 25.11.2022 to discuss regarding the realisation of compensation amount and to frame procedure for implementation of compensation regime as directed by NGT

The meeting commenced at 12:30 PM with Additional Chief Secretary in Chair. Officers, as per the list appended, attended the meeting. The NGT Order dated 11.08.2020 in OA 519/2016, wherein the Tribunal directed to implement the compensation regime for violation of Noise Rules, 2000, and other prevailing Rules were discussed in the meeting. The Police Department again raised some ambiguities regarding the implementation of compensation regime by the authorities concerned.

After detailed discussion, the following decision was taken:

Kerala State Pollution Control Board shall prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000. Government Order shall be issued by Environment Department after getting the draft vetted by the Law Department.

[Action: KSPCB, ENVVT Dept., Law Dept.]

The meeting ended at 1:10 PM.

Dr. Venu. V. IAS

ANNEXURE 4

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HO/ EE3/NGT/O.A.NO.681/2018/30/19

Date: 06/01/2023

From

The Chairman

To

The Additional Chief Secretary
Environment Department
Government Secretariat
Thiruvananthapuram



Sub: - Implementation of Noise Pollution (Regulation and Control) Rules, 2000-reg.

Ref: - 1. Decision taken in the meeting convened on 25.11.2022

2. Government letter no A3/241/2019-ENVT dated 05.01.2023

Sir,

As per the decision under ref 1, a draft scheme regarding implementation of environmental compensation regime for noise pollution is submitted herewith.

Yours faithfully,

CHAIRMAN

o/c

**ENVIRONMENT DEPARTMENT - IMPLEMENTATION OF
ENVIRONMENT COMPENSATION REGIME FOR NOISE
POLLUTION AS ORDERED BY HON'BLE NATIONAL GREEN
TRIBUNAL(PZ)**

- 1. Order dated 11.08.2020 in OA Nos. 519/2016 (PZ), 496/2018 (PZ), 196/2018 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal*
- 2. Order dated 01.12.2020 in OA Nos.249/2020 (PZ), 254/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) of the Hon'ble National Green Tribunal*
- 3. Judgment dated 18.07.2005 of the Hon'ble Supreme Court in WP(C) No. 72/1998*
- 4.Direction No. A-14011/1/2021-MON dated 27/04/2021 issued by CPCB to KSPCB*
- 5. Direction No. PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19 (M) dated 19/05/2021 issued by KSPCB to Police Authority*
- 6. Meetings held on 17/03/2022, 23/05/2022 & 19/09/2022 under the chairmanship of the Chief Secretary*

A mindful reading of the landmark judgment dated 18.07.2005 delivered by the Hon'ble Supreme Court in the WP (C) No. 72 of 1998 would reveal that the Apex Court had emphasized clearly and categorically that noise being a nuisance, health hazard and environmental pollutant, shall be regulated for the physical and psychological wellbeing of citizens.

It is pertinent to recall that vide the above judgment it was also conveyed that it is well settled by repeated pronouncements of the Apex Court that right to life enshrined in

Article 21 is not of mere survival and existence, but, it guarantees right of persons to life with human dignity. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. The Court had further observed that the freedom of speech and right to expression are fundamental rights, but the rights are not absolute. While one has a right to speech, others have a right to listen or decline to listen and nobody can be compelled to listen and nobody can claim he has a right to make his voice trespass into the ears or mind of others. The States were directed to create awareness on the hazardous effects of noise pollution and to make provisions for seizure and confiscation of loud speakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits.

The issue of noise pollution continues unabated due to various reasons. In India various laws are invoked for curbing the nuisance of noise pollution. The Environment (Protection) Act, 1986 and the Noise Pollution (Regulation and Control) Rules, 2000 (made under the provisions of said Act & Rules thereunder) also assume relevance in this context. Relevant clauses under the said Act / Rules are quoted below:

Regarding cognizance of offences as specified in the Environment (Protection) Act, 1986, section 19 of the Act reads as under:

“No court shall take cognizance of any offence under this Act except on a complaint made by-

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid."

The section 15(1) of The Environment (Protection) Act, 1986 regarding penalty for contravention of the provisions of the Act, Rules, orders and directions states that:

"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

Also Section 9(3) of The Environment (Protection) Act, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

Noise is defined as air pollutant under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981. One of the functions of the State Pollution Control Boards (SPCBs) under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof.

Further as per the Noise Pollution (Regulation and Control) Rules, 2000 notified under the Environment (Protection) Act, 1986, following responsibility is vested with CPCB and SPCBs:

“The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement”.

As specified in the rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

The Hon'ble National Green Tribunal while dealing with cases concerning noise pollution issues have given various orders to be complied by the States. In this context the most prominent common orders dated 1.08.2019 (in OA No. 519/2016, 496/2018, 196/2018, 197/2018), 11.08.2020 (in OA No. 519/2016, 496/2018, 196/2018,

197/2018) & 1.12.2020 (in OA No. 249/ 2020, 259/2020, 255/2020, 93/2020) are relevant in terms of the Tribunal's directions regarding implementation of compensatory regime for curbing noise pollution. Order dated 1.12.2020 issued in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) is the final order detailing the levy of compensatory regime. This order directs the States to implement Compensatory Regime as accepted by the Tribunal for violation of Noise Rules 2000. Salient portions of the orders are extracted below.

In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"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 directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to the Hon'ble National Green Tribunal on 14/11/2019.

Hon'ble NGT vide order dated 15.11.2019 directed CPCB as follows:

"a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.

b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored to."

Further in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020.

In O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 vide order dated 11/08/2020, the Hon'ble National Green Tribunal further directed CPCB as follows:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTS,"

Further orders with respect to Compensatory Regime was issued in 1.12.2020 (order dated 01.12.2020 of the Hon'ble National Green Tribunal in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ)) wherein District Magistrates were assigned as authorities for levy of EC for violation in bursting fire crackers.

Further authorities for enforcing the Compensation was referred under para 22 of the same order

“22. As per the Noise Control rules, the responsibility for enforcement of noise pollution control measures is of the ‘authority’, which includes authorized officers, District Magistrates, Police Commissioner or any officer not below the rank of Deputy Superintendent of Police designated for the maintenance of air quality standards in respect of noise. There is further provision that any loudspeaker or sound producing instrument /equipment can be used only after obtaining written permission. Festive occasions are defined as notified National or State functions, including the Republic Day, the Independence Day, State Day or other notified day.”.

The Hon’ble National Green Tribunal has further vide para 27 of order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) ordered that,

Para 27. *“Accordingly, the above needs to be followed against violation of prohibition/restriction on bursting of crackers. Apart from the scale of compensation, applicable for noise, equal amount of compensation is liable to be paid for violation of air norms. Thus, the rate of compensation has to be double of the above scale. The word ‘fine’ is infact compensation. Polluter pays principle is part of environmental law not only under section 20 of the NGT Act but also has to be applied by law enforcing agency to enforce environmental norms. For second violation and more than two violations, deterrent amount in the form of double compensation will be payable for cases covered by Para 4(1) & 4(2) of the above table also. Further, it is clarified that ‘second’ violation does not mean second day. Second violation includes violation on same day or continuous violation. The*

amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate."

It has been ordered by the Hon'ble National Green Tribunal vide para 32. vi, vii, viii, ix & x of the order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) that,

"32. In view of above discussion, following directions are issued:

..vi. The District Magistrates in every district may take steps to ensure that banned fire crackers are not sold in terms of order of the Hon'ble Supreme Court dated 23.10.2018.

vii. The District Magistrate, on a complaint or otherwise, will recover compensation from violators of the above directions on the parameters already mentioned in Para 24 above.

viii. Any victim of pollution, apart from other remedies, can approach the District Magistrate for compensation, by showing evidence of individual damage and the person responsible for the damage. Such claim may be dealt with by a reasoned order.

ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the environment in the district.

x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.03.2021."

In view of the above stated facts and to ensure compliance of the existing Rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it was hereby directed vide letter no. A-14011/1/2021-MON dated 27.04.2021 that Chairman Kerala SPCB shall direct designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by the Hon'ble National Green Tribunal.

In compliance to the above statutory directions received from the Central Pollution Control Board, directions were issued from Kerala State Pollution Control Board to State Inspector General of Police and the matter was informed to the Environment Department.

Meetings were held by the Chief Secretary on 17/03/2022, 23/05/2022 & 19/09/2022 with the Departments concerned, to discuss the implementation of Compensatory Regime for violation of noise pollution in the State in compliance to the directions of the Hon'ble National Green Tribunal, wherein it was decided to go ahead with implementing the scheme as directed by the National Green Tribunal to regulate noise pollution in the State.

As part of implementation of Noise Rules, 2000 in the State, the State Government had in accordance to the Rule 2 (C) provisions of Noise Rules issued Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002 from HOME (F) Department, designating the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police

(Sub. divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State.

The orders of the Hon'ble National Green tribunal has to be complied with in both letter and spirit. It is further observed that as a result of rapid urbanization and development in multifarious sectors including transportation, electioneering, industrialization, communication, building & infrastructure etc. and emergence of new lifestyles, the ambient noise levels are on a rise which warrants strict enforcement of noise regulation. Further due to high population density in the State noise pollution assumes high significance. The urban-rural continuum as seen in the State of Kerala also calls for concerted efforts to streamline the causes of noise pollution and to devise deterrent steps to prevent pollution issues to guarantee a better/high quality of life for its citizens.

The State Government having seriously considered all the above matters is pleased to order the implementation of Compensatory Regime for violation of Noise Rules in the State in due compliance to the order dated 01.12.2020 of the Hon'ble National Green Tribunal in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ).It is hereby directed to implement the scale of compensation for violation of Noise Pollution(Regulation and Control)Rules, 2000 as accepted by the Hon'ble National Green Tribunal (Annexure- I attached), by the authorities concerned viz; Police Authorities & District Magistrates.

Mass awareness campaigns through visual, audio & social media may be imparted for the benefit and information of general public on the hazards of noise pollution and introduction of compensatory regime. Motor Vehicle Department may also conduct awareness campaigns on regulating the use of horns.

The status of the implementation shall be submitted to the Kerala State Pollution Control Board within 30 days of receipt of this Direction for submitting to the Central Pollution Control Board.

To,

Cc,

ANNEXURE

Enlistment of Violation of Noise Rules and their Respective Scale of Compensation

SR. 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 ¹ (Clause 5(1)-5(2), 6(i, ii, iii and v) ¹⁻⁵	₹ 10,000		Seizure
2.	Violation w.r.t generator sets norms			
a)	DG sets more than 1000 KVA	₹ 1,00,000/-		Sealing of DG sets (Sealing of DG sets shall be done by the Police Authorities based on direction issued by the Pollution Control Board who is the designated authority)
b)	DG sets 62.5 to 1000 KVA	₹25,000/-		
c)	DG sets upto 62.5 KVA	₹ 10,000/-		
3.	Violation of use of sound emitting construction equipments	₹50,000/-		Seizure/ Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6(iv) ⁷⁻⁸)			
4(1)	Violation by individual/ household	Residential /Commercial/ Mixed zone	Silence Zone	
a)	Violation by individual/ household (1 st violation)	₹1,000	₹3,000	
b)	Violation by individual/ household (2 nd violation)	₹2000	₹6000	

4(2)	Violation during possession a) public rallies b) barat during marriage religious event	Residential /Commercial/ Mixed Zone	Silence Zone	Compensation to be paid by organizer
A)	Violation during possession a) public rallies b) barat during marriage Religious event (1st violation)	₹10,000	₹20,000	Compensation to be paid by organizer
B)	Violation during possession a) public rallies b) barat during marriage religious event (2nd violation)	₹20,000	₹40,000	Compensation to be paid by organizer
4(3)	First Violation within a fixed premises: a) Function organized by RWA b) Marriage Function c) Public Function d) Institution function e) Banquet Hall f) Open ground functions	₹20,000		Compensation to be paid by organizer and owner of the place.
4(4)	Second violation within a fixed premises: a) Function organized by RWA b) Marriage Function c) Public function d) Institution function e) Banquet hall f) Open ground function	₹40,000		Compensation to be paid by organizer and owner of the place.
4(5)	More than two violation within a fixed Premises: a) Function organized by RWA b) Marriage Function c) Public Function d) Institution function e) Banquet Hall f) Open ground function	₹1, 00, 000 and action under EP Act.		Sealing of premises

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.
2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.
3. Clause 6 (i) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.
4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument in any place covered under the silence zone/area are prohibited.
5. Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones
7. Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;
8. As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting firecrackers:
 Diwali: 8 pm to 10 pm
 Gurupurb: - 4am to 5 am and 9 pm to 10 pm
 New Year and Christmas: 11.55 pm to 12.30am
9. It may be noted that imposition of compensation for notification of Rule 5A (1) falls within the purview of Motor Vehicle Rules, 2019
10. In case of compensation levied by District Magistrates the amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate.
11. The Government had vide GO(Rt) No. 653/2022/Finance dated 03/02/2022 of Finance (Budget Wing D) Department opened a new head of account for pooling compensation under noise rules. The Police Authorities may pool the compensation levied, under this head.

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/347/2022-EE-3

Dated: 11-01-2025

From

CHAIRPERSON

To

The Secretary to Government
Environment Department

Sub:- Draft Scheme for Environmental Compensation Regime-Implementation of
Noise Pollution(Regulation and Control) Rules 2000-reg

- Ref:- 1. Order dated 11.08.2020 in OA Nos. 519/2016 (PZ), 496/2018 (PZ), 196/2018 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal
2. Order dated 01.12.2020 in OA Nos.249/2020 (PZ), 254/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) of the Hon'ble National Green Tribunal
3.Minutes of the meeting convened by ACS Env't Dept dated 25.11.2022
4. Government letter No. A3/241/2019-ENV'T dated 05.01.2023
5. This Office letter No. PCB/HO/EE3/NGT/O.A. No.681/2018/30/2019 dated 06.01.2023
6. This Office letter of even no. dated 13.12.2024

Sir,

Kind Attention is invited to subject matter. The Hon'ble NGT vide the orders in ref.(1),(2) directed States to implement compensatory regime accepted by Tribunal for violation of Noise Rules 2000 and CPCB had issued direction to Kerala SPCB to direct designated authorities of the State to implement scale of compensation for violation of Noise Rules 2000 (copy enclosed). So, the Board had issued a direction (copy enclosed) under section(5) of Environmental Protection Act 1986 to Inspector General, Social Policing and Traffic for implementation of Environmental Compensation Regime of Noise Pollution.

As per decision in ref.(3), draft scheme in Environmental Compensation Regime of Noise Pollution was prepared and submitted to Environment Department vide ref.(5). As per ref (3), Government Order is to be issued by Environment Department which is required for implementation of Environmental Compensation Regime of Noise Pollution by the designated authorities (the District Magistrates, the Commissioners of Police/the Superintendents of Police and the Deputy Superintendent of Police (Sub Divisional Officers)) in the State, as per the orders of Hon'ble NGT and CPCB. Urgent necessary action may kindly be taken in this regard as complaints and RTI applications in this

matter are being received.

Encl: As above

Signed by

Sreekala S

Yours faithfully,

Date: 11-01-2025 13:21:53

CHAIRPERSON

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20/06/25

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20/6/25

"ഭരണഭാഷ- മാതൃഭാഷ"



കേരള സർക്കാർ

ENVT-A3/241/2019-ENVT

പരിസ്ഥിതി (എ) വകുപ്പ്
19-06-2025, തിരുവനന്തപുരം

സ്പെഷ്യൽ സെക്രട്ടറി
ചെയർപേഴ്സൻ,
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
സർ,

വിഷയം:- പരിസ്ഥിതി വകുപ്പ്- ബഹു. NGT നിർദ്ദേശിച്ച പ്രകാരം, 2000-ലെ ശബ്ദ (പ്രതിരോധവും നിയന്ത്രണവും) നിയമങ്ങളുടെയും പരിസ്ഥിതി നഷ്ടപരിഹാര വ്യവസ്ഥയുടെയും ഫലപ്രദമായ നടപ്പാക്കുന്നത് - സംബന്ധിച്ച്.

- സൂചന:-
1. Order dated 11.08.2020 in OA Nos- 519/2016 (PZ), 496/2018 (PZ), 196/2015 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal.
 2. താങ്കളുടെ 06.01.2023 തീയതിയിലെ PCB/HO/EE3/NGT/O.A No. 681/2018/30/19 നമ്പർ കത്ത്.

സൂചനകളിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. ബഹു. നാഷണൽ ഗ്രീൻ ട്രിബ്യൂണലിന്റെ OA 519/2016 നമ്പർ കേസിലെ ഉത്തരവിൽ പരാമർശിച്ചിട്ടുള്ള 'Polluter pays principal' എന്ന തത്വത്തിന്റെ അടിസ്ഥാനത്തിൽ നഷ്ടപരിഹാരം ഈടാക്കുന്നത് സംബന്ധിച്ച് Tripura, West Bengal എന്നീ സംസ്ഥാനങ്ങൾ നടപ്പാക്കിയ പദ്ധതിയുടെ വിശദവിവരങ്ങളും, അത് കേരളത്തിൽ നടപ്പാക്കുന്നത് സംബന്ധിച്ച വിശദമായ റിപ്പോർട്ടും അടിയന്തിരമായി സർക്കാരിൽ സമർപ്പിക്കുവാൻ നിർദ്ദേശിക്കുന്നു.

Urgent
BB-A
20/6
km
For CHN.

വിശ്വസ്തയോടെ,
UNNIKUTTAN S S
അണ്ടർ സെക്രട്ടറി
സ്പെഷ്യൽ സെക്രട്ടറിയ്ക്കുവേണ്ടി

Signed by
സെക്ഷൻ ഓഫീസർ.
Date: 19-06-2025 15:28:01

~~6/20/6/25~~

Kerala Govt

ENVT-A3/241/2019-ENVT

Special Secretary

Chairperson,

Kerala State Pollution Control Board

സഭ,

Environment (a) Deptt

19-06-2025.Thiruvananthapuram

Subject:- Department of Environment - Regarding the effective implementation of the Noise (Prevention and Control) Rules, 2000 and the Environmental Damage Compensation Scheme, as directed by Hon'ble NGT.

മുഖ്യ:- 1. Order dated 11.08.2020 in OA Nos- 519/2016 (PZ), 496/2018 (PZ), 196/2015 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal.

035-005 2. Letter No. 0120106 PCB/HO/EE3/NGT/O.A No. 681/2018/30/19 dated 06.01.2023.

Attention is drawn to the indications. It is directed to urgently submit to the government the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of compensation based on the principle of 'Polluter pays principal' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016, and a detailed report on its implementation in Kerala.

Sincerely,

UNNIKUTTAN S S

Under Secretary

For the Special Secretary

Signed by

Section Bodbhi.

Date: 19-06-2025 15:28:01

Urgent
GOOD
2016

For CHN: അംഗീകാരത്തോടെ

ANNEXURE 6

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
 e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/1017/2025-EE-4

Dated: 29-06-2025

From

The Chairperson

To

1. The Member Secretary
Tripura State Pollution Control Board
2. The Member Secretary
West Bengal Pollution Control Board

Sub: Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)- reg

Ref: Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025

Sir,

Kind attention is invited to the subject matter. The Government of Kerala vide reference has instructed to urgently submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016.

In this regard, it is requested to kindly furnish the requisite information at the earliest to facilitate the preparation of a detailed report for evaluating the feasibility of implementing a similar Environmental Compensation framework for Noise Pollution in the State of Kerala.

Yours faithfully,

CHAIRPERSON

Signed by
Sreekala S

Date: 29-06-2025 00:13:29

ANNEXURE 7

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/1017/2025-EE-4

Date: 09-11-2025

From

Member Secretary

To

The Regional Director CPCB
Regional Directorate - South,
Nisarga Bhawan, 1st Floor,
Thimmaiah Road, 7th D' Cross,
Shivanagar, Bengaluru-560 079.
jcb.cpcb@nic.in

Sub: Environmental Compensation Regime in Noise Pollution -Reg

- Ref: 1. Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)
2. Letter No. A-14011/1/2021-MON dated 27.04.2021 from Chairman CPCB
3. Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025
4. This Office letter of even no. dated 29.06.2025 to MS Tripura SPCB and West Bengal SPCB (Copy enclosed)

Sir,

Kind attention is invited to the subject matter. Based on Hon'ble NGT orders in ref. (1), the Chairman CPCB has issued direction (copy enclosed) to Kerala SPCB to direct all designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble NGT. Subsequently, the direction was issued to implement the scale of compensation for violation of the Noise Pollution(Regulation and Control) Rules 2000 as accepted by Hon'ble NGT. As per decision taken in the meeting chaired by Additional Chief Secretary Environment on 25.11.2022 (MoM enclosed), it was instructed to prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000 and the Environment Department shall issue Government Order after getting the draft vetted by the Law Department. The Board has submitted the draft scheme regarding implementation of environmental compensation regime for noise pollution to Government vide letter dated 06.01.2023, the draft scheme was under scrutiny and consideration of Government since. The Board vide letter dated 11.01.2025 has issued reminder also

The Government of Kerala vide ref.(3) has instructed to submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016. The Board vide ref.(4) has issued letters to Tripura SPCB and West Bengal SPCB requesting to provide the details called for by the Government. But, there is no response till date.

Kindly bestow your personal attention to the matter and assist in obtaining the requisite information from any State Pollution Control Board (SPCB)/Pollution Control Committees PCCs, or provide necessary guidance on whether an Environmental Compensation scheme related to noise pollution has been implemented in any State of India.

Yours faithfully,

Signed by

Ratish Menon

Date: 09-11-2025 22:27:54

MEMBER SECRETARY

ANNEXURE 8

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in

**KERALA STATE POLLUTION CONTROL BOARD**

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

ഫ്രീ. പി.ഒ. തിരുവനന്തപുരം 695 004



File No. KSPCB/1017/2025-EE-4

09-11-2025

From

The Member Secretary

To

The Special Secretary

Environment Department

Sub: Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble
NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA
197/2018(PZ)- reg

Ref: 1. Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025

2. This Office letter of even No. dated 29.06.2025 to MS Tripura SPCB and MS
West Bengal SPCB(Copy enclosed)

Sir,

Kind attention is invited to the subject matter. The Board had submitted the draft scheme regarding implementation of environmental compensation regime for Noise pollution to Government vide letter dated 06.01.2023. Vide ref.(2), it was instructed to submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016.

In this regard, the Board had issued letters to Tripura State Pollution Control Board and West Bengal Pollution Control Board to obtain the requisite information, but there is no response till date. The Board has also communicated with the CPCB Regional Directorate, Bengaluru (copy enclosed), requesting necessary guidance on the subject. Since the draft scheme for implementation of the Environmental Compensation regime for noise pollution has already been submitted, it is requested that the possibility of proceeding with the same may kindly be explored, in view of the non-receipt of responses from other States.

This is reported in favour of information and further necessary action

Yours faithfully,

Signed by

Ratish Menon

Dr.Ratish Menon**MEMBER SECRETARY**

Date: 09-11-2025 22:28:51

Encl: As above

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
 e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/1017/2025-EE-4

Dated: 29-06-2025

From

The Chairperson

To

1. The Member Secretary
Tripura State Pollution Control Board
2. The Member Secretary
West Bengal Pollution Control Board

Sub: Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)- reg

Ref: Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025

Sir,

Kind attention is invited to the subject matter. The Government of Kerala vide reference has instructed to urgently submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016.

In this regard, it is requested to kindly furnish the requisite information at the earliest to facilitate the preparation of a detailed report for evaluating the feasibility of implementing a similar Environmental Compensation framework for Noise Pollution in the State of Kerala.

Yours faithfully,

CHAIRPERSON

Signed by
Sreekala S

Date: 29-06-2025 00:13:29

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20/06/25

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20/6/25

"ഭരണഭാഷ- മാതൃഭാഷ"



കേരള സർക്കാർ

ENVT-A3/241/2019-ENVT

പരിസ്ഥിതി (എ) വകുപ്പ്

19-06-2025, തിരുവനന്തപുരം

സ്പെഷ്യൽ സെക്രട്ടറി

ചെയർപേഴ്സൻ,

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

സർ,

വിഷയം:- പരിസ്ഥിതി വകുപ്പ്- ബഹു. NGT നിർദ്ദേശിച്ച പ്രകാരം, 2000-ലെ ശബ്ദ (പ്രതിരോധവും നിയന്ത്രണവും) നിയമങ്ങളുടെയും പരിസ്ഥിതി നഷ്ടപരിഹാര വ്യവസ്ഥയുടെയും ഫലപ്രദമായ നടപ്പാക്കുന്നത് - സംബന്ധിച്ച്.

- സൂചന:- 1. Order dated 11.08.2020 in OA Nos- 519/2016 (PZ), 496/2018 (PZ), 196/2015 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal.
2. താങ്കളുടെ 06.01.2023 തീയതിയിലെ PCB/HO/EE3/NGT/O.A No. 681/2018/30/19 നമ്പർ കത്ത്.

സൂചനകളിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. ബഹു. നാഷണൽ ഗ്രീൻ ട്രിബ്യൂണലിന്റെ OA 519/2016 നമ്പർ കേസിലെ ഉത്തരവിൽ പരാമർശിച്ചിട്ടുള്ള 'Polluter pays principal' എന്ന തത്വത്തിന്റെ അടിസ്ഥാനത്തിൽ നഷ്ടപരിഹാരം ഈടാക്കുന്നത് സംബന്ധിച്ച് Tripura, West Bengal എന്നീ സംസ്ഥാനങ്ങൾ നടപ്പാക്കിയ പദ്ധതിയുടെ വിശദവിവരങ്ങളും, അത് കേരളത്തിൽ നടപ്പാക്കുന്നത് സംബന്ധിച്ച വിശദമായ റിപ്പോർട്ടും അടിയന്തിരമായി സർക്കാരിൽ സമർപ്പിക്കുവാൻ നിർദ്ദേശിക്കുന്നു.

വിശ്വസ്തയോടെ,

UNNIKUTTAN S S

അണ്ടർ സെക്രട്ടറി

സ്പെഷ്യൽ സെക്രട്ടറിയ്ക്കുവേണ്ടി

അംഗീകാരത്തോടെ

Signed by

സെക്ഷൻ ഓഫീസർ.

Date: 19-06-2025 15:28:01

Urgent
BB-A
20/6
mm
For CHN.

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/347/2022-EE-3

Dated: 11-01-2025

From

CHAIRPERSON

To

The Secretary to Government
Environment Department

Sub:- Draft Scheme for Environmental Compensation Regime-Implementation of
Noise Pollution(Regulation and Control) Rules 2000-reg

- Ref:- 1. Order dated 11.08.2020 in OA Nos. 519/2016 (PZ), 496/2018 (PZ), 196/2018 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal
2. Order dated 01.12.2020 in OA Nos.249/2020 (PZ), 254/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) of the Hon'ble National Green Tribunal
3.Minutes of the meeting convened by ACS Env't Dept dated 25.11.2022
4. Government letter No. A3/241/2019-ENV'T dated 05.01.2023
5. This Office letter No. PCB/HO/EE3/NGT/O.A. No.681/2018/30/2019 dated 06.01.2023
6. This Office letter of even no. dated 13.12.2024

Sir,

Kind Attention is invited to subject matter. The Hon'ble NGT vide the orders in ref.(1),(2) directed States to implement compensatory regime accepted by Tribunal for violation of Noise Rules 2000 and CPCB had issued direction to Kerala SPCB to direct designated authorities of the State to implement scale of compensation for violation of Noise Rules 2000 (copy enclosed). So, the Board had issued a direction (copy enclosed) under section(5) of Environmental Protection Act 1986 to Inspector General, Social Policing and Traffic for implementation of Environmental Compensation Regime of Noise Pollution.

As per decision in ref.(3), draft scheme in Environmental Compensation Regime of Noise Pollution was prepared and submitted to Environment Department vide ref.(5). As per ref (3), Government Order is to be issued by Environment Department which is required for implementation of Environmental Compensation Regime of Noise Pollution by the designated authorities (the District Magistrates, the Commissioners of Police/the Superintendents of Police and the Deputy Superintendent of Police (Sub Divisional Officers)) in the State, as per the orders of Hon'ble NGT and CPCB. Urgent necessary action may kindly be taken in this regard as complaints and RTI applications in this

matter are being received.

Encl: As above

Signed by

Sreekala S

Yours faithfully,

Date: 11-01-2025 13:21:53

CHAIRPERSON

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 519/2016

(With reports dated 12.6.2020(CPCB), 13.07.2020 & 06.08.2020(DPCC),
15.7.2020 (Delhi Govt) and 11.05.2020 (Delhi Police),)

Hardeep Singh & Ors.

Versus

Applicant(s)

SDMC & Ors.

AND

Respondent(s)

Original Application No. 496/2018

Akhand Bharat Morcha

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

AND

Original Application No. 196/2018

Akhand Bharat Morcha

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

AND

Original Application No. 197/2018

Akhand Bharat Morcha

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

Date of hearing: 11.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s); Mr. Manish Garg, Advocate
 Mr. Rahul Raj Mallik, Advocate

Respondent(s): Mr. Sumeet Pushkarna, Advocate for DPCC
 Mr. Raj Kumar, Advocate for CPCB
 Ms. Jyoti Mendiratta, Advocate for GNCTD

ORDER

1. This order is in continuation of order dated 20.11.2019. The subject matter for consideration is the failure of the statutory authorities in Delhi in controlling noise pollution as per statutory mandate of Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules). The matter has been dealt with earlier by this Tribunal in the light of judgment of Delhi High Court in *Free Legal Aid Cell v. Government of NCT of Delhi*¹ and of the Hon'ble Supreme Court in *In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems*.²

2. This Tribunal passed orders from time to time which were summed up in the last order dated 20.11.2019 as follows:-

¹ AIR 2001 Delhi 455

² (2005) 5 SCC 733

- “4. In Original Application No. 519 of 2016, the Tribunal, **vide order dated 27.09.2018, held that steps taken were hardly effective on the ground. The problem of noise pollution continued. Directions in the order of the Hon’ble Supreme court in In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems³ had not been fully complied with. Accordingly, the Tribunal directed the Chief Secretary, Delhi, the Commissioner of Police, Delhi and the Delhi Pollution Control Committee (DPCC) to take steps for enforcing the directions of the Hon’ble Supreme Court and the Noise Rules with regard to control of use of loud speakers, control of vehicular noise and creation of awareness. The Commissioner of Police was to nominate a DCP and the Chief Secretary was to nominate a SDM who were to meet once in every week to take stock of the situation. They were to set up an exclusive website and dedicated helpline, apart from other steps. Report of compliance was to be filed.**
5. In Original Application. No. 496/2018, Original Application No. 196/2018 and Original Applicant No. 197/2018 also, similar grievance against non-enforcement of the Noise Rules in Delhi have been raised. Vide order dated 10.08.2018 in O.A No. 496/2018, joint inspection was directed to be conducted and report was directed to be furnished. The report dated 31.10.2018 was considered on 14.02.2019 along with O.A No. 196/2018 and O.A No. 197/2018 and directions were issued to take remedial action. The Tribunal also directed the presence of DCP (East), DCP (Shahdara) and DCP (South) with action plans. O.A No. 496/ 2018, O.A No. 196/2018 and O.A No. 197/2018 were again taken up on 14.03.2019, along with O.A 519/2016 and after interaction with the officers who are to enforce the Noise Rules, further directions were issued to identify and map hotspots, install noise measuring device on the devices causing high noise level, conduct surveillance and monitoring and conduct awareness and coordination with RWAs. The Commissioner of Police, Delhi was also to monitor and furnish a report to this Tribunal.”

3. The subject of enforcement of direction of having a joint Committee of one SDM nominated by the Chief Secretary, Delhi and one DCP representing Police Commissioner to exclusively monitor regulation of noise pollution was further considered on the next date i.e 12.02.2019. It was found that beyond nominating

³ *Supra* at 2 and (2005) 5 SCC 728

DCP and SDM by the Police Commissioner and the Chief Secretary respectively, no meaningful functioning of the joint Committee took place. The said nominated DCP and SDM were directed to remain present in person.

Again, on 14.03.2019, the Tribunal noted, in the presence of Mr. Deepak Purohit, DCP and Mr. Nitin Jindal, SDM (who were nominated by the Police Commissioner and Chief Secretary Delhi for the purpose) that practically no meaningful meeting had been held, no exclusive website had been set up and no effective steps had been taken. The DCP and SDM did not appear to be interested in the job assigned and put forward lame excuses for their failure. The Tribunal accordingly directed the Chief Secretary, Delhi and the Police Commissioner to review the appointments so that persons assigned the responsibility are suitable for the job, having regard to the adverse consequences of uncontrolled noise on health and welfare of the citizens. The Tribunal also directed the three Municipal Corporations of Delhi, New Delhi Municipal Council and Delhi Cantonment Board to take steps in the matter.

In today's hearing, unfortunately, no counsel for any of the authorities is in a position to mention the status of working of the joint Committee of SDM and the DCP. **We hope the Chief Secretary and the Police Commissioner will look into the continued violation of orders of this Tribunal and take corrective measures.**

4. We further note that the matter was thereafter monitored on 01.08.2019 in the light of earlier proceedings in the presence of DCPs (East, Shahadra and South

Delhi) and in the light of report furnished by the Special Commissioner of Police dated 15.04.2019. Unsatisfactory state of affairs was noticed as follows:

- “9. We find that though some steps have been taken, the enforcement of legal mandate under the Noise Pollution (Regulation and Control) Rules, 2000 and compliance of the directions of the Hon’ble Supreme Court and this Tribunal is still a far cry. Dr. M.P George, Scientist, DPCC, present during the hearing, has stated that **DPCC has only five monitoring stations which even according to him are not adequate**. The DPCC must undertake gap analysis and set up sufficient number of monitoring stations and acquire such number of equipments as may be necessary. Instructions may be issued for requiring noise measurement equipment to be fitted to the equipment used with the potential of high noise level beyond permissible limits. **There is need for instructions that noise levels be displayed at functions where high noise generating equipments are used**. The DPCC may notify the specifications and methodology for acquiring such equipment in consultation with concerned technical experts.
10. We sought information about the working of the Monitoring Committees - the Joint Committee and the Apex Committee. **There is nothing to show whether the Apex Committee has made any assessment of the monitoring mechanism on regular basis. It is not clear as to what activities such Committees are doing.**
11. Under Rule 4(3) of the Noise Rules, **the DPCC is required to collect, compile and publish technical and statistical data relating to noise pollution and to undertake measures for prevention, control and abatement of noise. This is not shown to have been done. As already noted, the DPCC does not even have sufficient equipment for collecting such data.**
12. It may be noted that while dealing with the issue of noise pollution in Original Application No. 681/2018 News Item Published in 'The Times of India' authored by Shri Vishwa Mohan "NCAP with Multiple Timelines to Clear Air in 102 cities To be Released Around August 15"⁴ this Tribunal, vide order dated 15.03.2019 **directed the CPCB to prepare noise pollution map and categorize the cities with specified hotspots and prepare a remedial action plan.**⁵ It was also noted that there as need for training regulatory machinery, prepare action plan and monitoring mechanism, create awareness among the students and involve RWAs, social

⁴ Order dated 15.03.2019

⁵ Para 12 in O.A 681/2018

and religious institutions, prosecute violators, seize equipment, recover compensation, install noise measurements meter by those using high noise generating equipment with data loggers fitted thereon. The Chief Secretaries of all the states were to finalize their action plans and submit the same to the CPCB. CPCB was to lay down the scale of compensation to be recovered, including the conditions subject to which a seized equipment was to be released. The report filed by CPCB in O.A No. 681/2018 on the subject, inter alia, shows that 46 metropolitan in 17 States/UTs have been identified for carrying out noise mapping and identification of hotspots. It has laid down National Ambient Noise Monitoring Network in 7 cities for 70 locations. Action Plans have been received from 10 States/UTs, including Delhi. **The Action Plan of Delhi was found to be non-compliant, with regard to training for use of measurement devices and to develop robust protocol for action against defaulters. With regard to integration of noise meters in public address systems, though the manufacturers associations have found it not to be economically feasible. States of Tripura and West Bengal⁶ have made polices for mandatory use of sound limiters in sound systems, for effective control of noise pollution.⁷ Use of loud speakers is permitted only when amplifiers are attached to sound limiters. The CPCB has suggested that this policy may be practiced by all states to mitigate noise pollution. Scale of compensation is however yet to be finalized. The report may be placed on the website of the CPCB for a period of three months.**

13. 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

⁶ Reference has been also made to proceedings of the Eastern Zone in O.A 158/2016 (EZ).

⁷ See notification issued by the State of Tripura as follows: "In exercise of the power conferred by rule 5(3) of the Noise Pollution (Regulation and Control) Rules 2000 issued under the Environment (Protection) Act, 1986, the Governor of Tripura is pleased to issue this Notification for mandatory use of Sound Limiter(s) in all Sound System/ Public Address System for effective control of Noise pollution in the whole state with immediate effect as an addendum to rule 5. No sound system should be sold/ purchased/supplied/installed/let out/ used by any manufacturer/ dealer/shopkeeper/ any agency who lets out the PA system etc./ individual without having sound limiter in it. Further, all Licensing Authorities including Police Authorities, Municipal Corporation, Municipal Councils, Nagar Panchayats, Panchayat shall ensure that no audio system or public address system shall be let out/installed without being fitted with sound limiter in any government or non government function and this condition be included in all licenses issued by respective agencies.

*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. Meaningful enforcement of the Noise Rules requires availability of noise measurement equipment and in the course of exercising power of enforcement under Rule 4(2), the authority can certainly lay down measures including the requirement of installing a noise meter on the noise creating equipment itself, such as loudspeakers, public address systems, DJs etc. under Rule 5, as has been done in West Bengal and Tripura and as recommended by the CPCB for all States/UTs.***

14. *In view of the above, we find it necessary to issue following directions:*

- (a) *Further steps for meaningful enforcement of Noise Rules be taken by the DPCC and concerned authorities.*
- (b) *Delhi Government may issue appropriate notification on the pattern of Notification issue by the Tripura Government for mandatory use of sound limiters in all sound systems⁸ Delhi Government may address the observations of CPCB finding deficiency in its action plan with regard to training for use of measurement devices and developing robust protocol for action against defaulters.⁹ A compliance report be filed.*
- (c) *Sound measuring devices as sought by the DCP East, Shahdara and South Districts be made available by the DCP logistics.¹⁰ Let the Special CP (Traffic), in-charge of the Apex Committee, file an affidavit about the methodology for assessing working of the Committees which are being overseen by the Apex Committee which may include compliance of directions issued to the DCP Logistics.*
- (d) *DPCC may undertake gap analysis and set up sufficient number of monitoring stations and acquire requisite number of equipment¹¹ compile and publish statistical data relating to noise pollution¹² prescribe interim scale of compensation pending finalization of the same by CPCB¹³ Compliance report may be filed by DPCC.”*

⁸ See para 9 above

⁹ See para 12 above

¹⁰ See para 7 above

¹¹ See para 9 & 12 above

¹² See para 11 above

¹³ See para 13 above

5. The matter was then considered on 20.11.2019 and situation was again found to be unsatisfactory. Accordingly, it was observed:-

- “15. We have reviewed the progress on the subject in light of the action taken report filed by Special Commissioner of Police (Traffic) of Delhi filed on 31.10.2019, report dated 11.11.2019 filed by the DPCC and the report dated 14.11.2019 filed by the CPCB.
16. Compliance status may be noted as follows. With regard to direction Nos. (a) and (d), there is hardly any further progress even after three months in the report of Special Commissioner of Police (Traffic) Delhi. **Requisite equipments have not been procured. Monitoring stations have not been set up in terms in observation of paragraph 9 of the earlier order. Only report is that tender process is going on. Locations have been identified. Technical specification are in the process of being finalized.** Further progress is that a workshop was organized on 16.04.2019 (which is prior even to the earlier order). Another workshop was scheduled for 13.11.2019. Template has been prepared.
17. Likewise, progress by the DPCC can hardly be held to be adequate. We are sorry to record that DPCC has been wholly amiss in performance of its duties. **There is no satisfactory data about the action for violations though violations are rampant and widespread which is failure on the part of all the concerned statutory authorities entrusted with the enforcement of law. Dr. M.P. George representing DPCC has made a statement that the requisite equipment will be procured within 60 days and monitoring stations will be set up within the said time.** In view of the long and continued failures in the past, it becomes necessary to direct that if this is not done even by 31.01.2020, Member Secretary, DPCC and Dr. M.P. George will not be entitled to draw salary till the direction of this Tribunal is complied with.
18. **Special Commissioner of Police, has stated in para 4 of the status report that the requisite equipments will be required by March, 2020.** Accordingly, the Special Commissioner of Police and Deputy Commissioner of Police (Provisioning and Logistics) will not be entitled to draw salary, if there is non-compliance even upto 01.04.2020, till compliance.
19. **With regard to (b), it is stated that Notification of Delhi Government is ready and will be issued within one week from today.** We hope that the statements will be faithfully complied with, failing which appropriate coercive action may have to be taken. Let the Chief Secretary, Govt. of Delhi coordinate this matter.

20. Compliance of directions with regard to training for use of the devices, and robust protocol for action against defaulters may be ensured. **As already directed vide order dated 27.09.2018, a dedicated telephone line with recording facility and a dedicated online grievance redressal portal for redressal of noise pollution related grievances be developed by Delhi Police and public awareness in this regard created.** A minimum grievance redressal timeframe be fixed and monitored by a supervisory authority. Action taken report may be accordingly filed before the next date.
21. We are informed that there are 2000 Eco-clubs in schools/ colleges. Awareness programme may be coordinated in such a way that at least one programme on the subject is held once a month in all such institutions. **The present level of awareness activities by Department of Environment, Govt. of NCT Delhi, is inadequate in terms of quality and quantity.** It needs to be properly planned and coordinated. Yearly action plan covering different thematic areas of environmental problems needs to be clearly identified, awareness activities planned and monitored. It would be appropriate if target groups are properly identified, logistic and personnel earmarked and action taken is monitored. This may be ensured jointly by the Department of Environment, DPCC and the Special Commissioner of Police in coordination with the Education Department of Delhi and a compliance report furnished by the DPCC before the next by e-mail at judicial-ngt@gov.in.
22. Report of CPCB is that compensation for violation by using equipments should be 10%-25% of cost of such equipment. Compensation suggested as follows:-

Sr. 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&iv)	Rs. 10,000	Seizure
2.	Violation WRT Generator Sets Norms (standards attached as annexure – IV to VI)		
a)	DG sets more than 1000 KVA	Rs. 1,00,000/-	Sealing of DG sets
b)	DG sets 62.5 to 1000 KVA	Rs. 25,000/-	
c)	DG sets upto 62.5 KVA	Rs. 10,000/-	

3.	Violation of use of sound emitting construction equipment	Rs. 50,000/-	Seizure/Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv)	Rs. 1000/-	

23.

We are of the view that compensation for bursting of crackers at serial No. 4 needs to be suitably revised and needs to be different for different classes of defaulters and frequencies of default. Further, the CPCB has suggested that compensation should be 2-3 times for second and third violations accompanied by withdrawal of permission for installation/operation for their equipment.
24.

The CPCB may also lay down stringent compensation for tampering with the sound limiters to ensure that the same is not restored to. Let compliance reports be filed by CPCB, Department of Environment, DPCC and Special Commissioner of Police, Delhi by 31.03.2020 by email at judicial-ngt@gov.in.
6.

In furtherance to above, following reports have been filed:

(a) Report of the CPCB dated 12.06.2020;

(b) Reports of the DPCC dated 13.07.2020 & 06.08.2020;

(c) Report of the Delhi Government dated 15.07.2020; and

(d) Report of the Delhi Police dated 11.05.2020
7.

We proceed to consider the above reports seriatim.
8.

Report of the CPCB dated 12.06.2020 has laid down the regime of compensation and other action for violation of the Rules as follows:

“Table 1: Enlishment of Violation of Noise Rules and their respective Scale of Compensation.

Sr. 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 ¹ (Clause 5(1)-5(2), 6(i,ii,iii and v) ¹⁻⁵	₹ 10,000		Seizure
2.	VIOLATION WRT GENERATOR SETS NORMS (standards attached as Annexure – IV to VI)			
d)	DG sets more than 1000 KVA	₹ 1,00,000/-		Sealing of DG sets
e)	DG sets 62.5 to 1000 KVA	₹25,000/-		
f)	DG sets upto 62.5 KVA	₹ 10,000/-		
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENT	₹50,000/-		Seizure/ Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon’ble Supreme Court and Clause 5A (2) and 6 (iv) ⁷⁻⁸			
4(1)	Violation by Individual/Household	Residential / Commercial/ Mixed Zone	Silence Zone	
		Silence Zone		
		1,000	3,000	
4(2)	Violation during Possession a. Public Rallies b. Barat during marriage Religious event	10,000	20,000	Fine to be paid by Organizer

4(3)	<i>First Violation within a fixed Premises:</i> <i>a. Function organized by RWA,</i> <i>b. Marriage Function</i> <i>c. Public Function</i> <i>d. Institution function</i> <i>e. Banquet Hall</i> <i>f. Open ground functions</i>	20,000	<i>Fine to be paid by Organizer and Owner of the place.</i>
4(4)	<i>Second Violation within a fixed Premises:</i> <i>a. Function organized by RWA,</i> <i>b. Marriage Function</i> <i>c. Public Function</i> <i>d. Institution function</i> <i>e. Banquet Hall</i> <i>Open ground function</i>	40,000	
4(5)	<i>More than Two Violation within a fixed Premises:</i> <i>a. Function organized by RWA,</i> <i>b. Marriage Function</i> <i>c. Public Function</i> <i>d. Institution function</i> <i>e. Banquet Hall</i> <i>Open ground function</i>	1,00,000 and action under EP Act.	<i>Sealing of Premises</i>

Note:

- 1. Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.*
- 2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.*
- 3. Clause 6 (1) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.*
- 4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.*
- 5. Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.*
- 6. Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones*
- 7. Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;*
- 8. As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers:*
Diwali: 8 pm to 10 pm
Gurpurb: - 4am to 5 am and 9 pm to 10 pm
New year and Christmas: 11.55 P.M to 12.30 A.
- 9. It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019"*

9. The DPCC filed its reports dated 13.07.2020 and 06.08.2020. In the report dated 13.07.2020, it is stated as follows:-

“ Action Taken

“4. It is most respectfully submitted that the following actions have been taken by the answering respondent to put in place a state of the art Ambient Noise Monitoring Network in Delhi:

(a) Installation of the additional Noise Monitoring System

*That the already installed 5 noise monitoring stations across Delhi from the year 2013 were proving to be inadequate, considering the spurt in activities in the spread of urban and industrial areas in Delhi. Further it was felt that all the 4 categories of zones based on the ambient air quality standards in respect of noise as per the Noise Pollution (Regulation and Control) Rules, 2000 were not appropriately covered by the existing stations. So while carrying out the gap analysis, it was decided to increase the number of stations manifold to cover the major industrial and traffic corridors and to cover all the 4 zones as Industrial Area, Commercial Area, Residential Area and Silence Zone categorized as above under the Rules. Accordingly, as a step in that direction **26 additional locations were selected to cover the aforesaid zones for installation of noise monitoring stations. Out of the 26 additional locations, 7 are in residential, 9 in commercial, 5 in industrial areas and 5 in silence zones.** The details of the aforesaid locations are submitted below:*

SN	Location Name	ZONE / AREA
1	Mahatma Gandhi Institute for Combating Climate Change, Bakthawarpur Road, Bakoli, Alipur	Silence Zone
2	Industrial Training Institute, Jahangirpuri, Delhi- 110033	Residential Area
3	Industrial Training Institute, Narela, New Delhi- 110040	Industrial Area
4	Sonia Vihar Water Treatment Plant (DJB), Sonia Vihar, New Delhi-110094	Residential Area
5	Mother Dairy Plant, 30, New Patpar Ganj Road, Block D, Patparganj, New Delhi-	Industrial Area
6	Satyawati College, Ashok Vihar, Phase-III, Delhi-110052	Residential Area
7	PGDAV College, Srinivaspuri Nehru Nagar, New Delhi-110065	Residential Area
8	National Institute of Tuberculosis & Respiratory Diseases, Sri Aurobindo Marg,	Silence Zone
9	Chaudhary Bramprakash Ayurvedic Hospital, Najafgarh, Delhi-110073	Silence Zone

10	Industrial Training Institute(Shandara), VivekVihar,	Residential Area
11	IARI PUSA, PUSA institutional Area, Opposite Lohamandi,Naraina, Delhi-110028	Industrial Area
12	Major Dhayanchand National Stadium, India Gate, New Delhi-110002	Commercial Area
13	J.L.N Stadium Pragati Vihar, New Delhi-110003	Commercial Area
14	Dr. Karni Singh Shooting Range,	Commercial Area
15	National Institute of Malaria Research Sector 8, Dwarka, New Delhi-110077	Commercial Area
16	Mundka Metro Residential Colony, Mundka, Delhi-110081	Residential Area
17	Shaheed Sukhdev College of Business Studies, PSP Area-IV, Dr. K.N. Katju Marg,	Silence Zone
18	Delhi Institute of Tool Engineering, Wazirpur Industrial Area, Wazirpur, Delhi-	Industrial Area
19	DITE, Okhla Industrial Area, Block A, Okhla Phase-II, Okhla Industrial Area,	Industrial Area
20	Maharshi Valmiki Hospital, Bawana Industrial Area, New Delhi-110039	Silence Zone
21	ISBT Building, Kashmere Gate, Delhi-110006	Commercial Area
22	SDMC, Primary School, Krishna Market, G Block, Lajpat Nagar, New Delhi-	Commercial Area
23	EDMC Zonal Office , Oppsite Shyamlal College, Shandara, Delhi- 110032	Commercial Area
24	MCD Primary School, Gali No37, Regar Pura, Karol Bagh, New Delhi-110005	Commercial Area
25	IMD, Lodhi Road, New Delhi- 110003	Residential Area
26	Connaught Place, New Delhi- 110001	Commercial Area

In addition to this mobile monitoring/ stations will be made using more portable devices as also set out hereinafter. The new stations above are in addition to those already in place for the purpose.

(b) Constitution of an expert Committee for procuring equipments of latest technology

*Further considering the vast improvements made in the area of noise measurement technology and equipments over the years, it was decided to take the opinion of the domain experts in the field so that the equipments of latest technology with specifications as published by the International Standards Laboratories are procured for the large network being created. Accordingly, a Committee of experts comprising of Principal Scientist National Physical Laboratory (NPL), Scientist-D CPCB, AGM (Environmental Engineering) NTPC and DPCC was constituted and several meetings were held in the year 2019. The detailed technical specifications were finalized on 18.11.2019 and accepted on 28.11.2019. A copy of the same is annexed as **Annexure-***

1. It is pertinent to mention that the process of identifying appropriate technology and developing latest technical specifications of various equipments to be deployed as part of the network took some time as several references to international publications had to be made and wide consultations amongst experts were required to be carried out to arrive at the detailed technical specification of the equipments and the overall architecture of the noise monitoring network.

(c) Procurement of latest equipments

(i) It is most respectfully submitted that after finalization and acceptance of the various components of the Noise Monitoring Network and technical specifications of equipments, tender were floated immediately on 28.11.2019. The last date for the submission of tenders was fixed for 13.12.2019. The pre-bid meeting was held on 05.12.2019. As per the tender document the execution of the project was required to be carried out by 31.01.2020. Though initially eleven prospective bidders participated in the pre-bid meeting, majority of them were of the view that the timelines fixed in the tender are stringent considering the festival season in international market from where many things were to be sourced. However, keeping in mind the urgency and time lines, further extension of time for submission of bids was not considered, so that the project could be completed at an early date. DPCC finally received five bids and the Evaluation Committee after scrutinising the bids, found that none of the bidders met the requirements and thus, DPCC decided for re-tendering. It is submitted that the delay caused at this stage due to un-responsive and un-qualified tenders and which fact was beyond the control of DPCC.

(ii) Due to the poor response by the qualified agencies during the first tendering process, certain pre-qualification requirements were modified and the project was re-tendered on 18.12.2019 and the last date for submission of bids was kept on 09.01.2020 i.e after three weeks, considering the complexity involved in the project. The bids were opened on 09.01.2020, and after detailed technical and financial evaluation of the bids, **the work of 'Supply, Installation, Commissioning, Operation and Maintenance' of Ambient Noise Monitoring Station Network was awarded to M/s ACOEM Ecotech Industries Pvt. Ltd at a cost of Rs. 3,76,24,800 (Three Crores Seventy Six Lakh Twenty Four Thousand Eight hundred Rupees), including O&M for ten years.** Copy of the work order is annexed as Annexure-2. Considering the various activities involved in the project which include import of certain critical items, fabrication and installation at 26 locations spread throughout Delhi, 60 days execution period was granted to the agency. The agency submitted the acceptance of the work order on 25.02.2020 and the execution was initiated immediately.

(iii) It is submitted that by the last week of February, 2020 the Corona-19 pandemic was spreading fast in Europe and all activities there had come to stand still. However, constant follow up was made with the agency to ensure the urgent supply of the **IEC-61672-1:2013 traceable Class-I Noise**

Monitoring system including integral components such as microphone, pre amplifier and other specialized accessories by the Original Equipment Manufacturer (OEM) located in France by giving it top priority to complete the project at the earliest. The assembly of critical equipments were expedited and the shipment of the equipments to India by first week of March, 2020 was planned. However, due to the cancellation of international flights, these equipments could only be dispatched to Mumbai by third week of March, 2020. However, the custom clearance of the goods and the dispatch from Mumbai to Delhi got delayed due to lockdown effective from 22.03.2020. **Finally, the consignment was delivered at Delhi to the agency on 30.04.2020.**

(iv) The agency was asked to complete the activities on the domestic front simultaneously so as to complete the installation without further loss of time as soon as the equipments are received. Accordingly, the fabrication of mast and integration of enclosure for noise monitoring terminal (NMT) has been undertaken by sub-vendors at different industrial areas of Ghaziabad and Gautam Budh Nagar. Both the sub-vendors were located in containment zones and the entire process also got delayed from the scheduled timelines. With the gradual opening of various zones and activities, critical support was provided to the agency to complete the various tasks and start installation at the 26 identified locations by the first week of May, 2020. **The installation process of 20 stations could be completed by 31st May, 2020 with seamless coordination with various agencies and sub-vendors. In the rest of the stations, the installation were taken up in subsequent weeks.**

(v) As part of the contract, the agency has provided the central server/central receiving station along with the application software for analysis of environmental noise. The application software has the following features:

- **Measurement of Overall Leq (equivalent level of noise over a particular time period) and statistical indices over selected time periods.**
- **Measurement of Peak, Lmin, Lmax, Slow, Fast, Impulse, SEL, etc. levels.**
- **Identification of Loudest and quietest periods during a day.**
- **Calculation of the L_d & L_n by day, week, month.**

The NMS that has been installed provides a comprehensive but easy to use 24x7 noise monitoring solution for long term monitoring application. The NMS are unmanned, weatherproof outdoor remote terminals and require minimum human interface. The system could be remotely checked for multiple frequency calibration.

(vi) **DPCC has also procured 05 Hand held integrating-averaging sound level meters Type-1 IEC61672-1 compliant, in October, 2019. These meters are being used as mobile ambient noise monitoring stations. They can prove very useful to cover areas where reports are received or where larger areas need to be monitored. It is understood that these mobile units/stations are in addition to those being used by other agencies, like the Police, who have also procured substantial number of mobile units.**

(d) Data Analysis, compilation and publication

(i) The stations were put on the network through the central receiving server hosted at DPCC office on 1st June, 2020 after testing, calibration and validation of data and accordingly data of ambient noise measurements has been generated since 1st June, 2020. Based on the measurements since then, an analysis of the data generated for June, 2020 has been prepared which is annexed as **Annexure-3. On analysis of the data carried out by DPCC, it has been observed that in case of 5 silence zones, the average noise levels in both day and night have exceeded the standards prescribed under the Noise Rules, 2000. Similarly, in case of 7 residential and 9 commercial areas the recorded noise levels in both day and night times have exceeded the standards.** Only in the 5 industrial areas, the measured noise levels have not crossed the standards prescribed for industrial areas. The data will be moderated in coming months to arrive at baseline levels and averaging out impact of additional sources.

(ii) It is further submitted that subsequent to the aforesaid information obtained from the analysis of the data, it has been decided to identify the local sources of noise emissions so as to take appropriate corrective action. Teams have been constituted to visit the areas around these stations where the measurements are exceeded the prescribed standards and assess the sources of noise emission. Hand held integrating-averaging sound level meters Type-1 IEC61672-1 compliant, which were procured in October, 2019 have been provided to the inspecting team to enable them to identify the local sources of noise emission. **Based on the reports of the inspecting teams, further action will be taken as a constant process.** These reports will be forwarded to the authorities prescribed under Noise Rules for the appropriate action including prevention of noise emissions at these local sources.

(iii) **It has been further decided that every week the data received at the central station will be analysed and the same will be shared with the prescribed authorities, concerning the exceeding grades of noise level, supported duly by analysis of the data for further necessary action for stoppage of the source.**

*(e) **Interim Compensation***

*It is most respectfully submitted that the Central Pollution Control Board has submitted a report on the scale of compensation to be levied for the violation of Noise Rules 2000 and **it has been decided to by the answering respondent to implement the same.***

In its additional report dated 06.08.2020, it is stated as follows:

- “3. That, the report on local survey was undertaken by the teams to identify the noise sources around the Real Time Noise Monitoring Stations. The specific reason for not meeting the prescribed standards for noise levels on each location is mentioned in the report. However, following are the major sources contributing to the noise level at these locations:
- i. **Vehicular movement, Traffic congestions, Honking of horns, Bottle neck on roads,**
 - ii. **Congestion at traffic signal, Congestion and Chaotic condition at parking,**
 - iii. **Market across the road, Construction activity, Air conditioning exhaust etc.**
4. The silence area like Hospitals, Educational Institutes though have relatively less noise **but noise levels still exceed the prescribed standard due to regular vehicular movement in the vicinity.** The Commercial and Residential areas are also influenced by the vehicular noise, noise from markets/construction activity etc. Copy of the detailed report is annexed herewith as Annexure-1.
5. That after identifying the exact causes of noise pollution, directions under Section 5 of the Environment (Protection) Act, 1986 — read with Noise Pollution (Regulation and Control) Rules, 2000 have been issued to Traffic Police, Public Works Department and Municipal Corporations to take corrective action and file action taken report with DPCC. Copies are enclosed as Annexure-2 (Colly).”

10. Report of the Delhi Government dated 15.07.2020 is as follows:-

“3. The present status report is filed by Environment Department regarding above mentioned issues.

- (a) The Environment Department, Government of NCT of Delhi has issued the notification No. DPCC/(10)(10)...../Leg IS/Vol- 1/2019/6159 on 21.11.2019 as per the directions for mandatory use of sound limiters on the pattern of notification issued by Tripura Government in this regard. Under the aforesaid notification dated 21.11.2019, **no audio system or public address system will be let out / installed without being fitted with sound limiter in the whole of NCT of Delhi.** The Delhi Government has also authorised the District Magistrate/ Commissioner of Police or any other officer not below the rank of Dy.

Superintendent of Police and similarly placed officers in the urban local bodies to take necessary action. Copy of the aforesaid notification dated 21.11.2019 is annexed herewith as Annexure-I.

- (b) **Department of Environment, GNCTD has prepared the annual calendar on different thematic areas of Environmental Issues for Eco Club Activities for organizing awareness programs by Eco-Clubs in about 2000 Schools/Colleges once in a month.** Same was uploaded on the website of the Department of Environment and circulated in the Eco-club Schools and Colleges. Copy of the same is annexed herewith as Annexure-11.

Till date 20 schools have submitted action taken reports to Department of Environment. List of 20 schools who have submitted compliance is enclosed herewith as Annexure 111. Other eco clubs submitted that due to pandemic they will follow the calendar once regular classes are held.

- (c) Department has initiated Awareness through Eco club schools/ colleges through printed 1EC material and power point presentations (audio/video). This awareness material was also provided to Directorate of Education, GNCTD for circulating among students during online classes.
- (d) That Department of Environment has provided 1EC material in the form of pamphlets to all Deputy Directors of Education, GNCTD for distribution to all students on following topics such as:

- > Noise Pollution-Minimise and Control for our own Health
- > Yamuna-The lifeline of Delhi
- > Graded Response Action Plan (GRAP)- To Control Air Pollution
- > Dust Pollution — Protect Your City

The pamphlets prepared and distributed among students through ecoclubs and annexed as Annexure-IV (Colly)

In addition to pamphlets, power point presentation (audio-video) of technical officers of Department of Environment and DPCC were also provided to Science Branch of the Directorate of Education, GNCTD for necessary circulation among students during on-line classes on following topics such as:

- > Noise a Pollutant Monitoring and Legislations
- > Air Pollution-Issues and Its Control (Part-1)
- > Air Pollution - Monitoring and Management A case Study — Delhi
- > Plastic Waste Reuse, Recycle & Disposal with special emphasis on "SINGLE USE PLASTICS (SUPs)"
- > Climate Change and its impacts
- > Abatement of Pollution and Conservation of River Yamuna

Directorate of Education, GNCTD vide letter dated 13.07.2020 has informed uploading of the IEC material on the DOE website and also circulated among students through whats app. Copy of the same is enclosed as **Annexure V.**

- (e) Advertisements/ public notices on air pollution issues in compliance to Hon'ble Supreme Court order in W P. (C) 13029/1985 were issued on 06.11.2019 and 10.11.2019. Advertisement on "Beware of the Harmful Effect of Noise Pollution- helpline number, website, effects of noise pollution, sources and mitigation measures and say no to firecrackers was also published in newspapers on 16.11.2019
- (f) Department of Environment conducted workshop on 13.11.2019 on implementation of the Noise Pollution (Regulation & Control) Rules with designated Authorities under Noise Rules, 2000. This was followed by a High level Round table conference on 27.02.2020 on "Reducing Air Pollution" presided over by Hon'ble Minister (Environment & Forests), GNCTD. The workshops were attended by Experts from academic institutes, senior government officials NGOs, prominent Civil Society Organisation, Eco clubs of schools and colleges. Two more workshops were proposed for on 14.01.2020 (reproposed on 13.03.2020) and 17.03.2020 but could not be conducted due to Election Code of Conduct and COVID-19 pandemic.
- (g) Awareness program through nukkad nattaks on Diwali — Air Pollution issues (from 24.10.2019-31.10.2019) and on water pollution issues (01.11.2019 to 26.11.2019) was conducted for a month by NGO which performed around 150 shows (05 shows at 5 locations per day). Another round of awareness program through nukkad nattaks was conducted from 12.02.2020-13.03.2020 with 150 shows. These Nukkad nattaks/ Shows covered RWAs/ Unauthorised Colonies/ Slum Clusters/ Market Places etc with about 7500-8000 beneficiaries. Two more awareness programs through nukkad nattaks on abatement of water pollution and River Yamuna in Central and South District of Delhi has been approved but implementation halted due to COVID-19 pandemic.
- (h) Directorate of Education, GNCTD has also provided theme wise Yearly Action Plan on 03.06.2020. In the letter it was also informed that since school are closed, activities will be taken up after the schools reopen. Copy of the same is enclosed herewith as **Annexure-VI.**
- (i) On the directions of Yamuna Pollution Monitoring Committee (YPMC) constituted by this Hon'ble Tribunal in OA No. 06/2012 in the matter "Manoj Mishra Vs Union Of India and On.", department has initiated various awareness programme for abatement of water pollution in the

year 2019-20. Compendium of Awareness Activities on River Yamuna is annexed herewith as Annexure VII.

(j) Department of Environment has issued Advertisements in Newspapers/ Train Panel/ Metro Feeder buses / DTC buses on following themes:

- > On 21.11.2019 - "Our Yamuna our responsibility" in Hindustan Times, Times of India, Dainik Jagran, Punjab Kesari.*
- > On 29.12.2019 & 04.03.2020 - "Our Yamuna our responsibility" in Amar Ujala, Sunday Pioneer, Hindustan Times, Nav Bharat Times, Hindi Hindustan and Indian Express.*
- > On 24.12.2019 to 6.01.2020 - 'Our Yamuna our responsibility' on Metro Train Panel, Metro Feeder Buses wrap and DTC Buses wrap.*

(k) Workshops on idol immersion, River Yamuna pollution control were conducted on 29.08.2019, 04.10.2019, 06.11.2019 and 16.03.2019 for awareness among students of Eco-Clubs of schools/ colleges. More awareness activities are planned with 1GNCA on River Yamuna pollution control. Training was imparted by officers of Department of Environment, during state orientation program on "Cleanliness on River Yamuna" organized by SCERT for all heads of schools and Eco-club incharges of schools.

(l) Workshops cum meetings, advertisement, public notices have also been a part of awareness programmes by this department on the issues of Plastic bag menace, ban on Manjha etc. Department regularly celebrates International Environment days viz., World Environment day, International Ozone day, Van Mahotsav, etc.

4. That to ensure compliance of this Hon'ble Tribunal in the present OA and OA 681/2018, review meetings were held under the Chairmanship of Pr. Secretary (Environment), GNCTD on 21.02.2020, 25.02.2020 and 08.07.2020 with all stake holder departments. Minutes of the meeting dated 08.07.2020 is enclosed herewith as Annexure- VIII.

5. The Government of NCT of Delhi has further taken up the matter with DPCC for installation of sufficient number of Noise Monitoring Stations across Delhi, compile and publish statistical data relating to noise pollution and provide the same to various authorities for proper enforcement of Noise Rules, 2000. It has been reported by DPCC that the Noise Monitoring Network covering 26 locations across Delhi has been installed and data is being compiled since June, 2020."

11. The report of the Delhi Police on Noise Pollution is as follows:-

"2. That, in order to comply the above mentioned directions and earlier orders of Hon'ble Tribunal in letter and spirit, the matter has been reviewed by Commissioner of Police,

Delhi and a new comprehensive plan has been devised to control noise pollution. For better implementation and monitoring the noise pollution matters, the Commissioner of Police, Delhi has constituted **specialized Operational Committees under the Chairmanship of respective Spl.CsP**. Details of the responsibilities of Operational Committees is annexed as Annexure-A. The respective Spl.CsP have been assigned to monitor, superintendence, regulation, co-ordination and effective control of noise pollution in their respective spheres and jurisdiction. While the heads of Operational Committees will monitor the action taken concerning their respective areas, the Apex Committee will look into policy issues, if any, referred by the Operational Committees.

Apart from above, two meetings on noise pollution matters were conducted on 13-01-2020 and 20-01-2020, first chaired by Commissioner of Police himself, and the second chaired by Spl.CP/Genl. Adm. Various directions to the filed formations were given for better enforcement of noise pollution laws. Minutes of the meetings have been annexed at Annexure B1 & B2.

Besides the above, respective incharges of Operational Committees were shared with the status of action taken by field functionaries time to time with the observation of the Commissioner of Police for better enforcement of noise pollution laws and for compliance of directions of the Hon'ble Apex Court and NGT in this regard.

3. That, in pursuance to the directions mentioned in Para No -18 of the order, **two hundred forty four (244) Sound Level Meters (SLMs) have been procured by Delhi Police on 05.03.2020. Further, the Sound Level Meters have been distributed in the manner that each designated Police Officer i.e. ACP/Sub-division and all Police Stations shall be equipped with at least one Sound Level Meter.**

A training for Trainers course for all the designated Police Officers under the noise pollution rules has been conducted on 13.03.2020 at Conference Hall, PCR Complex, Model Town-II, Delhi. In this course, all participants were sensitized on noise pollution rules and regulations. The engineers of the supplier company i.e. Amsh productline gave a demonstration as to how to operate the SLMs and resolved the queries of trainers. Minutes of the training programme has been annexed at Annexure 'C'.

4. That, in view of the directions of Hon'ble Tribunal, **the public redressal mechanism has been intensified so that the complaints of the people could be resolved promptly. The noise pollution calls are being attended 24x7 by trained operators at the Integrated Complex at ERSS, Haiderpur and**

immediately transferred to local police stations for redressal.

Further, the grievances registered on web portal are also being attended by respective SHOs and ACsP for early disposal.

In this reference, a detailed Standard Operating Procedure (SOP) has also been made by DCP/Operations and Communications for developing a robust protocol for disposal of calls received through phone/ web portal and their timely and effective transfer to districts concerned for appropriate legal action. (Annexure-D)

5. *That, analysis of calls received on exclusive helpline and dedicated website w.e.f. 01.01.2020 to 15.03.2020, reveals that 971 calls were received on helpline no. and 502 grievances were registered on web portal. During the above-mentioned period, 4427 legal actions were taken on the grievances registered on web portal, calls received on helpline and ERSS-112 against the noise violators under Indian Penal Code, Criminal Procedure Code and local and special laws like DP Act, Environment Protection Act, etc.*
6. *That, Traffic Unit of Delhi Police has taken regular actions against the drivers indulging in honking, using pressure horns, modified silencers and violating noise violations in silence zone.*

During 01.01.2020 to 15.03.2020, 662 violators were booked for honking, 3583 for pressure horns, 1792 for modified silencers and 273 for violating silence zone restrictions.

7. *That, in compliance to the directions of the Hon'ble Tribunal, awareness programme has been undertaken by Delhi Police. An advertisement on 'Noise Pollution' publishing dedicated helpline No.155271 and website <http://ngms.delhi.gov.in> has been released in 30 newspapers (English, Hindi, Urdu and Punjabi) on 19.02.2020. Beside the above, an FM radio spot on 'Noise Pollution' of 35 seconds duration was allotted w.e.f. 28.02.2020 to 08.03.2020 (10 days) on 08 FM Channels. (Annexure-E)*
8. *That, in compliance to the orders of Hon'ble NGT, Delhi Police has taken proactive steps at district level too. During the period 01-01-2020 to 15-03-2020, 992 meetings were conducted with RWAs, Volunteers and NGOs and 281 sensitization programmes in educational institutions were organized at Police Station and District level."*

12. While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, **further steps are required to**

ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. **The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs.**

13. We find that while some regulatory framework is said to have been made operational, there is no effective centralized mechanism for monitoring. **Representatives of the Chief Secretary (SDM) and the Police Commissioner(DCP) ought to jointly take stock of the situation on weekly basis. Suitable officers of the rank of the DCP in Delhi Police and SDM in Delhi Government need to be spared for undertaking the assigned responsibility, as already directed.** As noticed earlier, though the DCP and the SDM were nominated, on being summoned by this Tribunal, they were found to be non-functional and thereafter, we are informed that even today they are not functional. **This state of affairs must be forthwith remedied by the Police Commissioner and the Chief Secretary respectively.** They may ensure that their representatives are duly and jointly functional and conduct weekly meetings and maintain the minutes of meetings and the website. They may work in tandem with all other regulatory bodies including the DPCC and the Municipal Corporations. **The entire data collected on the noise monitoring equipments may be centralized and placed on their exclusive websites. They may also coordinate and follow-up the corrective measures with all other agencies and may also monitor functioning of the eco-clubs. The DPCC/other authorities may get prepared an appropriate App(like Sameer) to facilitate receiving and addressing complaints. If Delhi becomes a model of compliance for**

enforcement of pollution norms, it may help all other States/UTs to follow the same.

14. Having regard to the repeated failures, in the last several years, **we find it necessary to constitute a monitoring committee to be headed by a former Judge of the High Court to ascertain the status of compliance in the light of the present order and suggest further measures in the context of Delhi for enforcement of noise pollution control measures.** The Tribunal has earlier constituted a committee headed by Justice S.P Garg, former Judge of Delhi High Court, to monitor compliance of directions with regard to restoration of water bodies and installation of Rain Water Harvesting Systems, use of treated water and allied issues. Instead of constituting another committee, we request Justice S.P Garg to head the proposed Committee. Justice S.P Garg may be assisted by nominees of the DPCC, Delhi Police and the Chief Secretary, Delhi. The Committee may take assistance of any other experts/institution and associate such members of public/educational institutions/social organizations as may be found useful. The Committee may give its report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of the report to be submitted to this Tribunal may also be furnished to the Chief Secretary, Delhi, Police Commissioner, Delhi, CPCB, DPCC, New Delhi Municipal Council, East Delhi Municipal Corporation, South Delhi Municipal Corporation, North Delhi Municipal Corporation, Delhi Cantonment Board and the Municipal Corporations for their response, if any.

A copy of this order be forwarded for compliance to the Chief Secretary, Delhi, Police Commissioner, Delhi, CPCB, DPCC, New Delhi Municipal Council, East Delhi Municipal Corporation, South Delhi Municipal Corporation, North Delhi Municipal Corporation and Delhi Cantonment Board by email.

A copy of this order be also forwarded to Justice S.P. Garg, former Judge, Delhi High Court by email.

List for further consideration on 15.04.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 11, 2020

Original Application No. 519/2016 & connected matters

AK

Item Nos. 01 to 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 249/2020

Tribunal on its own Motion

Applicant(s)

Versus

Ministry of Environment, Forest
& Climate Change & Ors.

Respondent(s)

WITH

Original Application No. 254/2020

Shobhit Shukla

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

WITH

Original Application No. 255/2020

Chirag Jain

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

WITH

Original Application No. 93/2020(CZ)

Dr. P. G. Najpande & Anr.

Applicant(s)

Versus

State of M. P. & Ors.

Respondent(s)

Date of hearing: 01.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicants: Mr. Raj Panjwani, Senior Advocate with Ms. Shibani Ghosh, Advocate
(Amicus Curiae)
Mr. Shobhit Shukla Applicant in Person in OA 254/2020
Mr. Chirag Jain Applicant in Person in OA 255/2020
Mr. Prabhat Yadav, Advocate for Applicant in OA 93/2020 (CZ)

Respondents: Mr. Balendu Shekhar, Advocate for MoEF & CC
Mr. Raj Kumar, Advocate for CPCB
Ms. Jyoti Mendiratta, Advocate for GNCTD
Mr. Pradeep Misra, Advocate & Mr. Daleep Dhyani, Advocate for

State of UP
Mr. Rahul Khurana, Advocate for State of Haryana
Mr. Gaurav M. Liberahan Advocate for State of Punjab
Ms. Parul Bhadoria, Advocate for State of Madhya Pradesh
Ms. K. Enatoli Sema, Advocate for State of Nagaland
Mr. Ram Shankar Adv for State of Tamil Nadu
Ms. G. Indira, Advocate for UT of Andaman & Nicobar
Mr. Narender Pal Singh, Advocate for DPCC
Mr. Mukesh Verma, Advocate for UKPCB
Mr. TVS Raghavendra Sreyas Advocate for APPCB
Mr. Dhananjay Baijal Advocate for TSPCB

ORDER

The Issue

1. Question for consideration in these matters is the remedial action against pollution by use of fire crackers, aggravating the menace of Covid-19 pandemic, posing higher danger to the lives and health of the vulnerable groups.

Procedural History

2. While control and regulation of fire crackers has been considered by the Hon'ble Supreme Court earlier, **aggravation of the problem during Covid-19 pandemic and remedial action for the same** has been taken up in the present matter. On 09.11.2020, after a detailed consideration, the Tribunal issued directions against sale or use of all kinds of fire crackers from midnight of November, 9-10, 2020 to the midnight of November 30 – December 1, 2020 in the NCR and all cities/towns in the country **where the average of ambient air quality during November fell under 'poor' and above category.** Direction was also issued for **restricting use of fire crackers to green crackers in cities/towns where air quality was 'moderate' or below, only for two hours and only during festivals like Diwali, Chatt, New Year/Christmas Eve etc.,** as may be specified by the concerned State. The conclusion and directions in the said order are quoted below for ready reference:

“VIII Conclusion and Directions

44. *In view of above, having regard to increased adverse health impact of pollution by use of crackers on Covid-19, aggravating risk to lives and health which has led to ban by the Governments of Odisha, Rajasthan, Sikkim, UT Chandigarh, DPCC and by the Calcutta High Court on sale and use of crackers,, applying the ‘Sustainable Development’ and ‘Precautionary’ principles, a case is made out for issuing directions for banning sale and use of fire crackers during November 9 to 30 in areas where air quality is ‘poor’, ‘very poor’ and ‘severe’.*

45. *Further, case is made out for restricting sale and use of fire crackers in areas with moderate and poor air quality where also on account of Covid19, there will be serious adverse effects, though less than areas where air quality is poor and above. In such areas, unless covered by the ban or restrictions by the authorities, restrictions on the pattern of those imposed by the Hon’ble Supreme Court vide order dated 23.10.2018, (2019) 13 SCC 523, reproduced in para 32 above will apply i.e. only green crackers be sold and use of crackers will be allowed only for two hours during festivals and not on any other day during November 9 to 30.*

46. *It is well known that in NCR, this threshold is continuously crossed during November. Thus, ban will be absolute in NCR.*

47. *Outside the NCR, where air quality standards are poor or more than poor during November, the sale and use of fire cracker has to be banned. It is not necessary to distinguish between non-attainment and other cities. Even in non-attainment cities, though average air quality may not be as per norms for five years, it may be poor or above during November. On the other hand, even in non-attainment cities, air quality may not be as per norms but may not be ‘poor’ or more than that. This is demonstrated by the data from CPCB website in respect of certain cities quoted above. In Haryana, there is no non-attainment cities in the list of 122, but as per air quality data of CPCB ‘Fatehabad’, falling outside NCR has ‘severe’ air quality in November. Similarly, Hisar, Bahadurgarh, Ballabgarh, Dharuhera, Kaithal, Kurukshetra and Manesar are falling under ‘very poor’ category of air quality and Ambala, Narnaul, Palwal and Sirsa in ‘poor’ air quality. Similarly, for the State of Punjab, only Amritsar, Jalandhar, Khanna and Ludhiana are shown in the ‘poor’ category of air quality out of eight non-attainment cities. This will not be read as debarring the authorities from taking more cautious approach in prohibiting/restricting fire crackers to any other areas not covered by prohibition or restrictions under this order, as has already been done by some of the States.*

48. *Accordingly, we direct as follows:*

- i. There will be total ban against sale or use of all kinds of fire crackers in the NCR from midnight of November,***

9 -10, 2020 to the midnight of November 30 - December 1, 2020, to be reviewed thereafter.

- ii. Direction (i) will also apply to all cities/towns in the country where the average of ambient air quality during November (as per available data of last year) fall under 'poor' and above category.**
- iii. The cities/towns where air quality is 'moderate' or below, only green crackers be sold and the timings for use and bursting of crackers be restricted to two hours during festivals, like Diwali, Chatt, New Year/Christmas Eve etc., as may be specified by the concerned State. This direction is on pattern of direction of the Hon'ble Supreme Court in (2019) 13 SCC 523 which we are applying to areas moderately polluted or below air quality due to aggravated effect during Covid-19, as already noted. If nothing is specified by the State, timing will be 8 to 10 pm on Diwali and Gurupurb, 6 am to 8 am on Chatt and 11.55 pm to 12.30 am during Christmas and New year eve (which have yet to come and do not fall in November but if ban continues) and not otherwise.**
- iv. At other places, ban/restrictions are optional for the authorities but if there are more stringent measures under orders of the authorities, the same will prevail.*
- v. All States/UTs/PCBs/PCCs may initiate special drives to contain air pollution from all sources in view of potential of aggravation of Covid-19*
- vi. The Chief Secretaries and DGPs of all the States/UTs may issue and circulate an appropriate order in above terms with appropriate enforcement guidelines to all the District Magistrates and Superintendents of Police, PCBs/PCCs.*
- vii. The CPCB and the State PCBs/PCCs may regularly monitor the air quality during this period which may be uploaded on their respective websites. CPCB may compile information on the subject, including the status of compliance of this order from all the States/UTs and file a consolidated report with data compiled till filing of report, before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

Consideration Today

3. The mater has been taken up today to consider whether any further direction on the subject is required after November 30, 2020.

4. As already mentioned, the Hon’ble Supreme Court considered the matter **at pre-covid stage**. The health impacts of air quality beyond norms were noted as follows¹:

Table 1

“

AQI	Associated Health Impacts
Good (0-50)	Minimal impact.
Satisfactory (51-100)	May cause minor breathing discomfort to sensitive people.
Moderately polluted (101-200)	May cause breathing discomfort to people with lung disease such as asthma, and discomfort to people with heart disease, children and older adults.
Poor (201-300)	May cause breathing discomfort to people on prolonged exposure, and discomfort to people with heart disease.
Very Poor (301-400)	May cause respiratory illness to the people on prolonged exposure. Effect may be more pronounced in people with lung and heart diseases.
Severe May (401-500)	May cause respiratory impact even on healthy people, and serious health impacts on people with lung/heart disease. The health impacts may be experienced even during light physical activity.

”

5. Air quality grading was noted as follows:

Table 2

“

AQI Category, Pollutants and Health Breakpoints								
AQI category (Range)	PM₁₀ 24-hr	PM_{2.5} 24-hr	NO₂ 24-hr	O₃ 8-hr	CO 8-hr (mg/m³)	SO₂ 24-hr	NH₃ 24-hr	Pb 24-hr
Good (0-50)	0-50	0-30	0-40	0-50	0-1.0	0-40	0-200	0-0.5
Satisfactory (51-100)	51-100	31-60	41-80	51-100	1.1-2.0	41-80	201-400	0.5-1.0
Moderately polluted (101-200)	101-250	61-90	81-180	101-168	2.1-10	81-380	401-800	1.1-2.0
Poor (201-300)	251-350	91-120	181-280	169-208	10-17	381-800	801-1200	2.1-3.0
Very poor (301-400)	351-430	121-250	281-400	209-748*	17-34	801-1600	1200-1800	3.1-3.5
Severe (401-500)	430+	250+	400+	748+*	34+	1600+	1800+	3.5+

”

¹ in Arjun Gopal v Union of India, (2017) 1 SCC 413

6. The Hon'ble Supreme Court, considering the adverse impact of crackers on air quality and adverse impact of air pollution on health, directed, vide Order dated 11.11.2016 as follows²:

"We direct the Central Government to:

- (i) Suspend all such licenses as permit sale of fireworks, wholesale and retail, within the territory of NCR.*
- (ii) The suspension shall remain in force till further orders of this Court.*
- (iii) No such licenses shall be granted or renewed till further orders."*

7. Thereafter, on 12.09.2017, in *Arjun Gopal v. Union of India* (2017) 16 SCC 280³ it was observed that instead of total prohibition, graded regulation of fire crackers was necessary, which would eventually result in prohibition. Accordingly, the earlier order was modified to restrict the temporary licenses to 50%, pending further consideration.

8. Thereafter, vide order dated 23.10.2018, in *Arjun Gopal v. Union of India*, (2019) 13 SCC 523,⁴ while banning certain categories of fire crackers and directing regulation of the remaining, it was inter-alia directed that on Diwali days or other festivals, fire crackers will be used strictly between 8 p.m. to 10 p.m. only with different timings for some other festivals. Further, the Union of India, Government of NCT of Delhi and the State Governments of NCR would permit **community fire crackers** only (for Diwali and other festivals, etc. as mentioned above), wherever it can be done. The operative part of the order is as follows:

"48. *We are of the opinion that the aforesaid suggestions strike a nice balance between the two competing interests. We accept the aforesaid measures as suggested by the Union of India and direct the Union of India and other authorities concerned to implement the same with immediate effect. In view thereof, the following specific directions are issued:*

² Arjun Gopal vs. UOI, supra

³ Para 69 to 72

⁴ Para 48

- 48.1. *The crackers with reduced emission (improved crackers) and green crackers, as mentioned in Suggestions II and III above only would be permitted to be manufactured and sold.*
- 48.2. *As a consequence, production and sale of crackers other than those mentioned in Suggestions II and III is hereby banned.*
- 48.3. *The manufacture, sale and use of joined firecrackers (series crackers or laris) is hereby banned as the same causes huge air, noise and solid waste problems.*
- 48.4. *The sale shall only be through licensed traders and it shall be ensured that these licensed traders are selling those firecrackers which are permitted by this order.*
- 48.5. *No e-commerce websites, including Flipkart, Amazon, etc., shall accept any online orders and effect online sales. Any such e-commerce companies found selling crackers online will be hauled up for contempt of court and the Court may also pass, in that eventuality, orders of monetary penalties as well.*
- 48.6. *Barium salts in the fireworks is also hereby banned.*
- 48.7. *PESO is directed to review the clinical composition of fireworks, particularly reducing Aluminium content, and shall submit its report in respect thereof within a period of two weeks from today. For undertaking this exercise, PESO would also associate FRDC.*
- 48.8. *Even those crackers which have already been produced and they do not fulfil the conditions mentioned in Suggestions II and III above will not be allowed to be sold in Delhi and NCR.*
- 48.9. *PESO will ensure fireworks with permitted chemicals only to be purchased/possessed/sold/used during Diwali and all other religious festivals, of any religion whatsoever, and other occasions like marriages, etc. It shall test and check for the presence of banned chemicals like lithium/arsenic/antimony/lead/mercury.*
- 48.10. *PESO will ensure suspension of the licences of manufacturers of such fireworks items and appropriate disposal of such stock.*
- 48.11. *PESO will ensure that only those crackers whose decibel (sound) level are within the limits are allowed in the market and will ensure to take action by suspending the licences of the manufacturers on such violations and disposal of such lots. To add to it, as mentioned in the order dated 12-9-2017, the directions issued and restrictions imposed in the order passed by this Court on 18-7-2005 in Noise Pollution shall continue to be in force.*
- 48.12. *Directions 4 to 9 and 11 contained in the order dated 12-9-2017 shall continue to operate and are reiterated again.*
- 48.13. *Extensive public awareness campaigns shall be taken up by the Central Government/State Governments*

/Schools/ Colleges informing the public about the harmful effects of firecrackers.

- 48.14.** *On Diwali days or on any other festivals like Gurupurab, etc., when such fireworks generally take place, it would strictly be from 8.00 p.m. till 10.00 p.m. only. On Christmas eve and New Year's eve, when such fireworks start around midnight i.e. 12.00 a.m., it would be from 11.55 p.m. till 12.30 a.m. only.*
- 48.15.** *The Union of India, Government of NCT of Delhi and the State Governments of NCR would permit community firecracking only (for Diwali and other festivals, etc. as mentioned above), wherever it can be done. For this purpose, particular area/fields would be pre-identified and predesignated by the authorities concerned. This exercise shall be completed within a period of one week from today so that the public at large is informed about the designated places one week before Diwali. The areas designated now for the purpose of Diwali shall be valid for community firecracking on other occasions/festivals as well, as mentioned above. Even for marriages and other occasions, sale of improved crackers and green crackers is only permitted. Insofar as other States are concerned, an endeavour shall be made by them also to explore the feasibility of community firecracking. However, it is made clear that Direction 48.14 pertaining to the duration within which fireworks can take place on all such occasions would be applicable throughout India. Similarly, Direction 48.13 for extensive public awareness campaigns is also a pan India direction.*
- 48.16.** *All the official respondents, and particularly the police, shall ensure that fireworks take place only during the designated time and at designated places, as mentioned above. They shall also ensure that there is no sale of banned firecrackers. In case any violation is found, the Station House Officer (SHO) of the police station of the area concerned shall be held personally liable for such violation and this would amount to committing contempt of the Court, for which such SHO(s) would be proceeded against.*
- 48.17.** *CPCB and respective State Pollution Control Boards/Pollution Control Committees (SPCBs/PCCs) of the States and Union Territories shall carry out short-term monitoring in their cities for 14 days (commencing from 7 days prior to Diwali and ending 7 days after Diwali) for the parameters namely, aluminium, barium, iron apart from the regulatory parameters against the short-term Ambient Air Quality Criteria Values (AAQCVs) proposed by CPCB with regard to bursting of firecrackers. This will help in generation of data on pollution caused by the bursting of firecrackers and would be helpful for regulation and control quantity of aluminium, barium and iron used in the manufacture of firecrackers.*

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38. The precautionary principle accepted in the aforesaid judgment was further elaborated in A.P. Pollution Control Board case [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718] as under: (SCC pp. 732-34, paras 31-35)

“31. The “uncertainty” of scientific proof and its changing frontiers from time to time has led to great changes in environmental concepts during the period between the Stockholm Conference of 1972 and the Rio Conference of 1992. In Vellore Citizens' Welfare Forum v. Union of India [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647] a three-Judge Bench of this Court referred to these changes, to the “precautionary principle” and the new concept of “burden of proof” in environmental matters. Kuldip Singh, J. after referring to the principles evolved in various international conferences and to the concept of “sustainable development”, stated that the precautionary principle, the polluter pays principle and the special concept of onus of proof have now emerged and govern the law in our country too, as is clear from Articles 47, 48-A and 51-A(g) of our Constitution and that, in fact, in the various environmental statutes, such as the Water Act, 1974 and other statutes, including the Environment (Protection) Act, 1986, these concepts are already implied. The learned Judge declared that these principles have now become part of our law.

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33. A basic shift in the approach to environmental protection occurred initially between 1972 and 1982. Earlier, the concept was based on the “assimilative capacity” rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle assumed that science could provide policy-makers with the information and means necessary to avoid encroaching upon the capacity of the environment to assimilate impacts and it presumed that relevant technical expertise would be available when environmental harm was predicted and there would be sufficient time to act in order to avoid such harm. But in the 11th Principle of the U.N. General Assembly Resolution on World Charter for Nature, 1982, the emphasis shifted to the “precautionary principle”

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“There is nothing to prevent decision-makers from assessing the record and concluding that there is

inadequate information on which to reach a determination. If it is not possible to make a decision with “some” confidence, then it makes sense to err on the side of caution and prevent activities that may cause serious or irreversible harm. An informed decision can be made at a later stage when additional data is available or resources permit further research. To ensure that greater caution is taken in environmental management, implementation of the principle through judicial and legislative means is necessary.’

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44. Applying the aforesaid principle, in the first blush it may appear that the aforesaid argument has substantial force in it. However, that would be only one side of the picture as there are two contra-arguments which are sufficient to take the sheen out of the aforesaid plea. First aspect is that the argument of economic hardship is pitched against right to health and life. When the Court is called upon to protect the right to life, economic effect of a particular measure for the protection of such right to health will have to give way to this fundamental right. Second factor, which is equally important, is that the economic loss to the State is pitched against the economic loss in the form of cost of treatment for treating the ailments with which people suffer as a result of burning of these crackers. Health hazards in the form of various diseases that are the direct result of burning of crackers have already been noted above. It leads to asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment. Some of the diseases continue on a prolonged basis. Some of these which are caused because of high level of PM_{2.5} are even irreversible. In such cases, patients may have to continue to get the medical treatment for much longer period and even for life. Though there are no statistics as to what would be the cost for treating such diseases which are as a direct consequence of fireworks on these occasions like Diwali, it can safely be said that this may also be substantial. It may be more than the revenue which is generated from the manufacturers of the crackers. However, we say no more for want of precise statistical data in this behalf.”

Discussion in Tribunal’s earlier Order

10. The effect of air pollution, aggravated by use of crackers on Covid-
19 pandemic was considered by this Tribunal in the order dated
09.11.2020 as follows:

*“14. Shri Panjwani referred to the articles referred to above during hearing. In ‘A. Pozzer et al, ‘Regional and global contributions of air pollution to risk of death from COVID-19’ Cardiovascular Research, which is an article published by the **European Society of***

Cardiology, revised on 03.10.2020, a study has been conducted about the nexus of Covid-19 and air pollution using relevant data and attributable fraction. It is opined that both **the air pollutant PM_{2.5} and the SARS-CoV-2 virus enter the lungs via the bronchial system (portal organ), with potential systemic health impacts through the blood circulation. Both PM_{2.5} and SARS-CoV-2 cause vascular endothelial dysfunction, oxidative stress, inflammatory responses, thrombosis, and an increase in immune cells. The SARSCoV-2 infection facilitates the induction of endothelial inflammation in several organs as a direct consequence of viral cytotoxic effects and the host inflammatory response, which can aggravate pre-existing chronic respiratory and vascular (coronary) dysfunction, and cause lung injury by alveolar damage, as well as stroke and myocardial infarction by inducing plaque rupture. Potential common pathophysiological mechanisms of increased risk thus relate to endothelial injury and pathways that regulate immune function. Further, there are strong indications of increased susceptibility to viral infections from exposure to air pollution.**

Lung injuries, including the life-threatening acute respiratory distress syndrome and respiratory failure, as well as acute coronary syndrome, arrhythmia, myocarditis, and heart failure, were shown to be clinically dominant, leading to critical complications of COVID-19. **Recent studies in China, the USA, as well as Europe indicate that patients with cardiovascular risk factors or established cardiovascular disease and other comorbid conditions are predisposed to myocardial injury during the course of COVID-19. From the available information, it thus follows that air pollution-induced inflammation leads to greater vulnerability and less resiliency, and the pre-conditions increase the host vulnerability. Air pollution causes adverse events through myocardial infarction and stroke, and it is an additional factor capable of increasing blood pressure, while there is emerging evidence for a link with type 2 diabetes and a possible contribution to obesity and enhanced insulin resistance. Bronchopulmonary and cardiovascular pre-conditions, including hypertension, diabetes, coronary artery disease, cardiomyopathy, asthma, COPD, and acute lower respiratory illness, all negatively influenced by air pollution, lead to a substantially higher mortality risk in COVID-19. Furthermore, it seems likely that fine particulates prolong the atmospheric lifetime of infectious viruses, thus favouring transmission. It is possible that future research will reveal additional pathways that mediate the relationship between air pollution and the risk of death from COVID-19.**

15. In article by Aparna Banerjea titled **‘After studies, it’s clear that air pollution contributes to Covid mortality: ICMR’** Mint, 27 October 2020’, it is mentioned that **the ICMR studies have proved that long-term exposure to air pollution has been linked to an increased risk of dying from Covid-19. It is further stated that there have been studies from Europe and US, where they have looked at polluted areas and have compared mortality during lockdown and correlation with pollution. “It is found that**

pollution is contributing to mortality in COVID, that's well established by studies," said Dr. Balram Bhargava, DG ICMR, in a health ministry briefing today.

According to a study, published in Cardiovascular Research, scientists estimated that about 15% of deaths worldwide from COVID-19 could be attributed to long-term exposure to air pollution. In Europe the proportion was about 19%, in North America it was 17%, and in East Asia about 27%.

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The study further mentions that the Air Quality Index (AQI) (as on 04.11.2020) was recorded at 346 in Rohini, 329 in RK Puram, 377 in Anand Vihar, and 363 in Mundka, all four in the 'very poor' category, as per Central Pollution Control Board (CPCB) data. In an attempt to curb the increasing air pollution in the national capital, the Delhi government recently launched the 'Red Light On, Gaadi Off' campaign as part of its 'Yuddh Pradushan Ke Viruddh' (War Against Pollution) initiative. Along with this, Delhi Environment Minister Gopal Rai had also announced the launch of a campaign starting on Monday to include the citizens of the capital in raising awareness on air pollution.

16. In article by Sandipan Talukdar titled 'Air Pollution May Account for 15% of COVID-19 Deaths Worldwide, Says New Study', News Click, 28 October 2020, similar observations have been made.

It is stated that Prof. Jos Lelieveld of Max Planck Institute of Chemistry, Mainz, Germany, and a corresponding author of the study said "Since the numbers of deaths from COVID-19 are increasing all the time, it's not possible to give exact or final numbers of COVID-19 deaths per country that can be attributed to air pollution. However, as an example, in the UK there have been over 44,000 coronavirus deaths and we estimate that the fraction attributable to air pollution is 14%, meaning that more than 6,100 deaths could be attributed to air pollution. In the USA, more than 220,000 COVID deaths with a fraction of 18% yields about 40,000 deaths attributable to air pollution."

On the mechanism of how PM_{2.5} can aggravate the respiratory disease, Prof. Thomas Munzel of Gutenberg University, Germany, said "When people inhale polluted air, the very small polluting particles, the PM_{2.5}, migrate from the lungs to the blood and blood vessels, causing inflammation and severe oxidative stress, which is an imbalance between free radicals and oxidants in the body that normally repair damage to cells. This causes damage to the inner lining of arteries, the endothelium, and leads to the narrowing and stiffening of the arteries. The COVID-19 virus also enters the body via the lungs, causing similar damage to blood vessels, and it is now considered to be an endothelial disease."

“If both long-term exposure to air pollution and infection with the COVID-19 virus come together then we have an additive adverse effect on health, particularly with respect to the heart and blood vessels, which leads to greater vulnerability and less resilience to COVID-19. If you already have heart disease, then air pollution and coronavirus infection will cause trouble that can lead to heart attacks, heart failure and stroke,” he further added. **The study also shows a country wide estimation of COVID-19 deaths attributable to long term air pollution exposure. According to it, Czech Republic has a share of 29%, China 26%, Germany 22%, Italy 15% and so on. New Zealand has a very low share of 1%.**

Extending this analogy to Indian conditions, it is possible to infer that deaths attributable to pollution in India may not be less than 15%.”

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19. In ‘State of Global Air 2020’ report released by the Health Effects Institute and the Institute for Health Metrics and Evaluation’s Global Burden of Disease Project, it is stated that:

“Extensive evidence links exposure to air pollution with higher rates of respiratory and cardiovascular diseases including lower-respiratory infections. **Could air pollution also increase a person’s risk of developing a COVID-19 respiratory infection or suffering its most severe complications?**

There is reason to believe it could SARS-CoV-2, the corona virus that causes COVID-19, is a respiratory virus that can affect the lungs, blood vessels, and many other parts of the body. Exposure to air pollution has been shown to affect the body’s immune defense, making an individual more susceptible to respiratory and other infections. In addition, many of the health conditions that have been associated with increased vulnerability to COVID-19-such as diabetes, cardiovascular disease, and chronic obstructive lung diseases-are also caused by long-term exposure to air pollution.

What we learned from the SARS-CoV-1 outbreak in 2002-2004 offers some insight into the interaction between air pollution and the effects of COVID-19. Several studies reported an association between higher air pollution concentrations and higher than expected death rates from SARS-CoV-1 handful of early studies of COVID-19 appear to suggest that areas with higher air pollution concentrations-PM_{2.5} or NO₂ in particular-might similarly experience either higher infection rates or higher case fatality rates. Investigators around the world are hard at work trying to understand fully the linkages between COVID-19 and air pollution, and how exposure to air pollution might affect rates of COVID-19 infection, the severity of disease, or the likelihood of dying.”

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Media Reports Referred

22. Following media reports have also been referred to by learned Amicus:

- i. ‘Coronavirus: Delhi health minister blames pollution, winters, festive season for rise in cases’, Scroll.in, 31 October 2020⁵
- ii. Abantika Ghosh, ‘Covid virus found on pollution particles, masks & social distancing a must, say govt experts’, ThePrint, 27 October 2020.⁶
- iii. Durgesh Nandan Jha, ‘From Record 5.9k Last Fri, City Cases Soar To 6,725’, The Times of India, 4 November 2020⁷.”

The above media reports refer to the nexus between air pollution and deaths and diseases particularly during winter and festive season with reference to the statements of the Delhi Health Minister and the Union Health Minister in support of the said statement. **There is further reference to apprehended increase of Covid cases on account of air increased pollution.**

The news item in ‘Times of India’ dated 04.11.2020 mentions that Delhi recorded 6,725 new cases of Covid-19 – its highest single-day tally – on Tuesday, taking the total number of cases to over 4,00,000 even as hospitals struggled to accommodate the critically ill patients due to paucity of ICU beds. This is leading to increased demand for the hospital beds and increased mortality figures. The increasing trend is clearly attributable to the deteriorating air pollution level.

Other Media reports and Global Trends

23. Apart from the media reports relied upon by the learned Amicus, there are other media reports to which reference may be made as follows:

- a) ASRP Mukesh, ‘Ban firecrackers or prepare for Covid disaster, warn docs’ Times of India, 30 October, 2020.⁸
- b) Science, ‘Smoky firecrackers can spread coronavirus faster: Experts, Deccan Chronical, 4 November, 2020.⁹

⁵ <https://scroll.in/latest/977303/coronavirus-delhi-health-minister-blames-pollution-winters-festive-season-for-rise-in-cases>

⁶ <https://theprint.in/health/covid-virus-found-on-pollution-particles-masks-social-distancing-a-must-say-govt-experts/531981/>

⁷ <https://timesofindia.indiatimes.com/city/delhi/Covid-19-From-record-5900-last-Friday-Delhi-cases-soar-to-6725/articleshow/79031687.cms>

⁸ <https://timesofindia.indiatimes.com/city/ranchi/ban-firecrackers-or-prepare-for-covid-disaster-warn-docs/articleshow/78941525.cms>

⁹ <https://www.deccanchronicle.com/nation/in-other-news/031120/smoky-firecrackers-can-spread-coronavirus-faster-experts.html>

- c) Cole Sullivan, 'COVID cancellations hit fireworks display companies hard' 10 News, 11.06.2020.¹⁰
- d) 'BEFORE BURNING CRACKERS LOOK AT US AND BE CONSIDERATE, SYMPATHETIC AND HUMANE' URGES COVID RECOVERED PATIENTS "DEEPAVALI DOES NOT MEAN BURNING CRACKERS FOR ENJOYMENT"- BISWAJIT MUKHERJEE 07.11.2020, PIB Kolkata.¹¹
- e) 'After falling for 7 weeks, Covid-19 cases in India rise', Times of India, 09.11.2020.¹²
- f) Stephanie Pagones, 'Coronavirus-prompted July 4th cancellations leave fireworks display companies 'on life support', FOX Business, 02.07.2020.¹³
- g) Joanna York, 'What will France's July 14 celebrations look like this year? Celebrations will still take place in France on 14 July this year, but with some differences due to the Covid-19 crisis, the Connexion, 06.11.2020.¹⁴
- h) Tim Baker, 'Coronavirus: London's New Year's Eve fireworks cancelled due to pandemic', Sky News, 18.09.2020.¹⁵
- i) Wong Shiying, 'No fireworks display at Marina Bay New Year's Eve countdown this year', the Straits Times, 05.11.2020.¹⁶

As per (a), there is a statement by Jharkhand chapter of Indian Medical Association (IMA) that smoke from firecrackers during Diwali can turn out to be fatal for Covid-19 patients. The report particularly mentions the names of the State President Dr. A.K. Singh and Dr. Pradeep Bhattacharjee. It is also further mentioned that winter dry air can aggravate breathing difficulties, especially among those suffering from lung ailments. Smoke from crackers can turn out to be recipe for disaster. Pollutants released will remain suspended in cool air for a long duration.

¹⁰ <https://www.wbir.com/article/news/health/coronavirus/covid-cancellations-hit-fireworks-display-companies-hard/51-f16191a3-fdbb-44a3-8447-de4454d761b5>

¹¹ <https://pib.gov.in/PressReleasePage.aspx?PRID=1671145>

¹² <https://timesofindia.indiatimes.com/india/after-falling-for-7-weeks-covid-19-cases-in-india-rise-again/articleshow/79119707.cms>

¹³ <https://www.foxbusiness.com/lifestyle/fireworks-displays-july-4-coronavirus>

¹⁴ <https://www.connexionfrance.com/French-news/What-will-France-s-July-14-celebrations-look-like-this-year>

¹⁵ <https://news.sky.com/story/coronavirus-londons-new-years-eve-fireworks-cancelled-due-to-pandemic-12074859>

¹⁶ https://www.straitstimes.com/singapore/no-fireworks-display-at-marina-bay-countdown-this-year?utm_medium=Social&utm_campaign=STFB&utm_source=Facebook&fbclid=IwAR1_4Gj7dYzCq-8BNdxiy1GLEgGgvC3hPTgdOsd-wa-TUyGNED4k3JpQi-o#Echobox=1604550165

The reports (b) & (e) show discussion that ban on fire crackers is imperative to prevent harm on account of Covid-19 which will be aggravated by use of fire crackers.

The media reports from (f) to (i) show that having regard to the Covid situation, fireworks display was cancelled in several other countries.”

11. The Tribunal also considered the CPCB report backed by data of incremental pollution during festivals in and around November month, attributable to the use of fire crackers. Further consideration was of the grievance that there was non-compliance by the manufacturers by using prohibited chemicals in manufacture of crackers which led to initiation of contempt proceedings by the Hon'ble Supreme Court vide order dated 03.03.2020 in *Writ Petition No. 728/2015, Arjun Gopal (supra)*. The products were not being labeled in terms of directions of the Hon'ble Supreme Court dated 10.02.2017.

Supreme Court orders dated 11.11.2020 and 13.11.2020

12. We note that vide order dated 13.11.2020 in *SLP (Civil) Diary No(s). 24650/2020, The Telangana Fire Works Dealers Association v. P. Indra Prakash & Ors.*, **the Hon'ble Supreme Court directed, by an interim order, that order of this Tribunal dated 09.11.2020 be followed** in the State of Telangana which was the State for consideration in the matter before the Hon'ble Supreme Court. Further, *SLP(Civil) Diary No(s). 24645/2020, Gautam Roy & Anr. vs. The State of West Bengal & Ors.* against order of the Calcutta High Court dated 05.11.2020 in WPA No. 1984 of 2020, *Ms. Anasua Bhattacharya vs. State of West Bengal & Ors.*, banning crackers in the State of West Bengal during Deepawali and other festivals in the month of November was dismissed vide order dated 11.11.2020.

Further consideration in Today's Proceedings

13. CPCB has filed its report dated 27.11.2020 in pursuance of order of this Tribunal dated 09.11.2020, compiling the relevant data pre-Deepawali and on Deepawali day in Delhi and in 131 other cities. The report mentions the data of noise level and air quality at certain locations. 'Overall observation' and conclusion in the report are as follows:

"Overall Observation

This year Deepawali was celebrated in mid-November, which, has unfavorable meteorological conditions for dispersal of pollutants in comparison to 2019 when the festival was in the last week of October. The surface temperature was recorded lowest, which might have attributed to more inversion condition with lowest average mixing height, which limits vertical dispersion. It was among lowest in last five years. Wind speed in both pre Diwali and Diwali day was similar. As such, impact of meteorology in air pollution levels during festival season is evident.

*As observed from real-time monitoring network (37 CAAQM stations), the hourly **average concentration of PM_{2.5} started increasing since 11 PM on 14th November, it reached peak in most of the stations at around 1 am and continued at higher levels till 5 am. The city level average calculated for PM₁₀ and PM_{2.5} concentrations on Deepawali day (14.11.2020) were 645 µg/m³ and 483 µg/m³ respectively.** Contribution of stubble burning on PM_{2.5} (Source: SAFAR, IITM) was 32% on Diwali day (14.11.2020) compared to 38% on pre Diwali day (09.11.2020).*

The contribution of stubble burning on both pre Diwali (12 % on 21.10.2019) and Diwali day (19 % on 27.10.2019) in 2019 was less. Therefore, it may be inferred that elevated PM_{2.5} concentrations in 2020 in comparison to previous year had enhanced contribution of stubble burning and same is also reflected in elevated levels of CO and NO₂.

In 2019 the PM₁₀ was increased by 70% on Diwali day compared to Pre Diwali day. PM_{2.5} was increased by 149% on Diwali day over Pre Diwali day. In 2020, on Diwali day decrease in PM₁₀ and PM_{2.5} was observed compared to Pre Diwali day by about 16% and 18%. This reduction is perhaps due to about 6% reduction in contribution of stubble burning this year.

Overall, this year Deepawali has witnessed higher background levels of pollutants during pre-diwali days and further addition of particulates during night from firecrackers."

14. We have heard learned Amicus and other learned Counsel for the parties. We have also considered the report of the CPCB dated 27.11.2020 and the media reports. Learned amicus has filed following media reports:

- “1. PTI, Guwahati (2020). ‘Assam Health Minister says no restriction on firecrackers despite ban by police’, *Deccan Herald*, 10 November.
2. PTI (2020). ‘Delhi’s air quality turns ‘severe’ firecrackers add to misery’, *The Hindu*, 14 November.
3. Peeyush Khandelwal (2020). ‘Despite ban on crackers, Diwali in Noida and Ghaziabad more polluted this year’, *The Hindustan Times*, 15 November.
4. ANI (2020). ‘Despite Ban, People Burst Firecrackers in UP’s Ghaziabad to celebrate Diwali’, *Business World*, 30 November.
5. PTI (2020). ‘Delhi Police receives over 2,000 PCR calls about bursting of crackers on Diwali night’, *The Tribune*, 15 November.
6. PTI (2020). ‘Firecrackers heard across Delhi on Diwali night despite ban’, *The Hindu*, 15 November.
7. Agence France – Presse (2020). ‘Toxic smog blankets Delhi after revellers ignore ban on bursting firecrackers for Diwali’, *First Post*, 16 November.”

15. Learned Amicus submitted that the media reports establish that there was blatant violation of order of this Tribunal dated 09.11.2020 at various places. This affected the air quality adversely and also added to the noise pollution to the detriment of the public health. There are other **media reports also indicating flouting of the ban imposed on use of fire crackers, thereby having deleterious effect on air quality.**¹⁷

¹⁷ (i) “Delhi Air Quality Plunges to ‘Severe’ Category, Cracker Ban Goes Up in Smoke on Diwali Despite Pandemic Fears”, News18 India dated 15.11.2020: <https://www.news18.com/news/india/delhi-air-quality-turns-severe-on-diwali-farm-fires-calm-winds-worsen-crisis-3080405.html>

(ii) “Air quality ‘very poor’ in Delhi post Deepavali”, *The Hindu* dated 28.10.2019: <https://www.thehindu.com/news/cities/Delhi/delhi-air-quality-dips-to-very-pooron-diwali/article29811526.ece> <https://www.thehindu.com/news/cities/Delhi/delhi-air-quality-dips-to-very-pooron-diwali/article29811526.ece>

(iii) “Air quality dips to ‘severe’ in Delhi post Diwali”, *The Hindustan Times*, 15.11.2020: https://m.hindustantimes.com/india-news/air-quality-dips-to-severe-in-delhi-post-diwali/story-ykHxSpaTcy2IX8YRCdPk0K_amp.html

(iv) “Air quality in Delhi further deteriorates post-Diwali; breaches emergency mark for a time”, *DownToEarth*, dated 15.11.2020: <https://www.downtoearth.org.in/news/air/air-quality-in-delhi-further-deteriorates-post-diwali-breaches-emergency-mark-for-a-time-74243>

(v) “As Delhi flouts cracker ban, air quality dips day after diwali”, *The Indian Express* dated 15.11.2020: <https://indianexpress.com/article/cities/delhi/delhi-air-quality-pollution-diwali-7051960/>

(vi) “Air quality worsens in the national capital post-diwali”, *The Economic Times* dated 15.11.2020: <https://economictimes.indiatimes.com/news/politics-and-nation/air-quality-worsens-in-the-national-capital-post-diwali/articleshow/79228838.cms?from=mdr>

16. Learned amicus further submitted that the use of fire crackers is not confined to the month of November but continues even thereafter to celebrate different occasions, including marriages, sports, etc. The Precautionary principle, thus, continues to remain relevant atleast till Covid-19 ends to avoid damage to the environment and public health. The use of crackers needs to be controlled and regulated, depending upon the air quality at the location where fire crackers are to be used. Thus, a graded response to air pollution appears to be essential, even beyond November till the Covid-19 pandemic is controlled.

17. *I.A. No. 112/2020* has been filed in *OA No. 93/2020(CZ), Dr. P.G. Najpande & Anr. vs. State of M.P. & Ors.*, by the applicant stating that inspite of order of this Tribunal, the bursting of fire crackers took place at Jabalpur, Bhopal, Indore and Gwalior. As a result, there was increase in Covid cases in Madhya Pradesh after Deepawali.

18. Learned Amicus and the counsel appearing for the applicants submitted that there is an established relation of increase of pollution due to use of fire crackers and consequential increase of Covid cases. Thus, it was submitted that use of fire crackers be not allowed so long as Covid continues in the interest of public health. Alternatively, such use may be

(vii) "Firecrackers' ban flouted in Capital", The Pioneer dated 16.11.2020: <https://www.dailypioneer.com/2020/page1/firecrackers----ban-flouted-in-capital.html#:~:text=The%20National%20Green%20Tribunal%20>

(viii) "Pollution levels severe in Delhi as cracker ban is flouted", mint dated 15.11.2020: <https://www.livemint.com/news/india/pollution-levels-severe-in-delhi-as-cracker-ban-flouted-11605417950168.html>

(ix) "In a week, 40 flout firecracker ban in Ghaziabad, arrested", Times of India dated 16.11.2020: https://m.timesofindia.com/city/ghaziabad/in-a-week-40-flout-firecracker-ban-in-ghaziabad-arrested/amp_articleshow/79239001.cms

(x) "11 arrested in Chandigarh for flouting ban on firecrackers, UT administration had banned the sale and use of firecrackers this year", The Tribune dated 15.11.2020: <https://www.tribuneindia.com/news/chandigarh/11-arrested-in-chandigarh-for-flouting-ban-on-firecrackers-170716>

(xi) "850 held for flouting curbs, 1.2k cases filed", The Hindustan Times dated 16.11.2020: <https://www.hindustantimes.com/cities/1206-case-registered-for-bursting-crackers-on-diwali-850-people-held/story-2lQKkR1Ms66kuHCb7LE93M.html>

permitted only where the air quality is 'moderate' and below where adverse impact on public health is comparatively lesser. **If the air quality is 'poor' and above, it has been held by the Hon'ble Supreme Court in the table quoted in para 4 above that there is danger of heart diseases, respiratory illness and other serious health impact** even before Covid. Covid is going to further aggravate the situation and therefore atleast in areas where air quality is 'poor' and above, no bursting of fire crackers should be permitted in view of 'Precautionary' principle, to be statutorily enforced by this Tribunal under Section 20 read with section 15 of the National Green Tribunal Act, 2010. It was further submitted that in view of the large-scale violation of the directions of this Tribunal, there should be further directions for meaningful enforcement by the authorities by using coercive methods, including recovery of compensation. There should also be a mechanism to compensate individual victims if such victims come forward with evidence of harm suffered. If no individual victim comes forward, the compensation amount should be utilized for restoration of the environment and to enforce the rule of law. This requires availability of air quality data and designated nodal agencies for enforcement.

Conclusion and Directions

19. We have given due consideration to the above submissions. Only opposition to this submission is on behalf of the fire crackers manufacturers association on the ground that once license is granted, there can be no restriction on right to carry on business even if it results in damage to the environment and public health.

20. As already laid down by the Hon'ble Supreme Court, discussed in the order of this Tribunal dated 09.11.2020, the laid down air quality and noise level norms under the Air (Prevention and Control of Pollution) Act,

1981 and noise level under the Environment (Protection) Act, 1986 have to be maintained to give effect to the principle of Sustainable Development of which Precautionary principle is a part. Since mere passing of order does not ensure compliance, necessary coercive measures have to be taken. Even if there are other sources of pollution and meteorological conditions contributing to the air pollution, it does not justify ignoring acknowledged pollution by bursting of fire crackers adding to the air and noise pollution, beyond statutory norms. Right to business is not absolute. There is no right to violate air quality and noise level norms. This being a crime under the law of the land cannot be a right. Exceeding of the norms, adversely affect the health and cannot be allowed. Nobody has a right to carry on business at the cost of health of others. All licenses already given or which may be given are inherently subject to overriding requirement of preventing damage to the environment and the public health.

21. We have already quoted the air quality norms. We may also note the standards of noise level, prescribed under Rule 3 read with the Schedule to the Noise Pollution (Regulation & Control) Rules, 2000 (Noise Control Rules) as follows:

“SCHEDULE
(see rule 3(l) and 4(l))

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."

22. As per the Noise Control rules, the responsibility for enforcement of noise pollution control measures is of the 'authority', which includes authorized officers, District Magistrates, Police Commissioner or any officer not below the rank of Deputy Superintendent of Police designated for the maintenance of air quality standards in respect of noise. There is further provision that any loudspeaker or sound producing instrument /equipment can be used **only after obtaining written permission.** Festive occasions are defined as **notified National or State functions, including the Republic Day, the Independence Day, State Day or other notified day.**

23. Remedial action against violation of noise level norms as well as air quality norms has been subject matter of judgements of the Hon'ble Supreme Court. Reference may be made to the judgment of the Hon'ble Supreme Court dealing with the noise pollution in *Re: Noise Pollution-implementation of the Laws for Restricting Use of Loudspeakers and High-Volume Producing Sound Systems, (2005) 5 SCC 733.*

24. This Tribunal in *O.A No. 519/2016, Hardeep Singh & Ors. v. SDMC & Ors.* dealt with the steps for enforcement of the directions of the Hon'ble Supreme Court on the subject of noise pollution. Noise pollution is an offence under the Noise Control Rules as also under IPC Sections 268,

285, 286, 290, 291 etc. Noticing large scale violation of Noise norms, this Tribunal required CPCB to lay down compensation regime. After expert studies, report dated 12.06.2020 was filed which was considered by this Tribunal vide order dated 11.08.2020. The compensation regime suggested by the CPCB is as follows:

“

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter		Action to be taken by designated authority
1.	Xxx	Xxx		Xxx
2.	Xxx	Xxx		Xxx
3.	Xxx	Xxx		Xxx
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon’ble Supreme Court and Clause 5A (2) and 6 (iv) ^{7- 8}			
		Residential / Commercial/ Mixed Zone Silence Zone	Silence Zone	
4(1)	Violation by Individual/ Household	1,000	3,000	
4(2)	Violation during Procession a. Public Rallies b. Barat during marriage Religious event	10,000	20,000	Fine to be paid by Organizer
4(3)	First Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions	20,000		Fine to be paid by Organizer and Owner of the place.
4(4)	Second Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground Function	40,000		
4(5)	More than Two Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function	1,00,000 and action under EP Act.		Sealing of Premises

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Note:

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7. *Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone."*

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9. *It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicle Rules, 2019"*

25. The above recommendation was approved by the Tribunal vide order dated 11.08.2020 as follows:

*"12.We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. **The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs."***

26. The matter was also considered in OA 681/2018, *News item published in "The Times of India" Authored by Shri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15."* dealing with the control of air pollution in non-attainment cities. The direction in the above order dated 11.08.2020 in OA 519/2016, *Hardeep Singh (supra)* was reiterated.

27. **Accordingly, the above needs to be followed against violation of prohibition/restriction on bursting of crackers. Apart from the scale of compensation, applicable for noise, equal amount of compensation is liable to be paid for violation of air norms. Thus, the rate of compensation has to be double of the above scale. The word 'fine' is infact compensation. Polluter pays principle is part of environmental law not only under section 20 of the NGT Act but also has to be applied by law enforcing agency to enforce environmental norms. For second violation and more than two violations, deterrent amount in the form of double compensation will be payable for cases covered by**

Para 4(1) & 4(2) of the above table also. Further, it is clarified that 'second' violation does not mean second day. Second violation includes violation on same day or continuous violation.

The amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate.

28. Further, in above matter (OA681/2018), the issue of setting up of monitoring stations for monitoring of air quality was also considered by the Tribunal vide order dated 21.8.2020, in continuation of earlier proceedings, in the light of report of the CPCB dated 18.08.2020. The report was in compliance of order dated 20.11.2019 directing that assessed number of air monitoring stations be installed within one year i.e. till 20.11.2020 and such stations be connected to the server of the CPCB to display data on real time basis in public domain giving all the 12 notified parameters. The equipments be procured through GeM portal as per specifications of CPCB from recruited venders notified on the Gem Portal. The report mentioned that air quality was being monitored manually at 793 locations covering 344 cities/towns in 28 States and 7 Union Territories (UTs) across the country under National Air Quality Monitoring Programme (NAMP) and through real time stations in 219 stations covering 123 cities in 18 States and 2 UTs under Continuous Ambient Air Quality Monitoring. Further, the SPCBs/PCCs are also monitoring ambient air quality manually at 126 locations covering 86 cities/ towns in 13 States under State Air Quality Monitoring Programme (SAMP).

29. The Tribunal, vide order dated 21.08.2020, directed that the work at remaining monitoring stations be completed within six months, which may commence within one month and monitored by the CPCB.

30. The fact remains that there are 740 Districts in the country and above 4000 cities. It is absolutely necessary that at least at every District Headquarter in all the 740 Districts, there should be an air quality monitoring station. Wherever such stations have not yet been set up so far (though Air Act is 39 years old), manual stations, which are very easy to set up and are not costly, must be installed at the earliest using simpler procedure like GeM. This step should not exceed three months in any case. This will be the responsibility of the State PCBs/PCCs, using funds available under 'consent mechanism' / 'environmental compensation'. As per data furnished by the CPCB in its report dated 14.11.2019, it was mentioned that as against requirement of CAAQMS being 800, only 176 had been installed and as against required manual stations being 1250, only 658 had been installed. The gap was directed to be filled up by the Tribunal till 20.11.2020 which was extended vide order dated 21.08.2020 for six months, which will now expire on 21.02.2021.

31. Since Pandemic is still continuing and is aggravated by the addition of pollution by fire crackers, having potential of damage to public health, invoking precautionary principle under section 15 and 20 of the NGT Act, 2010, we are satisfied that there is need to continue directions for prohibition and regulation of use of fire crackers during pandemic Covid-19, depending upon air quality with further direction to take coercive measures for non-compliance, including recovery of compensation and for redressal of claims of victims of such pollution and restoration of environment.

Directions

32. In view of above discussion, following directions are issued:

- i. There will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic in the NCR and all cities/towns in the country **where the ambient air quality falls under the ‘poor’ and above category.**
- ii. Direction to restrict use of fire crackers in cities/towns where air quality is ‘moderate’ or below to green crackers only and for duration of not more than two hours and only for celebration of any specified festivals or permitted occasions will continue. Such festivals be specified by the States. Other than specified festivals, prior permission of the District Magistrate of the area will be required for use of crackers for limited period which will be given having regard to air quality.
- iii. During Christmas and New Year, green crackers can be used from 11:55 pm to 12:30 am only at places where air quality is ‘moderate’ or below as directed by the Hon’ble Supreme Court¹⁸.
- iv. With a view to ensure availability of air quality data, atleast one air quality monitoring station must be set up at every district headquarter at the earliest. Where no such monitoring station exists, atleast a manual monitoring station which is very easy to set up and is not costly must be installed at the earliest, using simpler procedure like GeM. This should not exceed three months in any case. This will be the responsibility of the State PCBs/PCCs from

¹⁸ (2019) 13 SCC 523 para 48.14

- ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the Environment in the District.
- x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.3.2021.

The applications are disposed of.

An amount of Rs. 1 lac and Rs. 25,000/- respectively may be paid by the CPCB to Shri Raj Panjwani, Senior Advocate and Ms. Shibani Ghosh, Advocate, as a token honorarium for assisting the Tribunal as Amicus.

We place on record our sincere thanks to learned Amicus for the assistance rendered.

A copy of this order be forwarded to the MoEF&CC, CPCB, Chief Secretaries and DGPs, State PCBs/PCCs and District Magistrates of all the States/UTs by e-mail for Compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

December 01, 2020
OA No. 249/2020, OA No. 254/2020
OA No. 255/2020 & OA No. 93/2020(CZ)
DV

9/12/2022

3/33
13/12/221363
14/12/22

E. P.No. 14206/2022



GOVERNMENT OF KERALA

Environment (A) Department

07-12-2022, Thiruvananthapuram

No.A3/241/2019-ENVT

From
Additional Chief Secretary to Government
To
Additional Chief Secretary, Home Department
Secretary, Law Department

The State Police Chief,
Kerala State Police Head Quarters,
Vazhuthacaud, Thiruvananthapuram - 695010

The Director,
Directorate of Environment and Climate Change,
Thiruvananthapuram.

The Commissioner,
Transport Commissionerate, Motor Vehicle Department,
2nd Floor, Trans Tower, Vazhuthacadu,
Thiruvananthapuram- 695014

The Chief Town Planner,
Swaraj Bhavan, 2nd Floor, Nanthancode,
Kowdiar. P.O, Thiruvananthapuram- 695003

✓ The Chairman,
Kerala State Pollution Control Board, Thiruvananthapuram

The Member Secretary,
Kerala State Pollution Control Board, Thiruvananthapuram.

Sir,

MS. P. Lee

MS. P. Lee

Involve too and prepare a draft

CHAIRMAN

Sub: Environment Department - Discussion on the progress made in the implementation of Noise Pollution (Regulation and Control) Rules, 2000 - Meeting Minutes forwarding of - Reg.

Ref: Minutes of the meeting held at 12.00 Noon on 25.11.2022

I am to invite your attention to the reference cited and to forward a copy of the Minutes of the meeting cited above for information and necessary action.

Yours Faithfully,
GEETHA GOPINATH
UNDER SECRETARY

For Additional Chief Secretary to Government.

Approved for Issue,

Signed by S Feroskhan

Date: 08-12-2022 10:49:13

Section Officer.

Copy to:- Home Department

LSGD

Transport Department

Law Department

Environment Monitoring Cell

Minutes of the Meeting convened by Additional Chief Secretary, Environment Department, at 12.30 PM on 25.11.2022 to discuss regarding the realisation of compensation amount and to frame procedure for implementation of compensation regime as directed by NGT

The meeting commenced at 12:30 PM with Additional Chief Secretary in Chair. Officers, as per the list appended, attended the meeting. The NGT Order dated 11.08.2020 in OA 519/2016, wherein the Tribunal directed to implement the compensation regime for violation of Noise Rules, 2000, and other prevailing Rules were discussed in the meeting. The Police Department again raised some ambiguities regarding the implementation of compensation regime by the authorities concerned.

After detailed discussion, the following decision was taken:

Kerala State Pollution Control Board shall prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000. Government Order shall be issued by Environment Department after getting the draft vetted by the Law Department.

[Action: KSPCB, ENVVT Dept., Law Dept.]

The meeting ended at 1:10 PM.

Dr. Venu. V. IAS



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HO/ EE3/NGT/O.A.NO.681/2018/30/19

Date: 06/01/2023

From

The Chairman

To

The Additional Chief Secretary
Environment Department
Government Secretariat
Thiruvananthapuram



Sub: - Implementation of Noise Pollution (Regulation and Control) Rules, 2000-reg.

Ref: - 1. Decision taken in the meeting convened on 25.11.2022

2. Government letter no A3/241/2019-ENVT dated 05.01.2023

Sir,

As per the decision under ref 1, a draft scheme regarding implementation of environmental compensation regime for noise pollution is submitted herewith.

Yours faithfully,

CHAIRMAN

o/c

**ENVIRONMENT DEPARTMENT - IMPLEMENTATION OF
ENVIRONMENT COMPENSATION REGIME FOR NOISE
POLLUTION AS ORDERED BY HON'BLE NATIONAL GREEN
TRIBUNAL(PZ)**

- 1. Order dated 11.08.2020 in OA Nos. 519/2016 (PZ), 496/2018 (PZ), 196/2018 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal*
- 2. Order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 254/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) of the Hon'ble National Green Tribunal*
- 3. Judgment dated 18.07.2005 of the Hon'ble Supreme Court in WP(C) No. 72/1998*
- 4. Direction No. A-14011/1/2021-MON dated 27/04/2021 issued by CPCB to KSPCB*
- 5. Direction No. PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19 (M) dated 19/05/2021 issued by KSPCB to Police Authority*
- 6. Meetings held on 17/03/2022, 23/05/2022 & 19/09/2022 under the chairmanship of the Chief Secretary*

A mindful reading of the landmark judgment dated 18.07.2005 delivered by the Hon'ble Supreme Court in the WP (C) No. 72 of 1998 would reveal that the Apex Court had emphasized clearly and categorically that noise being a nuisance, health hazard and environmental pollutant, shall be regulated for the physical and psychological wellbeing of citizens.

It is pertinent to recall that vide the above judgment it was also conveyed that it is well settled by repeated pronouncements of the Apex Court that right to life enshrined in

Article 21 is not of mere survival and existence, but, it guarantees right of persons to life with human dignity. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. The Court had further observed that the freedom of speech and right to expression are fundamental rights, but the rights are not absolute. While one has a right to speech, others have a right to listen or decline to listen and nobody can be compelled to listen and nobody can claim he has a right to make his voice trespass into the ears or mind of others. The States were directed to create awareness on the hazardous effects of noise pollution and to make provisions for seizure and confiscation of loud speakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits.

The issue of noise pollution continues unabated due to various reasons. In India various laws are invoked for curbing the nuisance of noise pollution. The Environment (Protection) Act, 1986 and the Noise Pollution (Regulation and Control) Rules, 2000 (made under the provisions of said Act & Rules thereunder) also assume relevance in this context. Relevant clauses under the said Act / Rules are quoted below:

Regarding cognizance of offences as specified in the Environment (Protection) Act, 1986, section 19 of the Act reads as under:

“No court shall take cognizance of any offence under this Act except on a complaint made by-

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid."

The section 15(1) of The Environment (Protection) Act, 1986 regarding penalty for contravention of the provisions of the Act, Rules, orders and directions states that:

"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

Also Section 9(3) of The Environment (Protection) Act, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

Noise is defined as air pollutant under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981. One of the functions of the State Pollution Control Boards (SPCBs) under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof.

Further as per the Noise Pollution (Regulation and Control) Rules, 2000 notified under the Environment (Protection) Act, 1986, following responsibility is vested with CPCB and SPCBs:

“The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement”.

As specified in the rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

The Hon'ble National Green Tribunal while dealing with cases concerning noise pollution issues have given various orders to be complied by the States. In this context the most prominent common orders dated 1.08.2019 (in OA No. 519/2016, 496/2018, 196/2018, 197/2018), 11.08.2020 (in OA No. 519/2016, 496/2018, 196/2018,

197/2018) & 1.12.2020 (in OA No. 249/ 2020, 259/2020, 255/2020, 93/2020) are relevant in terms of the Tribunal's directions regarding implementation of compensatory regime for curbing noise pollution. Order dated 1.12.2020 issued in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) is the final order detailing the levy of compensatory regime. This order directs the States to implement Compensatory Regime as accepted by the Tribunal for violation of Noise Rules 2000. Salient portions of the orders are extracted below.

In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"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 directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to the Hon'ble National Green Tribunal on 14/11/2019.

Hon'ble NGT vide order dated 15.11.2019 directed CPCB as follows:

"a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.

b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored to."

Further in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020.

In O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 vide order dated 11/08/2020, the Hon'ble National Green Tribunal further directed CPCB as follows:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTS,"

Further orders with respect to Compensatory Regime was issued in 1.12.2020 (order dated 01.12.2020 of the Hon'ble National Green Tribunal in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ)) wherein District Magistrates were assigned as authorities for levy of EC for violation in bursting fire crackers.

Further authorities for enforcing the Compensation was referred under para 22 of the same order

“22. As per the Noise Control rules, the responsibility for enforcement of noise pollution control measures is of the ‘authority’, which includes authorized officers, District Magistrates, Police Commissioner or any officer not below the rank of Deputy Superintendent of Police designated for the maintenance of air quality standards in respect of noise. There is further provision that any loudspeaker or sound producing instrument /equipment can be used only after obtaining written permission. Festive occasions are defined as notified National or State functions, including the Republic Day, the Independence Day, State Day or other notified day.”.

The Hon’ble National Green Tribunal has further vide para 27 of order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) ordered that,

Para 27. *“Accordingly, the above needs to be followed against violation of prohibition/restriction on bursting of crackers. Apart from the scale of compensation, applicable for noise, equal amount of compensation is liable to be paid for violation of air norms. Thus, the rate of compensation has to be double of the above scale. The word ‘fine’ is infact compensation. Polluter pays principle is part of environmental law not only under section 20 of the NGT Act but also has to be applied by law enforcing agency to enforce environmental norms. For second violation and more than two violations, deterrent amount in the form of double compensation will be payable for cases covered by Para 4(1) & 4(2) of the above table also. Further, it is clarified that ‘second’ violation does not mean second day. Second violation includes violation on same day or continuous violation. The*

amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate."

It has been ordered by the Hon'ble National Green Tribunal vide para 32. vi, vii, viii, ix & x of the order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) that,

"32. In view of above discussion, following directions are issued:

..vi. The District Magistrates in every district may take steps to ensure that banned fire crackers are not sold in terms of order of the Hon'ble Supreme Court dated 23.10.2018.

vii. The District Magistrate, on a complaint or otherwise, will recover compensation from violators of the above directions on the parameters already mentioned in Para 24 above.

viii. Any victim of pollution, apart from other remedies, can approach the District Magistrate for compensation, by showing evidence of individual damage and the person responsible for the damage. Such claim may be dealt with by a reasoned order.

ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the environment in the district.

x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.03.2021."

In view of the above stated facts and to ensure compliance of the existing Rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it was hereby directed vide letter no. A-14011/1/2021-MON dated 27.04.2021 that Chairman Kerala SPCB shall direct designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by the Hon'ble National Green Tribunal.

In compliance to the above statutory directions received from the Central Pollution Control Board, directions were issued from Kerala State Pollution Control Board to State Inspector General of Police and the matter was informed to the Environment Department.

Meetings were held by the Chief Secretary on 17/03/2022, 23/05/2022 & 19/09/2022 with the Departments concerned, to discuss the implementation of Compensatory Regime for violation of noise pollution in the State in compliance to the directions of the Hon'ble National Green Tribunal, wherein it was decided to go ahead with implementing the scheme as directed by the National Green Tribunal to regulate noise pollution in the State.

As part of implementation of Noise Rules, 2000 in the State, the State Government had in accordance to the Rule 2 (C) provisions of Noise Rules issued Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002 from HOME (F) Department, designating the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police

(Sub. divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State.

The orders of the Hon'ble National Green tribunal has to be complied with in both letter and spirit. It is further observed that as a result of rapid urbanization and development in multifarious sectors including transportation, electioneering, industrialization, communication, building & infrastructure etc. and emergence of new lifestyles, the ambient noise levels are on a rise which warrants strict enforcement of noise regulation. Further due to high population density in the State noise pollution assumes high significance. The urban-rural continuum as seen in the State of Kerala also calls for concerted efforts to streamline the causes of noise pollution and to devise deterrent steps to prevent pollution issues to guarantee a better/high quality of life for its citizens.

The State Government having seriously considered all the above matters is pleased to order the implementation of Compensatory Regime for violation of Noise Rules in the State in due compliance to the order dated 01.12.2020 of the Hon'ble National Green Tribunal in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ).It is hereby directed to implement the scale of compensation for violation of Noise Pollution(Regulation and Control)Rules, 2000 as accepted by the Hon'ble National Green Tribunal (Annexure- I attached), by the authorities concerned viz; Police Authorities & District Magistrates.

Mass awareness campaigns through visual, audio & social media may be imparted for the benefit and information of general public on the hazards of noise pollution and introduction of compensatory regime. Motor Vehicle Department may also conduct awareness campaigns on regulating the use of horns.

The status of the implementation shall be submitted to the Kerala State Pollution Control Board within 30 days of receipt of this Direction for submitting to the Central Pollution Control Board.

To,

Cc,

ANNEXURE

Enlistment of Violation of Noise Rules and their Respective Scale of Compensation

SR. 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 ¹ (Clause 5(1)-5(2), 6(i, ii, iii and v) ¹⁻⁵	₹ 10,000		Seizure
2.	Violation w.r.t generator sets norms			
a)	DG sets more than 1000 KVA	₹ 1,00,000/-		Sealing of DG sets (Sealing of DG sets shall be done by the Police Authorities based on direction issued by the Pollution Control Board who is the designated authority)
b)	DG sets 62.5 to 1000 KVA	₹25,000/-		
c)	DG sets upto 62.5 KVA	₹ 10,000/-		
3.	Violation of use of sound emitting construction equipments	₹50,000/-		Seizure/ Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6(iv) ⁷⁻⁸)			
4(1)	Violation by individual/ household	Residential /Commercial/ Mixed zone	Silence Zone	
a)	Violation by individual/ household (1 st violation)	₹1,000	₹3,000	
b)	Violation by individual/ household (2 nd violation)	₹2000	₹6000	

4(2)	Violation during possession a) public rallies b) barat during marriage religious event	Residential /Commercial/ Mixed Zone	Silence Zone	Compensation to be paid by organizer
A)	Violation during possession a) public rallies b) barat during marriage Religious event (1st violation)	₹10,000	₹20,000	Compensation to be paid by organizer
B)	Violation during possession a) public rallies b) barat during marriage religious event (2nd violation)	₹20,000	₹40,000	Compensation to be paid by organizer
4(3)	First Violation within a fixed premises: a) Function organized by RWA b) Marriage Function c) Public Function d) Institution function e) Banquet Hall f) Open ground functions	₹20,000		Compensation to be paid by organizer and owner of the place.
4(4)	Second violation within a fixed premises: a) Function organized by RWA b) Marriage Function c) Public function d) Institution function e) Banquet hall f) Open ground function	₹40,000		Compensation to be paid by organizer and owner of the place.
4(5)	More than two violation within a fixed Premises: a) Function organized by RWA b) Marriage Function c) Public Function d) Institution function e) Banquet Hall f) Open ground function	₹1, 00, 000 and action under EP Act.		Sealing of premises

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.
2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.
3. Clause 6 (i) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.
4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument in any place covered under the silence zone/area are prohibited.
5. Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones
7. Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;
8. As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting firecrackers:
 Diwali: 8 pm to 10 pm
 Gurupurb: - 4am to 5 am and 9 pm to 10 pm
 New Year and Christmas: 11.55 pm to 12.30am
9. It may be noted that imposition of compensation for notification of Rule 5A (1) falls within the purview of Motor Vehicle Rules, 2019
10. In case of compensation levied by District Magistrates the amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate.
11. The Government had vide GO(Rt) No. 653/2022/Finance dated 03/02/2022 of Finance (Budget Wing D) Department opened a new head of account for pooling compensation under noise rules. The Police Authorities may pool the compensation levied, under this head.

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 – 2318134, 2318152 web: www.keralapcb.nic.in



KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram – 695 004

PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19(M)

Date:19/05/2021

DIRECTION UNDER SECTION 5 OF ENVIRONMENT (PROTECTION)ACT,1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

WHEREAS under Sec17(1) of the Air (Prevention & Control of Pollution)Act 1981, one of the functions of the State Pollution Control Boards is to plan a comprehensive programme for the prevention and control or abatement of air pollution in the State and to secure the execution thereof;

WHEREAS under Sec 2(a) of theAir (Prevention & Control of Pollution)Act 1981, noise is defined as air pollutant;

WHEREAS as per Rule 4(2) of theNoise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of ambient air quality standards in respect of noise;

WHEREAS Sec 15(1) of the Environment (Protection) Act, 1986 states that “Whoever fails to comply with or contravenes any of the provisions of this Act, or the Rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which

may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention”;

WHEREAS Sec 9(3) of Environment (Protection) Act, 1986 states that “The expenses if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Govt. May, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand”;

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, the Hon’ble NGT directed Central Pollution Control Board on 1-8-2019 that, “CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 by the concerned Authority on the basis of “Polluter Pays” Principle. Though violation of the rules like Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986, with imprisonment up to 5 year and fine up to 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”;

WHEREAS in compliance to the directions of Hon’ble NGT, CPCB prepared scale of compensation for violation of the Noise Pollution(Regulation and Control)Rules,2000 as follows and submitted before the Hon’ble NGT (Copy attached as Annexure);

Sl.No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulters		Action to be taken by designated Authorities
1	Use of loudspeakers/Public address system(1) (Clause 5(1)-5(2), 6(I ,ii,iii and v) ⁽¹⁻⁵⁾	Rs. 10,000/-		Seizure
2	Violation with respect to Generator set Norms(Standards attached as Annexure)			
a)	D.G.sets more than 1000 KVA	Rs.1,00,000/-	Sealing of D.G.sets	
b)	D.G.sets 62.5 KVA to 1000 KVA	Rs.25,000/-		
c)	D.G.sets upto 62.5 KVA	Rs.10,000/-		
3	Violation of use of sound emitting construction equipment ⁽⁶⁾	Rs.50,000/-	Seizure/Sealing of equipment	
4	Bursting of firecrackers beyond the prescribed time limit			
	(Hon'ble Supreme Court order &Clause 5A ⁽²⁾ &6(iv) ⁽⁷⁻⁸⁾			
4(1)	Violation by individuals/household	Residential/Commercial/Mixed Zone	Silence Zone	Fine to be paid by the individual
4(2)	Violation during possession	Rs.1000/-	Rs.3000/-	Fine to be paid by the Organizer
	a. Public Rallies	Rs.10,000/-	Rs.20,000/-	
	b. Barat during marriage			
	c. Religious events			
4(3)	First violation within a fixed premises	Rs.20,000/-		Fine to be paid by organizer and owner of the place
	a. Function organized by RWA			
	b. Marriage function			
	c. Public function			
	d. Institution function			
	e. Banquet hall			
4(4)	f. Open ground functions	Rs.40,000/-		
4(4)	Second violation within a fixed premises			

	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		
4(5)	More than two violations within a fixed premises	Rs.1,00,000/- and action under EP Act	Sealing of premises
	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used as except after obtaining written permission from the Authority.
2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency
3. Clause 6(i): Playing any music or using any sound amplifiers in any place covered under the silence zone/area is prohibited.
4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.
5. Clause 6(iii): Exhibits any mimetic musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5(A)(3): Sound emitting construction equipment shall not be used or operated during **night** time in residential areas and silence zones.
7. Sound emitting fire crackers shall not be burst in silence zones or during night time in each zone.
8. As per directions of Hon'ble Supreme Court, following time limits are prescribed for bursting **fire** crackers;
 - Diwali - 8 PM - 10 PM
 - Gurupurb - 4 AM - 5 AM and 9 PM - 10 PM
 - New Year and Christmas- 11.55 PM-12.30 PM
9. It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicles Rules, 2019.

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, Hon'ble NGT further directed CPCB that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied within all the States;

WHEREAS CPCB vide letter no. A-14011/1/2021-MON dated 27.04.2021 directed the undersigned to direct the designated authorities of the State to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

ANDWHEREAS as per the Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002, Govt. Of Kerala designated the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police (Sub. divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State;

NOW THEREFORE you are hereby directed to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

The status of the action plan and its implementation shall be submitted to the Board within 30 days of receipt of this Direction for submitting to the Central Pollution Control Board.

FOR AND ON BEHALF OF
KERALA STATE POLLUTION CONTROL BOARD

Sd/-
CHAIRMAN

To

The Inspector General of Police
Social Policing and Traffic
Police Head Quarters,
Vazhuthacaud, Thiruvananthapuram

- Copy to: 1. The Chairman, Central Pollution Control Board (with covering letter)
2. The Additional Chief Secretary, Environment Department, (with covering letter)
3. Chief Environmental Engineer, Regional Office, TVM/EKM/KKD
4. Environmental Engineer, AllDOs
5. All Technical officers in HO

ANNEXURE 9

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



URGENT- NGT CASE

File No.KSPCB/1017/2025-EE-4

Date: 07-01-2026

From

Member Secretary

To

Member Secretary CPCB
Parivesh Bhawan,
East Arjun Nagar, Delhi-110032
mscb.cpcb@nic.in

Sub:- Environmental Compensation Regime in Noise Pollution -Reg

- Ref:- 1. Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)
2. Letter No. A-14011/1/2021-MON dated 27.04.2021 from Chairman CPCB
3. Govt letter No. ENV-T-A3/241/2019-ENV-T dated 19.06.2025
4. This Office letter of even no. dated 29.06.2025 to MS Tripura SPCB and West Bengal SPCB (Copy enclosed)
5. This Office letter of even no dated 09-11-2025 to Regional Directorate CPCB Bengaluru
6. Order of the Hon'ble NGT in OA 221/2025 dated 04.11.2025

Sir,

Kind attention is invited to the subject matter. Based on Hon'ble NGT orders in ref. (1), the Chairman CPCB has issued direction (copy enclosed) to Kerala SPCB to direct all designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble NGT. Subsequently, the direction was issued to implement the scale of compensation for violation of the Noise Pollution(Regulation and Control) Rules 2000 as accepted by Hon'ble NGT. As per decision taken in the meeting chaired by Additional Chief Secretary Environment on 25.11.2022 (MoM enclosed), it was instructed to prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000 and the Environment Department shall issue Government Order after getting the draft vetted by the Law Department. The Board has submitted the draft scheme regarding implementation of environmental compensation regime for noise pollution to Government vide letter dated 06.01.2023, the draft scheme was under scrutiny and consideration of Government since. The Board vide letter dated 11.01.2025 has issued

reminder also.

The Government of Kerala vide ref.(3) has instructed to submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016. The Board vide ref.(4) has issued letters to Tripura SPCB and West Bengal SPCB requesting to provide the details called for by the Government. But, there is no response till date. Vide ref.(5), CPCB Regional Directorate Bengaluru was requested to assist in obtaining the requisite information. It is submitted that, as per the recent development, the Hon'ble NGT (SZ), vide ref. (6), has impleaded CPCB as an additional respondent in the case relating to the implementation of the Environmental Compensation Regime for Noise Pollution

In this context, it is requested to kindly bestow your personal attention to the matter and provide necessary guidance on whether an Environmental Compensation scheme related to noise pollution has been implemented in any State of India.

Yours faithfully,

Signed by

Ratish Menon

Dr. Ratish Menon
Date: 07-04-2026 22:14:59

MEMBER SECRETARY

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/1017/2025-EE-4

Date: 09-11-2025

From

Member Secretary

To

The Regional Director CPCB
Regional Directorate - South,
Nisarga Bhawan, 1st Floor,
Thimmaiah Road, 7th D' Cross,
Shivanagar, Bengaluru-560 079.
jcb.cpcb@nic.in

Sub: Environmental Compensation Regime in Noise Pollution -Reg

- Ref: 1. Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)
2. Letter No. A-14011/1/2021-MON dated 27.04.2021 from Chairman CPCB
3. Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025
4. This Office letter of even no. dated 29.06.2025 to MS Tripura SPCB and West Bengal SPCB (Copy enclosed)

Sir,

Kind attention is invited to the subject matter. Based on Hon'ble NGT orders in ref. (1), the Chairman CPCB has issued direction (copy enclosed) to Kerala SPCB to direct all designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble NGT. Subsequently, the direction was issued to implement the scale of compensation for violation of the Noise Pollution(Regulation and Control) Rules 2000 as accepted by Hon'ble NGT. As per decision taken in the meeting chaired by Additional Chief Secretary Environment on 25.11.2022 (MoM enclosed), it was instructed to prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000 and the Environment Department shall issue Government Order after getting the draft vetted by the Law Department. The Board has submitted the draft scheme regarding implementation of environmental compensation regime for noise pollution to Government vide letter dated 06.01.2023, the draft scheme was under scrutiny and consideration of Government since. The Board vide letter dated 11.01.2025 has issued reminder also

The Government of Kerala vide ref.(3) has instructed to submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016. The Board vide ref.(4) has issued letters to Tripura SPCB and West Bengal SPCB requesting to provide the details called for by the Government. But, there is no response till date.

Kindly bestow your personal attention to the matter and assist in obtaining the requisite information from any State Pollution Control Board (SPCB)/Pollution Control Committees PCCs, or provide necessary guidance on whether an Environmental Compensation scheme related to noise pollution has been implemented in any State of India.

Yours faithfully,

Signed by

Ratish Menon

Date: 09-11-2025 22:27:54

MEMBER SECRETARY

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 519/2016

(With reports dated 12.6.2020(CPCB), 13.07.2020 & 06.08.2020(DPCC),
15.7.2020 (Delhi Govt) and 11.05.2020 (Delhi Police),)

Hardeep Singh & Ors. Applicant(s)
Versus

SDMC & Ors. Respondent(s)
AND

Original Application No. 496/2018

Akhand Bharat Morcha Applicant(s)
Versus

Union of India & Ors. Respondent(s)
AND

Original Application No. 196/2018

Akhand Bharat Morcha Applicant(s)
Versus

Union of India & Ors. Respondent(s)
AND

Original Application No. 197/2018

Akhand Bharat Morcha Applicant(s)
Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 11.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s); Mr. Manish Garg, Advocate
 Mr. Rahul Raj Mallik, Advocate

Respondent(s): Mr. Sumeet Pushkarna, Advocate for DPCC
 Mr. Raj Kumar, Advocate for CPCB
 Ms. Jyoti Mendiratta, Advocate for GNCTD

ORDER

1. This order is in continuation of order dated 20.11.2019. The subject matter for consideration is the failure of the statutory authorities in Delhi in controlling noise pollution as per statutory mandate of Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules). The matter has been dealt with earlier by this Tribunal in the light of judgment of Delhi High Court in *Free Legal Aid Cell v. Government of NCT of Delhi*¹ and of the Hon'ble Supreme Court in *In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems*.²

2. This Tribunal passed orders from time to time which were summed up in the last order dated 20.11.2019 as follows:-

¹ AIR 2001 Delhi 455

² (2005) 5 SCC 733

“4. In Original Application No. 519 of 2016, the Tribunal, **Directions in the order of the Hon’ble** **steps for enforcing the directions of the Hon’ble Supreme Court**

5. In Original Application. No. 496/2018, Original Application No. 196/2018 and Original Applicant No. 197/2018 also, similar grievance against non-enforcement of the Noise Rules in Delhi have been raised. Vide order dated 10.08.2018 in O.A No. 496/2018, joint inspection was directed to be conducted and report was directed to be furnished. The report dated 31.10.2018 was considered on 14.02.2019 along with O.A No. 196/2018 and O.A No. 197/2018 and directions were issued to take remedial action. The Tribunal also directed the presence of DCP (East), DCP (Shahdara) and DCP (South) with action plans. O.A No. 496/ 2018, O.A No. 196/2018 and O.A No. 197/2018 were again taken up on 14.03.2019, along with O.A 519/2016 and after interaction with the officers who are to enforce the Noise Rules, further directions were issued to identify and map hotspots, install noise measuring device on the devices causing high noise level, conduct surveillance and monitoring and conduct awareness and coordination with RWAs. The Commissioner of Police, Delhi was also to monitor and furnish a report to this Tribunal.”

3. The subject of enforcement of direction of having a joint Committee of one SDM nominated by the Chief Secretary, Delhi and one DCP representing Police Commissioner to exclusively monitor regulation of noise pollution was further considered on the next date i.e 12.02.2019. It was found that beyond nominating

³ Supra at 2 and (2005) 5 SCC 728

DCP and SDM by the Police Commissioner and the Chief Secretary respectively, no meaningful functioning of the joint Committee took place. The said nominated DCP and SDM were directed to remain present in person.

Again, on 14.03.2019, the Tribunal noted, in the presence of Mr. Deepak Purohit, DCP and Mr. Nitin Jindal, SDM (who were nominated by the Police Commissioner and Chief Secretary Delhi for the purpose) that practically no meaningful meeting had been held, no exclusive website had been set up and no effective steps had been taken. The DCP and SDM did not appear to be interested in the job assigned and put forward lame excuses for their failure. The Tribunal accordingly directed the Chief Secretary, Delhi and the Police Commissioner to review the appointments so that persons assigned the responsibility are suitable for the job, having regard to the adverse consequences of uncontrolled noise on health and welfare of the citizens. The Tribunal also directed the three Municipal Corporations of Delhi, New Delhi Municipal Council and Delhi Cantonment Board to take steps in the matter.

In today's hearing, unfortunately, no counsel for any of the authorities is in a position to mention the status of working of the joint Committee of SDM and the DCP. **We hope the Chief Secretary and the Police Commissioner will look into the continued violation of orders of this Tribunal and take corrective measures.**

4. We further note that the matter was thereafter monitored on 01.08.2019 in the light of earlier proceedings in the presence of DCPs (East, Shahadra and South

The report filed by CPCB in O.A No. 681/2018 on the subject, inter alia, shows that 46 metropolitan in 17 States/UTs have been identified for carrying out noise mapping and identification of hotspots. It has laid down National Ambient Noise Monitoring Network in 7 cities for 70 locations. Action Plans have been received from 10 States/UTs, including Delhi.

- 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

⁶ Reference has been also made to proceedings of the Eastern Zone in O.A 158/2016 (EZ).
⁷ See notification issued by the State of Tripura as follows: “In exercise of the power conferred by rule 5(3) of the Noise Pollution (Regulation and Control) Rules 2000 issued under the Environment (Protection) Act, 1986, the Governor of Tripura is pleased to issue this Notification for mandatory use of Sound Limiter(s) in all Sound System/ Public Address System for effective control of Noise pollution in the whole state with immediate effect as an addendum to rule 5. No sound system should be sold/ purchased/supplied/installed/let out/ used by any manufacturer/ dealer/shopkeeper/ any agency who lets out the PA system etc./ individual without having sound limiter in it. Further, all Licensing Authorities including Police Authorities, Municipal Corporation, Municipal Councils, Nagar Panchayats, Panchayat shall ensure that no audio system or public address system shall be let out/installed without being fitted with sound limiter in any government or non government function and this condition be included in all licenses issued by respective agencies.

5. The matter was then considered on 20.11.2019 and situation was again found to be unsatisfactory. Accordingly, it was observed:-

“15. We have reviewed the progress on the subject in light of the action taken report filed by Special Commissioner of Police (Traffic) of Delhi filed on 31.10.2019, report dated 11.11.2019 filed by the DPCC and the report dated 14.11.2019 filed by the CPCB.

16. Compliance status may be noted as follows. With regard to direction Nos. (a) and (d), there is hardly any further progress even after three months in the report of Special Commissioner of Police (Traffic) Delhi. Further progress is that a workshop was organized on 16.04.2019 (which is prior even to the earlier order). Another workshop was scheduled for 13.11.2019. Template has been prepared.

17. Likewise, progress by the DPCC can hardly be held to be adequate. We are sorry to record that DPCC has been wholly amiss in performance of its duties. In view of the long and continued failures in the past, it becomes necessary to direct that if this is not done even by 31.01.2020, Member Secretary, DPCC and Dr. M.P. George will not be entitled to draw salary till the direction of this Tribunal is complied with.

18. *Accordingly, the Special Commissioner of Police and Deputy Commissioner of Police (Provisioning and Logistics) will not be entitled to draw salary, if there is non-compliance even upto 01.04.2020, till compliance.*

19. We hope that the statements will be faithfully complied with, failing which appropriate coercive action may have to be taken. Let the Chief Secretary, Govt. of Delhi coordinate this matter.

20. Compliance of directions with regard to training for use of the devices, and robust protocol for action against defaulters may be ensured. A minimum grievance redressal timeframe be fixed and monitored by a supervisory authority. Action taken report may be accordingly filed before the next date.
21. We are informed that there are 2000 Eco-clubs in schools/ colleges. Awareness programme may be coordinated in such a way that at least one programme on the subject is held once a month in all such institutions. It needs to be properly planned and coordinated. Yearly action plan covering different thematic areas of environmental problems needs to be clearly identified, awareness activities planned and monitored. It would be appropriate if target groups are properly identified, logistic and personnel earmarked and action taken is monitored. This may be ensured jointly by the Department of Environment, DPCC and the Special Commissioner of Police in coordination with the Education Department of Delhi and a compliance report furnished by the DPCC before the next by e-mail at judicial-ngt@gov.in.
22. Report of CPCB is that compensation for violation by using equipments should be 10%-25% of cost of such equipment. Compensation suggested as follows:-

3.	Violation of use of sound emitting construction equipment	Rs. 50,000/-	Seizure/Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv)	Rs. 1000/-	

23.

Further, the CPCB has suggested that compensation should be 2-3 times for second and third violations accompanied by withdrawal of permission for installation/operation for their equipment.
24.

Let compliance reports be filed by CPCB, Department of Environment, DPCC and Special Commissioner of Police, Delhi by 31.03.2020 by email at judicial-ngt@gov.in.”
6.

In furtherance to above, following reports have been filed:

 - (a) Report of the CPCB dated 12.06.2020;
 - (b) Reports of the DPCC dated 13.07.2020 & 06.08.2020;
 - (c) Report of the Delhi Government dated 15.07.2020; and
 - (d) Report of the Delhi Police dated 11.05.2020
7.

We proceed to consider the above reports seriatim.
8.

Report of the CPCB dated 12.06.2020 has laid down the regime of compensation and other action for violation of the Rules as follows:

“Enlishment of Violation of Noise Rules and their respective Scale of Compensation.

1.		₹ 10,000	Seizure	
2.				
d)		₹ 1,00,000/-	Sealing of DG sets	
e)		₹25,000/-		
f)		₹ 10,000/-		
3.		₹50,000/-	Seizure/ Sealing of equipment	
4.	prescribed (Hon’ble Supreme Court and Clause 5A (2) and 6 (iv))			
4(1)		Residential / Commercial/ Mixed Zone Silence Zone 1,000	Silence Zone 3,000	Fine to be paid by Organizer
4(2)	Violation during Possession a. Public Rallies b. Barat during marriage Religious event	10,000	20,000	

4(3)	<i>First Violation within a fixed Premises:</i> a. <i>Function organized by RWA,</i> b. <i>Marriage Function</i> c. <i>Public Function</i> d. <i>Institution function</i> e. <i>Banquet Hall</i> f. <i>Open ground functions</i>	20,000	<i>Fine to be paid by Organizer and Owner of the place.</i>
4(4)	<i>Second Violation within a fixed Premises:</i> a. <i>Function organized by RWA,</i> b. <i>Marriage Function</i> c. <i>Public Function</i> d. <i>Institution function</i> e. <i>Banquet Hall</i> <i>Open ground function</i>	40,000	
4(5)	<i>More than Two Violation within a fixed Premises:</i> a. <i>Function organized by RWA,</i> b. <i>Marriage Function</i> c. <i>Public Function</i> d. <i>Institution function</i> e. <i>Banquet Hall</i> <i>Open ground function</i>	1,00,000 and action under EP Act.	<i>Sealing of Premises</i>

Note:

1. *Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.*
2. *Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.*
3. *Clause 6 (1) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.*
4. *Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.*
5. *Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.*
6. *Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones*
7. *Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;*
8. *As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers:*
Diwali: 8 pm to 10 pm
Gurpurb: - 4am to 5 am and 9 pm to 10 pm
New year and Christmas: 11.55 P.M to 12.30 A.
9. *It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019"*

9. The DPCC filed its reports dated 13.07.2020 and 06.08.2020. In the report dated 13.07.2020, it is stated as follows:-

“Action Taken

“4. It is most respectfully submitted that the following actions have been taken by the answering respondent to put in place a state of the art Ambient Noise Monitoring Network in Delhi:

(a)

That the already installed 5 noise monitoring stations across Delhi from the year 2013 were proving to be inadequate, considering the spurt in activities in the spread of urban and industrial areas in Delhi. Further it was felt that all the 4 categories of zones based on the ambient air quality standards in respect of noise as per the Noise Pollution (Regulation and Control) Rules, 2000 were not appropriately covered by the existing stations. So while carrying out the gap analysis, it was decided to increase the number of stations manifold to cover the major industrial and traffic corridors and to cover all the 4 zones as Industrial Area, Commercial Area, Residential Area and Silence Zone categorized as above under the Rules. Accordingly, as a step in that direction

The details of the aforesaid locations are submitted below:

SN	□□□□□□□□□□ □□	□□□□□□□□□□
1	Mahatma Gandhi Institute for Combating Climate Change, Bakthawarpur Road, Bakoli, Alipur	Silence Zone
2	Industrial Training Institute, Jahangirpuri, Delhi- 110033	Residential Area
3	Industrial Training Institute, Narela, New Delhi- 110040	Industrial Area
4	Sonia Vihar Water Treatment Plant (DJB), Sonia Vihar, New Delhi-110094	Residential Area
5	Mother Dairy Plant, 30, New Patpar Ganj Road, Block D, Patparganj, New Delhi-	Industrial Area
6	Satyawati College, Ashok Vihar, Phase-III, Delhi-110052	Residential Area
7	PGDAV College, Srinivaspuri Nehru Nagar, New Delhi-110065	Residential Area
8	National Institute of Tuberculosis & Respiratory Diseases, Sri Aurobindo Marg,	Silence Zone
9	Chaudhary Bramprakash Ayurvedic Hospital, Najafgarh, Delhi-110073	Silence Zone

10	Industrial Training Institute(Shandara), VivekVihar,	Residential Area
11	IARI PUSA, PUSA institutional Area, Opposite Lohamandi,Naraina, Delhi-1 10028	Industrial Area
12	Major Dhayanchand National Stadium, India Gate, New Delhi-1 10002	Commercial Area
13	J.L.N Stadium Pragati Vihar, New Delhi- 1 10003	Commercial Area
14	Dr. Karni Singh Shooting Range, Asola, Connaught Place Road, Tughlakabad, New Delhi-1 10068	Commercial Area
15	National Institute of Malaria Research Sector 8, Dwarka, New Delhi-1 10077	Commercial Area
16	Mundka Metro Residential Colony, Mundka, Delhi-1 10081	Residential Area
17	Shaheed Sukhdev College of Business Studies, PSP Area-IV, Dr. K.N. Katju Marg,	Silence Zone
18	Delhi Institute of Tool Engineering, Wazirpur Industrial Area, Wazirpur, Delhi-	Industrial Area
19	DITE, Okhla Industrial Area, Block A, Okhla Phase-II, Okhla Industrial Area,	Industrial Area
20	Maharshi Valmiki Hospital, Bawana Industrial Area, New Delhi-1 10039	Silence Zone
21	ISBT Building, Kashmere Gate, Delhi-1 10006	Commercial Area
22	SDMC, Primary School, Krishna Market, G Block, Lajpat Nagar, New Delhi-	Commercial Area
23	EDMC Zonal Office , Oppsite Shyamlal College, Shandara, Delhi- 1 10032	Commercial Area
24	MCD Primary School, Gali No37, Regar Pura, Karol Bagh, New Delhi-1 10005	Commercial Area
25	IMD, Lodhi Road, New Delhi- 1 10003	Residential Area
26	Connaught Place, New Delhi- 1 10001	Commercial Area

In addition to this mobile monitoring/ stations will be made using more portable devices as also set out hereinafter. The new stations above are in addition to those already in place for the purpose.

Annexure 1: List of mobile monitoring stations to be set up in Delhi

Further considering the vast improvements made in the area of noise measurement technology and equipments over the years, it was decided to take the opinion of the domain experts in the field so that the equipments of latest technology with specifications as published by the International Standards Laboratories are procured for the large network being created. Accordingly, a Committee of experts comprising of Principal Scientist National Physical Laboratory (NPL), Scientist-D CPCB, AGM (Environmental Engineering) NTPC and DPCC was constituted and several meetings were held in the year 2019. The detailed technical specifications were finalized on 18.11.2019 and accepted on 28.11.2019. A copy of the same is annexed as Annexure 2

by the Original Equipment Manufacturer (OEM) located in France by giving it top priority to complete the project at the earliest. The assembly of critical equipments were expedited and the shipment of the equipments to India by first week of March, 2020 was planned. However, due to the cancellation of international flights, these equipments could only be dispatched to Mumbai by third week of March, 2020. However, the custom clearance of the goods and the dispatch from Mumbai to Delhi got delayed due to lockdown effective from 22.03.2020.

The agency was asked to complete the activities on the domestic front simultaneously so as to complete the installation without further loss of time as soon as the equipments are received. Accordingly, the fabrication of mast and integration of enclosure for noise monitoring terminal (NMT) has been undertaken by sub-vendors at different industrial areas of Ghaziabad and GautamBudh Nagar. Both the sub-vendors were located in containment zones and the entire process also got delayed from the scheduled timelines. With the gradual opening of various zones and activities, critical support was provided to the agency to complete the various tasks and start installation at the 26 identified locations by the first week of May, 2020.

(v) As part of the contract, the agency has provided the central server/central receiving station along with the application software for analysis of environmental noise. The application software has the following features:

- The software is designed to collect data from multiple sensors and store it in a central database.
- The software is designed to process the data and generate reports in a user-friendly format.
- The software is designed to provide real-time monitoring of noise levels and generate alerts when the noise levels exceed the prescribed limits.
- The software is designed to provide a graphical user interface (GUI) for easy operation and data visualization.

The software is designed to be scalable and can handle a large number of sensors and data points. It is also designed to be secure and protect the data from unauthorized access. The software is designed to be easy to install and use, and it provides comprehensive documentation and training for the users.

(vi) The stations were put on the network through the central receiving server hosted at DPCC office on 1st June, 2020 after testing, calibration and validation of data and accordingly data of ambient noise measurements has been generated since 1st June, 2020. Based on the measurements since then, an analysis of the data generated for June, 2020 has been prepared which is annexed as Annexure 1. Only in the 5 industrial areas, the measured noise levels have not crossed the standards prescribed for industrial areas. The data will be moderated in coming months to arrive at baseline levels and averaging out impact of additional sources.

Annexure 1

- (i) The stations were put on the network through the central receiving server hosted at DPCC office on 1st June, 2020 after testing, calibration and validation of data and accordingly data of ambient noise measurements has been generated since 1st June, 2020. Based on the measurements since then, an analysis of the data generated for June, 2020 has been prepared which is annexed as Annexure 1. Only in the 5 industrial areas, the measured noise levels have not crossed the standards prescribed for industrial areas. The data will be moderated in coming months to arrive at baseline levels and averaging out impact of additional sources.
- (ii) It is further submitted that subsequent to the aforesaid information obtained from the analysis of the data, it has been decided to identify the local sources of noise emissions so as to take appropriate corrective action. Teams have been constituted to visit the areas around these stations where the measurements are exceeded the prescribed standards and assess the sources of noise emission. Hand held integrating-averaging sound level meters Type-1 IEC61672-1 compliant, which were procured in October, 2019 have been provided to the inspecting team to enable them to identify the local sources of noise emission. These reports will be forwarded to the authorities prescribed under Noise Rules for the appropriate action including prevention of noise emissions at these local sources.

Annexure 2

□

(e) It is most respectfully submitted that the Central Pollution Control Board has submitted a report on the scale of compensation to be levied for the violation of Noise Rules 2000 and the same has been forwarded to the Government of India for consideration.”

In its additional report dated 06.08.2020, it is stated as follows:

- “3. That, the report on local survey was undertaken by the teams to identify the noise sources around the Real Time Noise Monitoring Stations. The specific reason for not meeting the prescribed standards for noise levels on each location is mentioned in the report. However, following are the major sources contributing to the noise level at these locations:
 - i. Commercial and Residential areas are the major sources of noise. The noise level is high in these areas due to the presence of many commercial and residential establishments.
 - ii. Commercial and Residential areas are the major sources of noise. The noise level is high in these areas due to the presence of many commercial and residential establishments.
 - iii. Commercial and Residential areas are the major sources of noise. The noise level is high in these areas due to the presence of many commercial and residential establishments.
4. The silence area like Hospitals, Educational Institutes though have relatively less noise but the noise level is still high due to the presence of many commercial and residential establishments. The Commercial and Residential areas are also influenced by the vehicular noise, noise from markets/construction activity etc. Copy of the detailed report is annexed herewith as Annexure-1.
5. That after identifying the exact causes of noise pollution, directions under Section 5 of the Environment (Protection) Act, 1986 — read with Noise Pollution (Regulation and Control) Rules, 2000 have been issued to Traffic Police, Public Works Department and Municipal Corporations to take corrective action and file action taken report with DPCC. Copies are enclosed as Annexure-2 (Colly).”

10. Report of the Delhi Government dated 15.07.2020 is as follows:-

- “3. The present status report is filed by Environment Department regarding above mentioned issues.
 - (a) The Environment Department, Government of NCT of Delhi has issued the notification No. DPCC/(10)(10)...../Leg IS/Vol- 1/2019/6159 on 21.11.2019 as per the directions for mandatory use of sound limiters on the pattern of notification issued by Tripura Government in this regard. Under the aforesaid notification dated 21.11.2019, the Government of NCT of Delhi has issued the notification No. DPCC/(10)(10)...../Leg IS/Vol- 1/2019/6159 on 21.11.2019 as per the directions for mandatory use of sound limiters on the pattern of notification issued by Tripura Government in this regard. The Delhi Government has also authorised the District Magistrate/ Commissioner of Police or any other officer not below the rank of Dy.

(b) [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Same was uploaded on the website of the Department of Environment and circulated in the Eco-club Schools and Colleges. Copy of the same is annexed herewith as Annexure-11.

(c) Department has initiated Awareness through Eco club schools/ colleges through printed 1EC material and power point presentations (audio/video). This awareness material was also provided to Directorate of Education, GNCTD for circulating among students during online classes.

- > *Noise Pollution-Minimise and Control for our own Health*
- > *Yamuna-The lifeline of Delhi*
- > *Graded Response Action Plan (GRAP)- To Control Air Pollution*
- > *Dust Pollution — Protect Your City*

In addition to pamphlets, power point presentation (audio-video) of technical officers of Department of Environment and DPCC were also provided to Science Branch of the Directorate of Education, GNCTD for necessary circulation among students during on-line classes on following topics such as:

- 20

Directorate of Education, GNCTD vide letter dated 13.07.2020 has informed uploading of the IEC material on the DOE website and also circulated among students through whats app. Copy of the same is enclosed as □□□□□□□□□□

(e) Advertisements/ public notices on air pollution issues in compliance to Hon'ble Supreme Court order in W P. (C) 13029/1985 were issued on 06.11.2019 and 10.11.2019. Advertisement on "Beware of the Harmful Effect of Noise Pollution- helpline number, website, effects of noise pollution, sources and mitigation measures and say no to firecrackers was also published in newspapers on 16.11.2019

(f) Department of Environment conducted workshop on 13.11.2019 on implementation of the Noise Pollution (Regulation & Control) Rules with designated Authorities under Noise Rules, 2000. This was followed by a High level Round table conference on 27.02.2020 on "Reducing Air Pollution" presided over by Hon'ble Minister (Environment & Forests), GNCTD. The workshops were attended by Experts from academic institutes, senior government officials NGOs, prominent Civil Society Organisation, Eco clubs of schools and colleges. Two more workshops were proposed for on 14.01.2020 (reproposed on 13.03.2020) and 17.03.2020 but could not be conducted due to Election Code of Conduct and COVID-19 pandemic.

(g) Awareness program through nukkad nattaks on Diwali — Air Pollution issues (from 24.10.2019-31.10.2019) and on water pollution issues (01.11.2019 to 26.11.2019) was conducted for a month by NGO which performed around 150 shows (05 shows at 5 locations per day). Another round of awareness program through nukkad nattaks was conducted from 12.02.2020-13.03.2020 with 150 shows. These Nukkad nattaks/ Shows covered RWAs/ Unauthorised Colonies/ Slum Clusters/ Market Places etc with about 7500-8000 beneficiaries. Two more awareness programs through nukkad nattaks on abatement of water pollution and River Yamuna in Central and South District of Delhi has been approved but implementation halted due to COVID-19 pandemic.

(h) Directorate of Education, GNCTD has also provided theme wise Yearly Action Plan on 03.06.2020. In the letter it was also informed that since school are closed, activities will be taken up after the schools reopen. Copy of the same is enclosed herewith as □□□□□□□□□□

□

(i) □ On the directions of Yamuna Pollution Monitoring Committee (YPMC) constituted by this Hon'ble Tribunal in OA No. 06/2012 in the matter "Manoj Mishra Vs Union Of India and On.", department has initiated various awareness programme for abatement of water pollution in the

year 2019-20. Compendium of Awareness Activities on River Yamuna is annexed herewith as Annexure VII.

(j) Department of Environment has issued Advertisements in Newspapers/ Train Panel/ Metro Feeder buses / DTC buses on following themes:

- > On 21.11.2019 - "Our Yamuna our responsibility" in Hindustan Times, Times of India, Dainik Jagran, Punjab Kesari.*
- > On 29.12.2019 & 04.03.2020 - "Our Yamuna our responsibility" in Amar Ujala, Sunday Pioneer, Hindustan Times, Nav Bharat Times, Hindi Hindustan and Indian Express.*
- > On 24.12.2019 to 6.01.2020 - 'Our Yamuna our responsibility' on Metro Train Panel, Metro Feeder Buses wrap and DTC Buses wrap.*

(k) Workshops on idol immersion, River Yamuna pollution control were conducted on 29.08.2019, 04.10.2019, 06.11.2019 and 16.03.2019 for awareness among students of Eco-Clubs of schools/ colleges. More awareness activities are planned with 1GNCA on River Yamuna pollution control. Training was imparted by officers of Department of Environment, during state orientation program on "Cleanliness on River Yamuna" organized by SCERT for all heads of schools and Eco-club incharges of schools.

(l) Workshops cum meetings, advertisement, public notices have also been a part of awareness programmes by this department on the issues of Plastic bag menace, ban on Manjha etc. Department regularly celebrates International Environment days viz., World Environment day, International Ozone day, Van Mahotsav, etc.

4. That to ensure compliance of this Hon'ble Tribunal in the present OA and OA 681/2018, review meetings were held under the Chairmanship of Pr. Secretary (Environment), GNCTD on 21.02.2020, 25.02.2020 and 08.07.2020 with all stake holder departments. Minutes of the meeting dated 08.07.2020 is enclosed herewith as Annexure- VIII.

5. The Government of NCT of Delhi has further taken up the matter with DPCC for installation of sufficient number of Noise Monitoring Stations across Delhi, compile and publish statistical data relating to noise pollution and provide the same to various authorities for proper enforcement of Noise Rules, 2000. It has been reported by DPCC that the Noise Monitoring Network covering 26 locations across Delhi has been installed and data is being compiled since June, 2020."

11. The report of the Delhi Police on Noise Pollution is as follows:-

"2. That, in order to comply the above mentioned directions and earlier orders of Hon'ble Tribunal in letter and spirit, the matter has been reviewed by Commissioner of Police,

सूची संख्या: 1/2020
दिनांक: 15.03.2020

प्रति,
श्री. [नाम] [पद] [विभाग] [नगरपालिका] [जिला] [राज्य]
[पता]
[संस्था]

In this reference, a detailed Standard Operating Procedure (SOP) has also been made by DCP/Operations and Communications for developing a robust protocol for disposal of calls received through phone/ web portal and their timely and effective transfer to districts concerned for appropriate legal action. (Annexure-D)

5. *That, analysis of calls received on exclusive helpline and dedicated website w.e.f. 01.01.2020 to 15.03.2020, reveals that 971 calls were received on helpline no. and 502 grievances were registered on web portal. During the above-mentioned period, 4427 legal actions were taken on the grievances registered on web portal, calls received on helpline and ERSS-112 against the noise violators under Indian Penal Code, Criminal Procedure Code and local and special laws like DP Act, Environment Protection Act, etc.*
6. *That, Traffic Unit of Delhi Police has taken regular actions against the drivers indulging in honking, using pressure horns, modified silencers and violating noise violations in silence zone.*

During 01.01.2020 to 15.03.2020, 662 violators were booked for honking, 3583 for pressure horns, 1792 for modified silencers and 273 for violating silence zone restrictions.

7. *That, in compliance to the directions of the Hon'ble Tribunal, awareness programme has been undertaken by Delhi Police. An advertisement on 'Noise Pollution' publishing dedicated helpline No.155271 and website <http://ngms.delhi.gov.in> has been released in 30 newspapers (English, Hindi, Urdu and Punjabi) on 19.02.2020. Beside the above, an FM radio spot on 'Noise Pollution' of 35 seconds duration was allotted w.e.f. 28.02.2020 to 08.03.2020 (10 days) on 08 FM Channels. (Annexure-E)*
8. *That, in compliance to the orders of Hon'ble NGT, Delhi Police has taken proactive steps at district level too. During the period 01-01-2020 to 15-03-2020, 992 meetings were conducted with RWAs, Volunteers and NGOs and 281 sensitization programmes in educational institutions were organized at Police Station and District level."*

12. While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, **further steps are required to**

ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. **The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs.**

13. We find that while some regulatory framework is said to have been made operational, there is no effective centralized mechanism for monitoring. **Representatives of the Chief Secretary (SDM) and the Police Commissioner(DCP) ought to jointly take stock of the situation on weekly basis. Suitable officers of the rank of the DCP in Delhi Police and SDM in Delhi Government need to be spared for undertaking the assigned responsibility, as already directed.** As noticed earlier, though the DCP and the SDM were nominated, on being summoned by this Tribunal, they were found to be non-functional and thereafter, we are informed that even today they are not functional. **This state of affairs must be forthwith remedied by the Police Commissioner and the Chief Secretary respectively.** They may ensure that their representatives are duly and jointly functional and conduct weekly meetings and maintain the minutes of meetings and the website. They may work in tandem with all other regulatory bodies including the DPCC and the Municipal Corporations. **The entire data collected on the noise monitoring equipments may be centralized and placed on their exclusive websites. They may also coordinate and follow-up the corrective measures with all other agencies and may also monitor functioning of the eco-clubs. The DPCC/other authorities may get prepared an appropriate App(like Sameer) to facilitate receiving and addressing complaints. If Delhi becomes a model of compliance for**

enforcement of pollution norms, it may help all other States/UTs to follow the same.

14. Having regard to the repeated failures, in the last several years, **we find it necessary to constitute a monitoring committee to be headed by a former Judge of the High Court to ascertain the status of compliance in the light of the present order and suggest further measures in the context of Delhi for enforcement of noise pollution control measures.** The Tribunal has earlier constituted a committee headed by Justice S.P Garg, former Judge of Delhi High Court, to monitor compliance of directions with regard to restoration of water bodies and installation of Rain Water Harvesting Systems, use of treated water and allied issues. Instead of constituting another committee, we request Justice S.P Garg to head the proposed Committee. Justice S.P Garg may be assisted by nominees of the DPCC, Delhi Police and the Chief Secretary, Delhi. The Committee may take assistance of any other experts/institution and associate such members of public/educational institutions/social organizations as may be found useful. The Committee may give its report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of the report to be submitted to this Tribunal may also be furnished to the Chief Secretary, Delhi, Police Commissioner, Delhi, CPCB, DPCC, New Delhi Municipal Council, East Delhi Municipal Corporation, South Delhi Municipal Corporation, North Delhi Municipal Corporation, Delhi Cantonment Board and the Municipal Corporations for their response, if any.

A copy of this order be forwarded for compliance to the Chief Secretary, Delhi, Police Commissioner, Delhi, CPCB, DPCC, New Delhi Municipal Council, East Delhi Municipal Corporation, South Delhi Municipal Corporation, North Delhi Municipal Corporation and Delhi Cantonment Board by email.

A copy of this order be also forwarded to Justice S.P. Garg, former Judge, Delhi High Court by email.

List for further consideration on 15.04.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 11, 2020

Original Application No. 519/2016 & connected matters

AK

Item Nos. 01 to 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 249/2020

Tribunal on its own Motion

Applicant(s)

Versus

Ministry of Environment, Forest
& Climate Change & Ors.

Respondent(s)

WITH

Original Application No. 254/2020

Shobhit Shukla

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

WITH

Original Application No. 255/2020

Chirag Jain

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

WITH

Original Application No. 93/2020(CZ)

Dr. P. G. Najpande & Anr.

Applicant(s)

Versus

State of M. P. & Ors.

Respondent(s)

Date of hearing: 01.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicants: Mr. Raj Panjwani, Senior Advocate with Ms. Shibani Ghosh, Advocate
(Amicus Curiae)
Mr. Shobhit Shukla Applicant in Person in OA 254/2020
Mr. Chirag Jain Applicant in Person in OA 255/2020
Mr. Prabhat Yadav, Advocate for Applicant in OA 93/2020 (CZ)

Respondents: Mr. Balendu Shekhar, Advocate for MoEF & CC
Mr. Raj Kumar, Advocate for CPCB
Ms. Jyoti Mendiratta, Advocate for GNCTD
Mr. Pradeep Misra, Advocate & Mr. Daleep Dhyani, Advocate for

State of UP
Mr. Rahul Khurana, Advocate for State of Haryana
Mr. Gaurav M. Liberahan Advocate for State of Punjab
Ms. Parul Bhadoria, Advocate for State of Madhya Pradesh
Ms. K. Enatoli Sema, Advocate for State of Nagaland
Mr. Ram Shankar Adv for State of Tamil Nadu
Ms. G. Indira, Advocate for UT of Andaman & Nicobar
Mr. Narender Pal Singh, Advocate for DPCC
Mr. Mukesh Verma, Advocate for UKPCB
Mr. TVS Raghavendra Sreyas Advocate for APPCB
Mr. Dhananjay Baijal Advocate for TSPCB

ORDER

The Issue

1. Question for consideration in these matters is the remedial action against pollution by use of fire crackers, aggravating the menace of Covid-19 pandemic, posing higher danger to the lives and health of the vulnerable groups.

Procedural History

2. While control and regulation of fire crackers has been considered by the Hon'ble Supreme Court earlier, **aggravation of the problem during Covid-19 pandemic and remedial action for the same** has been taken up in the present matter. On 09.11.2020, after a detailed consideration, the Tribunal issued directions against sale or use of all kinds of fire crackers from midnight of November, 9-10, 2020 to the midnight of November 30 – December 1, 2020 in the NCR and all cities/towns in the country **where the average of ambient air quality during November fell under 'poor' and above category.** Direction was also issued for **restricting use of fire crackers to green crackers in cities/towns where air quality was 'moderate' or below, only for two hours and only during festivals like Diwali, Chatt, New Year/Christmas Eve etc.,** as may be specified by the concerned State. The conclusion and directions in the said order are quoted below for ready reference:

“VIII Conclusion and Directions

44. *In view of above, having regard to increased adverse health impact of pollution by use of crackers on Covid-19, aggravating risk to lives and health which has led to ban by the Governments of Odisha, Rajasthan, Sikkim, UT Chandigarh, DPCC and by the Calcutta High Court on sale and use of crackers,, applying the ‘Sustainable Development’ and ‘Precautionary’ principles, a case is made out for issuing directions for banning sale and use of fire crackers during November 9 to 30 in areas where air quality is ‘poor’, ‘very poor’ and ‘severe’.*

45. *Further, case is made out for restricting sale and use of fire crackers in areas with moderate and poor air quality where also on account of Covid19, there will be serious adverse effects, though less than areas where air quality is poor and above. In such areas, unless covered by the ban or restrictions by the authorities, restrictions on the pattern of those imposed by the Hon’ble Supreme Court vide order dated 23.10.2018, (2019) 13 SCC 523, reproduced in para 32 above will apply i.e. only green crackers be sold and use of crackers will be allowed only for two hours during festivals and not on any other day during November 9 to 30.*

46. *It is well known that in NCR, this threshold is continuously crossed during November. Thus, ban will be absolute in NCR.*

47. *Outside the NCR, where air quality standards are poor or more than poor during November, the sale and use of fire cracker has to be banned. It is not necessary to distinguish between non-attainment and other cities. Even in non-attainment cities, though average air quality may not be as per norms for five years, it may be poor or above during November. On the other hand, even in non-attainment cities, air quality may not be as per norms but may not be ‘poor’ or more than that. This is demonstrated by the data from CPCB website in respect of certain cities quoted above. In Haryana, there is no non-attainment cities in the list of 122, but as per air quality data of CPCB ‘Fatehabad’, falling outside NCR has ‘severe’ air quality in November. Similarly, Hisar, Bahadurgarh, Ballabgarh, Dharuhera, Kaithal, Kurukshetra and Manesar are falling under ‘very poor’ category of air quality and Ambala, Narnaul, Palwal and Sirsa in ‘poor’ air quality. Similarly, for the State of Punjab, only Amritsar, Jalandhar, Khanna and Ludhiana are shown in the ‘poor’ category of air quality out of eight non-attainment cities. This will not be read as debarring the authorities from taking more cautious approach in prohibiting/restricting fire crackers to any other areas not covered by prohibition or restrictions under this order, as has already been done by some of the States.*

48. *Accordingly, we direct as follows:*

- i. There will be total ban against sale or use of all kinds of fire crackers in the NCR from midnight of November,***

9 -10, 2020 to the midnight of November 30 - December 1, 2020, to be reviewed thereafter.

- ii. Direction (i) will also apply to all cities/towns in the country where the average of ambient air quality during November (as per available data of last year) fall under 'poor' and above category.**
- iii. The cities/towns where air quality is 'moderate' or below, only green crackers be sold and the timings for use and bursting of crackers be restricted to two hours during festivals, like Diwali, Chatt, New Year/Christmas Eve etc., as may be specified by the concerned State. This direction is on pattern of direction of the Hon'ble Supreme Court in (2019) 13 SCC 523 which we are applying to areas moderately polluted or below air quality due to aggravated effect during Covid-19, as already noted. If nothing is specified by the State, timing will be 8 to 10 pm on Diwali and Gurupurb, 6 am to 8 am on Chatt and 11.55 pm to 12.30 am during Christmas and New year eve (which have yet to come and do not fall in November but if ban continues) and not otherwise.**
- iv. At other places, ban/restrictions are optional for the authorities but if there are more stringent measures under orders of the authorities, the same will prevail.*
- v. All States/UTs/PCBs/PCCs may initiate special drives to contain air pollution from all sources in view of potential of aggravation of Covid-19*
- vi. The Chief Secretaries and DGPs of all the States/UTs may issue and circulate an appropriate order in above terms with appropriate enforcement guidelines to all the District Magistrates and Superintendents of Police, PCBs/PCCs.*
- vii. The CPCB and the State PCBs/PCCs may regularly monitor the air quality during this period which may be uploaded on their respective websites. CPCB may compile information on the subject, including the status of compliance of this order from all the States/UTs and file a consolidated report with data compiled till filing of report, before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

Consideration Today

3. The mater has been taken up today to consider whether any further direction on the subject is required after November 30, 2020.

4. As already mentioned, the Hon’ble Supreme Court considered the matter **at pre-covid stage**. The health impacts of air quality beyond norms were noted as follows¹:

Table 1

“

<i>AQI</i>	<i>Associated Health Impacts</i>
<i>Good (0-50)</i>	<i>Minimal impact.</i>
<i>Satisfactory (51-100)</i>	<i>May cause minor breathing discomfort to sensitive people.</i>
<i>Moderately polluted (101-200)</i>	<i>May cause breathing discomfort to people with lung disease such as asthma, and discomfort to people with heart disease, children and older adults.</i>
<i>Poor (201-300)</i>	<i>May cause breathing discomfort to people on prolonged exposure, and discomfort to people with heart disease.</i>
<i>Very Poor (301-400)</i>	<i>May cause respiratory illness to the people on prolonged exposure. Effect may be more pronounced in people with lung and heart diseases.</i>
<i>Severe May (401-500)</i>	<i>May cause respiratory impact even on healthy people, and serious health impacts on people with lung/heart disease. The health impacts may be experienced even during light physical activity.</i>

”

5. Air quality grading was noted as follows:

Table 2

“

<i>AQI Category, Pollutants and Health Breakpoints</i>								
<i>AQI category (Range)</i>	<i>PM₁₀ 24-hr</i>	<i>PM_{2.5} 24-hr</i>	<i>NO₂ 24-hr</i>	<i>O₃ 8-hr</i>	<i>CO 8-hr (mg/m³)</i>	<i>SO₂ 24-hr</i>	<i>NH₃ 24-hr</i>	<i>Pb 24-hr</i>
<i>Good (0-50)</i>	<i>0-50</i>	<i>0-30</i>	<i>0-40</i>	<i>0-50</i>	<i>0-1.0</i>	<i>0-40</i>	<i>0-200</i>	<i>0-0.5</i>
<i>Satisfactory (51-100)</i>	<i>51-100</i>	<i>31-60</i>	<i>41-80</i>	<i>51-100</i>	<i>1.1-2.0</i>	<i>41-80</i>	<i>201-400</i>	<i>0.5-1.0</i>
<i>Moderately polluted (101-200)</i>	<i>101-250</i>	<i>61-90</i>	<i>81-180</i>	<i>101-168</i>	<i>2.1-10</i>	<i>81-380</i>	<i>401-800</i>	<i>1.1-2.0</i>
<i>Poor (201-300)</i>	<i>251-350</i>	<i>91-120</i>	<i>181-280</i>	<i>169-208</i>	<i>10-17</i>	<i>381-800</i>	<i>801-1200</i>	<i>2.1-3.0</i>
<i>Very poor (301-400)</i>	<i>351-430</i>	<i>121-250</i>	<i>281-400</i>	<i>209-748*</i>	<i>17-34</i>	<i>801-1600</i>	<i>1200-1800</i>	<i>3.1-3.5</i>
<i>Severe (401-500)</i>	<i>430+</i>	<i>250+</i>	<i>400+</i>	<i>748+*</i>	<i>34+</i>	<i>1600+</i>	<i>1800+</i>	<i>3.5+</i>

”

¹ in Arjun Gopal v Union of India, (2017) 1 SCC 413

6. The Hon'ble Supreme Court, considering the adverse impact of crackers on air quality and adverse impact of air pollution on health, directed, vide Order dated 11.11.2016 as follows²:

"We direct the Central Government to:

- (i) Suspend all such licenses as permit sale of fireworks, wholesale and retail, within the territory of NCR.*
- (ii) The suspension shall remain in force till further orders of this Court.*
- (iii) No such licenses shall be granted or renewed till further orders."*

7. Thereafter, on 12.09.2017, in *Arjun Gopal v. Union of India* (2017) 16 SCC 280³ it was observed that instead of total prohibition, graded regulation of fire crackers was necessary, which would eventually result in prohibition. Accordingly, the earlier order was modified to restrict the temporary licenses to 50%, pending further consideration.

8. Thereafter, vide order dated 23.10.2018, in *Arjun Gopal v. Union of India*, (2019) 13 SCC 523,⁴ while banning certain categories of fire crackers and directing regulation of the remaining, it was inter-alia directed that on Diwali days or other festivals, fire crackers will be used strictly between 8 p.m. to 10 p.m. only with different timings for some other festivals. Further, the Union of India, Government of NCT of Delhi and the State Governments of NCR would permit **community fire crackers** only (for Diwali and other festivals, etc. as mentioned above), wherever it can be done. The operative part of the order is as follows:

"48. *We are of the opinion that the aforesaid suggestions strike a nice balance between the two competing interests. We accept the aforesaid measures as suggested by the Union of India and direct the Union of India and other authorities concerned to implement the same with immediate effect. In view thereof, the following specific directions are issued:*

² Arjun Gopal vs. UOI, supra

³ Para 69 to 72

⁴ Para 48

- 48.1. *The crackers with reduced emission (improved crackers) and green crackers, as mentioned in Suggestions II and III above only would be permitted to be manufactured and sold.*
- 48.2. *As a consequence, production and sale of crackers other than those mentioned in Suggestions II and III is hereby banned.*
- 48.3. *The manufacture, sale and use of joined firecrackers (series crackers or laris) is hereby banned as the same causes huge air, noise and solid waste problems.*
- 48.4. *The sale shall only be through licensed traders and it shall be ensured that these licensed traders are selling those firecrackers which are permitted by this order.*
- 48.5. *No e-commerce websites, including Flipkart, Amazon, etc., shall accept any online orders and effect online sales. Any such e-commerce companies found selling crackers online will be hauled up for contempt of court and the Court may also pass, in that eventuality, orders of monetary penalties as well.*
- 48.6. *Barium salts in the fireworks is also hereby banned.*
- 48.7. *PESO is directed to review the clinical composition of fireworks, particularly reducing Aluminium content, and shall submit its report in respect thereof within a period of two weeks from today. For undertaking this exercise, PESO would also associate FRDC.*
- 48.8. *Even those crackers which have already been produced and they do not fulfil the conditions mentioned in Suggestions II and III above will not be allowed to be sold in Delhi and NCR.*
- 48.9. *PESO will ensure fireworks with permitted chemicals only to be purchased/possessed/sold/used during Diwali and all other religious festivals, of any religion whatsoever, and other occasions like marriages, etc. It shall test and check for the presence of banned chemicals like lithium/arsenic/antimony/lead/mercury.*
- 48.10. *PESO will ensure suspension of the licences of manufacturers of such fireworks items and appropriate disposal of such stock.*
- 48.11. *PESO will ensure that only those crackers whose decibel (sound) level are within the limits are allowed in the market and will ensure to take action by suspending the licences of the manufacturers on such violations and disposal of such lots. To add to it, as mentioned in the order dated 12-9-2017, the directions issued and restrictions imposed in the order passed by this Court on 18-7-2005 in Noise Pollution shall continue to be in force.*
- 48.12. *Directions 4 to 9 and 11 contained in the order dated 12-9-2017 shall continue to operate and are reiterated again.*
- 48.13. *Extensive public awareness campaigns shall be taken up by the Central Government/State Governments*

/Schools/ Colleges informing the public about the harmful effects of firecrackers.

- 48.14.** *On Diwali days or on any other festivals like Gurupurab, etc., when such fireworks generally take place, it would strictly be from 8.00 p.m. till 10.00 p.m. only. On Christmas eve and New Year's eve, when such fireworks start around midnight i.e. 12.00 a.m., it would be from 11.55 p.m. till 12.30 a.m. only.*
- 48.15.** *The Union of India, Government of NCT of Delhi and the State Governments of NCR would permit community firecracking only (for Diwali and other festivals, etc. as mentioned above), wherever it can be done. For this purpose, particular area/fields would be pre-identified and predesignated by the authorities concerned. This exercise shall be completed within a period of one week from today so that the public at large is informed about the designated places one week before Diwali. The areas designated now for the purpose of Diwali shall be valid for community firecracking on other occasions/festivals as well, as mentioned above. Even for marriages and other occasions, sale of improved crackers and green crackers is only permitted. Insofar as other States are concerned, an endeavour shall be made by them also to explore the feasibility of community firecracking. However, it is made clear that Direction 48.14 pertaining to the duration within which fireworks can take place on all such occasions would be applicable throughout India. Similarly, Direction 48.13 for extensive public awareness campaigns is also a pan India direction.*
- 48.16.** *All the official respondents, and particularly the police, shall ensure that fireworks take place only during the designated time and at designated places, as mentioned above. They shall also ensure that there is no sale of banned firecrackers. In case any violation is found, the Station House Officer (SHO) of the police station of the area concerned shall be held personally liable for such violation and this would amount to committing contempt of the Court, for which such SHO(s) would be proceeded against.*
- 48.17.** *CPCB and respective State Pollution Control Boards/Pollution Control Committees (SPCBs/PCCs) of the States and Union Territories shall carry out short-term monitoring in their cities for 14 days (commencing from 7 days prior to Diwali and ending 7 days after Diwali) for the parameters namely, aluminium, barium, iron apart from the regulatory parameters against the short-term Ambient Air Quality Criteria Values (AAQCVs) proposed by CPCB with regard to bursting of firecrackers. This will help in generation of data on pollution caused by the bursting of firecrackers and would be helpful for regulation and control quantity of aluminium, barium and iron used in the manufacture of firecrackers.*

49. *One clarification needs to be given at this stage. Our discussion pertaining to the arguments based on Article 19(1)(g), Article 25 as well as the argument of loss of substantial revenue and unemployment, in cases the manufacture and sale of the firecrackers is totally banned, is prima facie and we have not given our conclusive determination. It is because of want of detailed studies on various aspects which have been mentioned and taken note of during discussion in this order. However, we also make it clear that, prima facie, we do not find much merit in these arguments for which we have given our reasons in brief.*
50. *Having regard to the overall circumstances, we have decided that, for the time being, a balanced approach to tackle this problem is needed, which may take care of the concerns of both the parties and, at the same time, provide a reasonable and adequate solution. When the picture would become clearer after the requisite studies/research is undertaken, more stringent measures can be adopted in future if the situation so warrants.”*

9. While issuing the above directions, ‘Precautionary’ principle was invoked with the following observations:

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37 The aforesaid findings are sufficient to negate the arguments of the opposite side that there is absence of scientific study about the adverse effect of firecrackers during Diwali. In environmental law, “precautionary principle” is one of the well-recognised principles which is followed to save the environment. It is rightly argued by the petitioners that this principle does not need exact studies/material. The very word “precautionary” indicates that such a measure is taken by way of precaution which can be resorted to even in the absence of definite studies. In Vellore Citizens' Welfare Forum [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647], this Court explained the principle in the following manner: (SCC pp. 658 & 660, paras 11 & 14-16)

- 11.**
- | | | |
|------------|------------|------------|
| xxx | xxx | xxx |
| xxx | xxx | xxx |
- (ii) *Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*
- (iii) *The “onus of proof” is on the actor or the developer/industrialist to show that his action is environmentally benign.*

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38. The precautionary principle accepted in the aforesaid judgment was further elaborated in A.P. Pollution Control Board case [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718] as under: (SCC pp. 732-34, paras 31-35)

“31. The “uncertainty” of scientific proof and its changing frontiers from time to time has led to great changes in environmental concepts during the period between the Stockholm Conference of 1972 and the Rio Conference of 1992. In Vellore Citizens' Welfare Forum v. Union of India [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647] a three-Judge Bench of this Court referred to these changes, to the “precautionary principle” and the new concept of “burden of proof” in environmental matters. Kuldip Singh, J. after referring to the principles evolved in various international conferences and to the concept of “sustainable development”, stated that the precautionary principle, the polluter pays principle and the special concept of onus of proof have now emerged and govern the law in our country too, as is clear from Articles 47, 48-A and 51-A(g) of our Constitution and that, in fact, in the various environmental statutes, such as the Water Act, 1974 and other statutes, including the Environment (Protection) Act, 1986, these concepts are already implied. The learned Judge declared that these principles have now become part of our law.

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33. A basic shift in the approach to environmental protection occurred initially between 1972 and 1982. Earlier, the concept was based on the “assimilative capacity” rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle assumed that science could provide policy-makers with the information and means necessary to avoid encroaching upon the capacity of the environment to assimilate impacts and it presumed that relevant technical expertise would be available when environmental harm was predicted and there would be sufficient time to act in order to avoid such harm. But in the 11th Principle of the U.N. General Assembly Resolution on World Charter for Nature, 1982, the emphasis shifted to the “precautionary principle”

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“There is nothing to prevent decision-makers from assessing the record and concluding that there is

inadequate information on which to reach a determination. If it is not possible to make a decision with “some” confidence, then it makes sense to err on the side of caution and prevent activities that may cause serious or irreversible harm. An informed decision can be made at a later stage when additional data is available or resources permit further research. To ensure that greater caution is taken in environmental management, implementation of the principle through judicial and legislative means is necessary.’

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44. Applying the aforesaid principle, in the first blush it may appear that the aforesaid argument has substantial force in it. However, that would be only one side of the picture as there are two contra-arguments which are sufficient to take the sheen out of the aforesaid plea. First aspect is that the argument of economic hardship is pitched against right to health and life. When the Court is called upon to protect the right to life, economic effect of a particular measure for the protection of such right to health will have to give way to this fundamental right. Second factor, which is equally important, is that the economic loss to the State is pitched against the economic loss in the form of cost of treatment for treating the ailments with which people suffer as a result of burning of these crackers. Health hazards in the form of various diseases that are the direct result of burning of crackers have already been noted above. It leads to asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment. Some of the diseases continue on a prolonged basis. Some of these which are caused because of high level of PM_{2.5} are even irreversible. In such cases, patients may have to continue to get the medical treatment for much longer period and even for life. Though there are no statistics as to what would be the cost for treating such diseases which are as a direct consequence of fireworks on these occasions like Diwali, it can safely be said that this may also be substantial. It may be more than the revenue which is generated from the manufacturers of the crackers. However, we say no more for want of precise statistical data in this behalf.”

Discussion in Tribunal’s earlier Order

10. The effect of air pollution, aggravated by use of crackers on Covid-
19 pandemic was considered by this Tribunal in the order dated
09.11.2020 as follows:

*“14. Shri Panjwani referred to the articles referred to above during hearing. In ‘A. Pozzer et al, ‘Regional and global contributions of air pollution to risk of death from COVID-19’ Cardiovascular Research, which is an article published by the **European Society of***

Cardiology, revised on 03.10.2020, a study has been conducted about the nexus of Covid-19 and air pollution using relevant data and attributable fraction. It is opined that both **the air pollutant PM_{2.5} and the SARS-CoV-2 virus enter the lungs via the bronchial system (portal organ), with potential systemic health impacts through the blood circulation. Both PM_{2.5} and SARS-CoV-2 cause vascular endothelial dysfunction, oxidative stress, inflammatory responses, thrombosis, and an increase in immune cells. The SARSCoV-2 infection facilitates the induction of endothelial inflammation in several organs as a direct consequence of viral cytotoxic effects and the host inflammatory response, which can aggravate pre-existing chronic respiratory and vascular (coronary) dysfunction, and cause lung injury by alveolar damage, as well as stroke and myocardial infarction by inducing plaque rupture. Potential common pathophysiological mechanisms of increased risk thus relate to endothelial injury and pathways that regulate immune function. Further, there are strong indications of increased susceptibility to viral infections from exposure to air pollution.**

Lung injuries, including the life-threatening acute respiratory distress syndrome and respiratory failure, as well as acute coronary syndrome, arrhythmia, myocarditis, and heart failure, were shown to be clinically dominant, leading to critical complications of COVID-19. **Recent studies in China, the USA, as well as Europe indicate that patients with cardiovascular risk factors or established cardiovascular disease and other comorbid conditions are predisposed to myocardial injury during the course of COVID-19. From the available information, it thus follows that air pollution-induced inflammation leads to greater vulnerability and less resiliency, and the pre-conditions increase the host vulnerability. Air pollution causes adverse events through myocardial infarction and stroke, and it is an additional factor capable of increasing blood pressure, while there is emerging evidence for a link with type 2 diabetes and a possible contribution to obesity and enhanced insulin resistance. Bronchopulmonary and cardiovascular pre-conditions, including hypertension, diabetes, coronary artery disease, cardiomyopathy, asthma, COPD, and acute lower respiratory illness, all negatively influenced by air pollution, lead to a substantially higher mortality risk in COVID-19. Furthermore, it seems likely that fine particulates prolong the atmospheric lifetime of infectious viruses, thus favouring transmission. It is possible that future research will reveal additional pathways that mediate the relationship between air pollution and the risk of death from COVID-19.**

15. In article by Aparna Banerjea titled '**After studies, it's clear that air pollution contributes to Covid mortality: ICMR**' Mint, 27 October 2020', it is mentioned that **the ICMR studies have proved that long-term exposure to air pollution has been linked to an increased risk of dying from Covid-19. It is further stated that there have been studies from Europe and US, where they have looked at polluted areas and have compared mortality during lockdown and correlation with pollution. "It is found that**

pollution is contributing to mortality in COVID, that's well established by studies," said Dr. Balram Bhargava, DG ICMR, in a health ministry briefing today.

According to a study, published in Cardiovascular Research, scientists estimated that about 15% of deaths worldwide from COVID-19 could be attributed to long-term exposure to air pollution. In Europe the proportion was about 19%, in North America it was 17%, and in East Asia about 27%.

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The study further mentions that the Air Quality Index (AQI) (as on 04.11.2020) was recorded at 346 in Rohini, 329 in RK Puram, 377 in Anand Vihar, and 363 in Mundka, all four in the 'very poor' category, as per Central Pollution Control Board (CPCB) data. In an attempt to curb the increasing air pollution in the national capital, the Delhi government recently launched the 'Red Light On, Gaadi Off' campaign as part of its 'Yuddh Pradushan Ke Viruddh' (War Against Pollution) initiative. Along with this, Delhi Environment Minister Gopal Rai had also announced the launch of a campaign starting on Monday to include the citizens of the capital in raising awareness on air pollution.

16. In article by Sandipan Talukdar titled 'Air Pollution May Account for 15% of COVID-19 Deaths Worldwide, Says New Study', News Click, 28 October 2020, similar observations have been made.

It is stated that Prof. Jos Lelieveld of Max Planck Institute of Chemistry, Mainz, Germany, and a corresponding author of the study said "Since the numbers of deaths from COVID-19 are increasing all the time, it's not possible to give exact or final numbers of COVID-19 deaths per country that can be attributed to air pollution. However, as an example, in the UK there have been over 44,000 coronavirus deaths and we estimate that the fraction attributable to air pollution is 14%, meaning that more than 6,100 deaths could be attributed to air pollution. In the USA, more than 220,000 COVID deaths with a fraction of 18% yields about 40,000 deaths attributable to air pollution."

On the mechanism of how PM_{2.5} can aggravate the respiratory disease, Prof. Thomas Munzel of Gutenberg University, Germany, said "When people inhale polluted air, the very small polluting particles, the PM_{2.5}, migrate from the lungs to the blood and blood vessels, causing inflammation and severe oxidative stress, which is an imbalance between free radicals and oxidants in the body that normally repair damage to cells. This causes damage to the inner lining of arteries, the endothelium, and leads to the narrowing and stiffening of the arteries. The COVID-19 virus also enters the body via the lungs, causing similar damage to blood vessels, and it is now considered to be an endothelial disease."

“If both long-term exposure to air pollution and infection with the COVID-19 virus come together then we have an additive adverse effect on health, particularly with respect to the heart and blood vessels, which leads to greater vulnerability and less resilience to COVID-19. If you already have heart disease, then air pollution and coronavirus infection will cause trouble that can lead to heart attacks, heart failure and stroke,” he further added. **The study also shows a country wide estimation of COVID-19 deaths attributable to long term air pollution exposure. According to it, Czech Republic has a share of 29%, China 26%, Germany 22%, Italy 15% and so on. New Zealand has a very low share of 1%.**

Extending this analogy to Indian conditions, it is possible to infer that deaths attributable to pollution in India may not be less than 15%.”

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19. In ‘State of Global Air 2020’ report released by the Health Effects Institute and the Institute for Health Metrics and Evaluation’s Global Burden of Disease Project, it is stated that:

“Extensive evidence links exposure to air pollution with higher rates of respiratory and cardiovascular diseases including lower-respiratory infections. **Could air pollution also increase a person’s risk of developing a COVID-19 respiratory infection or suffering its most severe complications?**

There is reason to believe it could SARS-CoV-2, the corona virus that causes COVID-19, is a respiratory virus that can affect the lungs, blood vessels, and many other parts of the body. Exposure to air pollution has been shown to affect the body’s immune defense, making an individual more susceptible to respiratory and other infections. In addition, many of the health conditions that have been associated with increased vulnerability to COVID-19-such as diabetes, cardiovascular disease, and chronic obstructive lung diseases-are also caused by long-term exposure to air pollution.

What we learned from the SARS-CoV-1 outbreak in 2002-2004 offers some insight into the interaction between air pollution and the effects of COVID-19. Several studies reported an association between higher air pollution concentrations and higher than expected death rates from SARS-CoV-1 handful of early studies of COVID-19 appear to suggest that areas with higher air pollution concentrations-PM_{2.5} or NO₂ in particular-might similarly experience either higher infection rates or higher case fatality rates. Investigators around the world are hard at work trying to understand fully the linkages between COVID-19 and air pollution, and how exposure to air pollution might affect rates of COVID-19 infection, the severity of disease, or the likelihood of dying.”

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Media Reports Referred

22. Following media reports have also been referred to by learned Amicus:

- i. ‘Coronavirus: Delhi health minister blames pollution, winters, festive season for rise in cases’, Scroll.in, 31 October 2020⁵
- ii. Abantika Ghosh, ‘Covid virus found on pollution particles, masks & social distancing a must, say govt experts’, ThePrint, 27 October 2020.⁶
- iii. Durgesh Nandan Jha, ‘From Record 5.9k Last Fri, City Cases Soar To 6,725’, The Times of India, 4 November 2020⁷.”

The above media reports refer to the nexus between air pollution and deaths and diseases particularly during winter and festive season with reference to the statements of the Delhi Health Minister and the Union Health Minister in support of the said statement. **There is further reference to apprehended increase of Covid cases on account of air increased pollution.**

The news item in ‘Times of India’ dated 04.11.2020 mentions that Delhi recorded 6,725 new cases of Covid-19 – its highest single-day tally – on Tuesday, taking the total number of cases to over 4,00,000 even as hospitals struggled to accommodate the critically ill patients due to paucity of ICU beds. This is leading to increased demand for the hospital beds and increased mortality figures. The increasing trend is clearly attributable to the deteriorating air pollution level.

Other Media reports and Global Trends

23. Apart from the media reports relied upon by the learned Amicus, there are other media reports to which reference may be made as follows:

- a) ASRP Mukesh, ‘Ban firecrackers or prepare for Covid disaster, warn docs’ Times of India, 30 October, 2020.⁸
- b) Science, ‘Smoky firecrackers can spread coronavirus faster: Experts, Deccan Chronical, 4 November, 2020.⁹

⁵ <https://scroll.in/latest/977303/coronavirus-delhi-health-minister-blames-pollution-winters-festive-season-for-rise-in-cases>

⁶ <https://theprint.in/health/covid-virus-found-on-pollution-particles-masks-social-distancing-a-must-say-govt-experts/531981/>

⁷ <https://timesofindia.indiatimes.com/city/delhi/Covid-19-From-record-5900-last-Friday-Delhi-cases-soar-to-6725/articleshow/79031687.cms>

⁸ <https://timesofindia.indiatimes.com/city/ranchi/ban-firecrackers-or-prepare-for-covid-disaster-warn-docs/articleshow/78941525.cms>

⁹ <https://www.deccanchronicle.com/nation/in-other-news/031120/smoky-firecrackers-can-spread-coronavirus-faster-experts.html>

- c) Cole Sullivan, 'COVID cancellations hit fireworks display companies hard' 10 News, 11.06.2020.¹⁰
- d) 'BEFORE BURNING CRACKERS LOOK AT US AND BE CONSIDERATE, SYMPATHETIC AND HUMANE' URGES COVID RECOVERED PATIENTS "DEEPAVALI DOES NOT MEAN BURNING CRACKERS FOR ENJOYMENT"- BISWAJIT MUKHERJEE 07.11.2020, PIB Kolkata.¹¹
- e) 'After falling for 7 weeks, Covid-19 cases in India rise', Times of India, 09.11.2020.¹²
- f) Stephanie Pagones, 'Coronavirus-prompted July 4th cancellations leave fireworks display companies 'on life support', FOX Business, 02.07.2020.¹³
- g) Joanna York, 'What will France's July 14 celebrations look like this year? Celebrations will still take place in France on 14 July this year, but with some differences due to the Covid-19 crisis, the Connexion, 06.11.2020.¹⁴
- h) Tim Baker, 'Coronavirus: London's New Year's Eve fireworks cancelled due to pandemic', Sky News, 18.09.2020.¹⁵
- i) Wong Shiying, 'No fireworks display at Marina Bay New Year's Eve countdown this year', the Straits Times, 05.11.2020.¹⁶

As per (a), there is a statement by Jharkhand chapter of Indian Medical Association (IMA) that smoke from firecrackers during Diwali can turn out to be fatal for Covid-19 patients. The report particularly mentions the names of the State President Dr. A.K. Singh and Dr. Pradeep Bhattacharjee. It is also further mentioned that winter dry air can aggravate breathing difficulties, especially among those suffering from lung ailments. Smoke from crackers can turn out to be recipe for disaster. Pollutants released will remain suspended in cool air for a long duration.

¹⁰ <https://www.wbir.com/article/news/health/coronavirus/covid-cancellations-hit-fireworks-display-companies-hard/51-f16191a3-fdbb-44a3-8447-de4454d761b5>

¹¹ <https://pib.gov.in/PressReleasePage.aspx?PRID=1671145>

¹² <https://timesofindia.indiatimes.com/india/after-falling-for-7-weeks-covid-19-cases-in-india-rise-again/articleshow/79119707.cms>

¹³ <https://www.foxbusiness.com/lifestyle/fireworks-displays-july-4-coronavirus>

¹⁴ <https://www.connexionfrance.com/French-news/What-will-France-s-July-14-celebrations-look-like-this-year>

¹⁵ <https://news.sky.com/story/coronavirus-londons-new-years-eve-fireworks-cancelled-due-to-pandemic-12074859>

¹⁶ https://www.straitstimes.com/singapore/no-fireworks-display-at-marina-bay-countdown-this-year?utm_medium=Social&utm_campaign=STFB&utm_source=Facebook&fbclid=IwAR1_4Gj7dYzCq-8BNdxiy1GLEgGgvC3hPTgdOsd-wa-TUyGNED4k3JpQi-o#Echobox=1604550165

The reports (b) & (e) show discussion that ban on fire crackers is imperative to prevent harm on account of Covid-19 which will be aggravated by use of fire crackers.

The media reports from (f) to (i) show that having regard to the Covid situation, fireworks display was cancelled in several other countries.”

11. The Tribunal also considered the CPCB report backed by data of incremental pollution during festivals in and around November month, attributable to the use of fire crackers. Further consideration was of the grievance that there was non-compliance by the manufacturers by using prohibited chemicals in manufacture of crackers which led to initiation of contempt proceedings by the Hon’ble Supreme Court vide order dated 03.03.2020 in *Writ Petition No. 728/2015, Arjun Gopal (supra)*. The products were not being labeled in terms of directions of the Hon’ble Supreme Court dated 10.02.2017.

Supreme Court orders dated 11.11.2020 and 13.11.2020

12. We note that vide order dated 13.11.2020 in *SLP (Civil) Diary No(s). 24650/2020, The Telangana Fire Works Dealers Association v. P. Indra Prakash & Ors.*, **the Hon’ble Supreme Court directed, by an interim order, that order of this Tribunal dated 09.11.2020 be followed** in the State of Telangana which was the State for consideration in the matter before the Hon’ble Supreme Court. Further, *SLP(Civil) Diary No(s). 24645/2020, Gautam Roy & Anr. vs. The State of West Bengal & Ors.* against order of the Calcutta High Court dated 05.11.2020 in WPA No. 1984 of 2020, *Ms. Anasua Bhattacharya vs. State of West Bengal & Ors.*, banning crackers in the State of West Bengal during Deepawali and other festivals in the month of November was dismissed vide order dated 11.11.2020.

Further consideration in Today's Proceedings

13. CPCB has filed its report dated 27.11.2020 in pursuance of order of this Tribunal dated 09.11.2020, compiling the relevant data pre-Deepawali and on Deepawali day in Delhi and in 131 other cities. The report mentions the data of noise level and air quality at certain locations. 'Overall observation' and conclusion in the report are as follows:

"Overall Observation

This year Deepawali was celebrated in mid-November, which, has unfavorable meteorological conditions for dispersal of pollutants in comparison to 2019 when the festival was in the last week of October. The surface temperature was recorded lowest, which might have attributed to more inversion condition with lowest average mixing height, which limits vertical dispersion. It was among lowest in last five years. Wind speed in both pre Diwali and Diwali day was similar. As such, impact of meteorology in air pollution levels during festival season is evident.

*As observed from real-time monitoring network (37 CAAQM stations), the hourly **average concentration of PM_{2.5} started increasing since 11 PM on 14th November, it reached peak in most of the stations at around 1 am and continued at higher levels till 5 am. The city level average calculated for PM₁₀ and PM_{2.5} concentrations on Deepawali day (14.11.2020) were 645 µg/m³ and 483 µg/m³ respectively.** Contribution of stubble burning on PM_{2.5} (Source: SAFAR, IITM) was 32% on Diwali day (14.11.2020) compared to 38% on pre Diwali day (09.11.2020).*

The contribution of stubble burning on both pre Diwali (12 % on 21.10.2019) and Diwali day (19 % on 27.10.2019) in 2019 was less. Therefore, it may be inferred that elevated PM_{2.5} concentrations in 2020 in comparison to previous year had enhanced contribution of stubble burning and same is also reflected in elevated levels of CO and NO₂.

In 2019 the PM₁₀ was increased by 70% on Diwali day compared to Pre Diwali day. PM_{2.5} was increased by 149% on Diwali day over Pre Diwali day. In 2020, on Diwali day decrease in PM₁₀ and PM_{2.5} was observed compared to Pre Diwali day by about 16% and 18%. This reduction is perhaps due to about 6% reduction in contribution of stubble burning this year.

Overall, this year Deepawali has witnessed higher background levels of pollutants during pre-diwali days and further addition of particulates during night from firecrackers."

14. We have heard learned Amicus and other learned Counsel for the parties. We have also considered the report of the CPCB dated 27.11.2020 and the media reports. Learned amicus has filed following media reports:

- “1. PTI, Guwahati (2020). ‘Assam Health Minister says no restriction on firecrackers despite ban by police’, *Deccan Herald*, 10 November.
2. PTI (2020). ‘Delhi’s air quality turns ‘severe’ firecrackers add to misery’, *The Hindu*, 14 November.
3. Peeyush Khandelwal (2020). ‘Despite ban on crackers, Diwali in Noida and Ghaziabad more polluted this year’, *The Hindustan Times*, 15 November.
4. ANI (2020). ‘Despite Ban, People Burst Firecrackers in UP’s Ghaziabad to celebrate Diwali’, *Business World*, 30 November.
5. PTI (2020). ‘Delhi Police receives over 2,000 PCR calls about bursting of crackers on Diwali night’, *The Tribune*, 15 November.
6. PTI (2020). ‘Firecrackers heard across Delhi on Diwali night despite ban’, *The Hindu*, 15 November.
7. Agence France – Presse (2020). ‘Toxic smog blankets Delhi after revellers ignore ban on bursting firecrackers for Diwali’, *First Post*, 16 November.”

15. Learned Amicus submitted that the media reports establish that there was blatant violation of order of this Tribunal dated 09.11.2020 at various places. This affected the air quality adversely and also added to the noise pollution to the detriment of the public health. There are other **media reports also indicating flouting of the ban imposed on use of fire crackers, thereby having deleterious effect on air quality.**¹⁷

¹⁷ (i) “Delhi Air Quality Plunges to ‘Severe’ Category, Cracker Ban Goes Up in Smoke on Diwali Despite Pandemic Fears”, News18 India dated 15.11.2020: <https://www.news18.com/news/india/delhi-air-quality-turns-severe-on-diwali-farm-fires-calm-winds-worsen-crisis-3080405.html>

(ii) “Air quality ‘very poor’ in Delhi post Deepavali”, *The Hindu* dated 28.10.2019: <https://www.thehindu.com/news/cities/Delhi/delhi-air-quality-dips-to-very-pooron-diwali/article29811526.ece> <https://www.thehindu.com/news/cities/Delhi/delhi-air-quality-dips-to-very-pooron-diwali/article29811526.ece>

(iii) “Air quality dips to ‘severe’ in Delhi post Diwali”, *The Hindustan Times*, 15.11.2020: https://m.hindustantimes.com/india-news/air-quality-dips-to-severe-in-delhi-post-diwali/story-ykHxSpaTcy2IX8YRCdPk0K_amp.html

(iv) “Air quality in Delhi further deteriorates post-Diwali; breaches emergency mark for a time”, *DownToEarth*, dated 15.11.2020: <https://www.downtoearth.org.in/news/air/air-quality-in-delhi-further-deteriorates-post-diwali-breaches-emergency-mark-for-a-time-74243>

(v) “As Delhi flouts cracker ban, air quality dips day after diwali”, *The Indian Express* dated 15.11.2020: <https://indianexpress.com/article/cities/delhi/delhi-air-quality-pollution-diwali-7051960/>

(vi) “Air quality worsens in the national capital post-diwali”, *The Economic Times* dated 15.11.2020: <https://economictimes.indiatimes.com/news/politics-and-nation/air-quality-worsens-in-the-national-capital-post-diwali/articleshow/79228838.cms?from=mdr>

16. Learned amicus further submitted that the use of fire crackers is not confined to the month of November but continues even thereafter to celebrate different occasions, including marriages, sports, etc. The Precautionary principle, thus, continues to remain relevant atleast till Covid-19 ends to avoid damage to the environment and public health. The use of crackers needs to be controlled and regulated, depending upon the air quality at the location where fire crackers are to be used. Thus, a graded response to air pollution appears to be essential, even beyond November till the Covid-19 pandemic is controlled.

17. *I.A. No. 112/2020* has been filed in *OA No. 93/2020(CZ), Dr. P.G. Najpande & Anr. vs. State of M.P. & Ors.*, by the applicant stating that inspite of order of this Tribunal, the bursting of fire crackers took place at Jabalpur, Bhopal, Indore and Gwalior. As a result, there was increase in Covid cases in Madhya Pradesh after Deepawali.

18. Learned Amicus and the counsel appearing for the applicants submitted that there is an established relation of increase of pollution due to use of fire crackers and consequential increase of Covid cases. Thus, it was submitted that use of fire crackers be not allowed so long as Covid continues in the interest of public health. Alternatively, such use may be

(vii) "Firecrackers' ban flouted in Capital", The Pioneer dated 16.11.2020: <https://www.dailypioneer.com/2020/page1/firecrackers----ban-flouted-in-capital.html#:~:text=The%20National%20Green%20Tribunal%20>

(viii) "Pollution levels severe in Delhi as cracker ban is flouted", mint dated 15.11.2020: <https://www.livemint.com/news/india/pollution-levels-severe-in-delhi-as-cracker-ban-flouted-11605417950168.html>

(ix) "In a week, 40 flout firecracker ban in Ghaziabad, arrested", Times of India dated 16.11.2020: https://m.timesofindia.com/city/ghaziabad/in-a-week-40-flout-firecracker-ban-in-ghaziabad-arrested/amp_articleshow/79239001.cms

(x) "11 arrested in Chandigarh for flouting ban on firecrackers, UT administration had banned the sale and use of firecrackers this year", The Tribune dated 15.11.2020: <https://www.tribuneindia.com/news/chandigarh/11-arrested-in-chandigarh-for-flouting-ban-on-firecrackers-170716>

(xi) "850 held for flouting curbs, 1.2k cases filed", The Hindustan Times dated 16.11.2020: <https://www.hindustantimes.com/cities/1206-case-registered-for-bursting-crackers-on-diwali-850-people-held/story-2lQKkR1Ms66kuHCb7LE93M.html>

permitted only where the air quality is 'moderate' and below where adverse impact on public health is comparatively lesser. **If the air quality is 'poor' and above, it has been held by the Hon'ble Supreme Court in the table quoted in para 4 above that there is danger of heart diseases, respiratory illness and other serious health impact** even before Covid. Covid is going to further aggravate the situation and therefore atleast in areas where air quality is 'poor' and above, no bursting of fire crackers should be permitted in view of 'Precautionary' principle, to be statutorily enforced by this Tribunal under Section 20 read with section 15 of the National Green Tribunal Act, 2010. It was further submitted that in view of the large-scale violation of the directions of this Tribunal, there should be further directions for meaningful enforcement by the authorities by using coercive methods, including recovery of compensation. There should also be a mechanism to compensate individual victims if such victims come forward with evidence of harm suffered. If no individual victim comes forward, the compensation amount should be utilized for restoration of the environment and to enforce the rule of law. This requires availability of air quality data and designated nodal agencies for enforcement.

Conclusion and Directions

19. We have given due consideration to the above submissions. Only opposition to this submission is on behalf of the fire crackers manufacturers association on the ground that once license is granted, there can be no restriction on right to carry on business even if it results in damage to the environment and public health.

20. As already laid down by the Hon'ble Supreme Court, discussed in the order of this Tribunal dated 09.11.2020, the laid down air quality and noise level norms under the Air (Prevention and Control of Pollution) Act,

1981 and noise level under the Environment (Protection) Act, 1986 have to be maintained to give effect to the principle of Sustainable Development of which Precautionary principle is a part. Since mere passing of order does not ensure compliance, necessary coercive measures have to be taken. Even if there are other sources of pollution and meteorological conditions contributing to the air pollution, it does not justify ignoring acknowledged pollution by bursting of fire crackers adding to the air and noise pollution, beyond statutory norms. Right to business is not absolute. There is no right to violate air quality and noise level norms. This being a crime under the law of the land cannot be a right. Exceeding of the norms, adversely affect the health and cannot be allowed. Nobody has a right to carry on business at the cost of health of others. All licenses already given or which may be given are inherently subject to overriding requirement of preventing damage to the environment and the public health.

21. We have already quoted the air quality norms. We may also note the standards of noise level, prescribed under Rule 3 read with the Schedule to the Noise Pollution (Regulation & Control) Rules, 2000 (Noise Control Rules) as follows:

“SCHEDULE
(see rule 3(l) and 4(l))

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."

22. As per the Noise Control rules, the responsibility for enforcement of noise pollution control measures is of the 'authority', which includes authorized officers, District Magistrates, Police Commissioner or any officer not below the rank of Deputy Superintendent of Police designated for the maintenance of air quality standards in respect of noise. There is further provision that any loudspeaker or sound producing instrument /equipment can be used **only after obtaining written permission.** Festive occasions are defined as **notified National or State functions, including the Republic Day, the Independence Day, State Day or other notified day.**

23. Remedial action against violation of noise level norms as well as air quality norms has been subject matter of judgements of the Hon'ble Supreme Court. Reference may be made to the judgment of the Hon'ble Supreme Court dealing with the noise pollution in *Re: Noise Pollution-implementation of the Laws for Restricting Use of Loudspeakers and High-Volume Producing Sound Systems, (2005) 5 SCC 733.*

24. This Tribunal in *O.A No. 519/2016, Hardeep Singh & Ors. v. SDMC & Ors.* dealt with the steps for enforcement of the directions of the Hon'ble Supreme Court on the subject of noise pollution. Noise pollution is an offence under the Noise Control Rules as also under IPC Sections 268,

285, 286, 290, 291 etc. Noticing large scale violation of Noise norms, this Tribunal required CPCB to lay down compensation regime. After expert studies, report dated 12.06.2020 was filed which was considered by this Tribunal vide order dated 11.08.2020. The compensation regime suggested by the CPCB is as follows:

“

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter		Action to be taken by designated authority
1.	Xxx	Xxx		Xxx
2.	Xxx	Xxx		Xxx
3.	Xxx	Xxx		Xxx
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon’ble Supreme Court and Clause 5A (2) and 6 (iv) ^{7- 8}			
		Residential / Commercial/ Mixed Zone	Silence Zone	
4(1)	Violation by Individual/ Household	1,000	3,000	
4(2)	Violation during Procession a. Public Rallies b. Barat during marriage Religious event	10,000	20,000	Fine to be paid by Organizer
4(3)	First Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions	20,000		Fine to be paid by Organizer and Owner of the place.
4(4)	Second Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground Function	40,000		
4(5)	More than Two Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function	1,00,000 and action under EP Act.		Sealing of Premises

”

Note:

xxx

xxx

xxx

7. *Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone."*

8.

xxx

xxx

xxx

9. *It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicle Rules, 2019"*

25. The above recommendation was approved by the Tribunal vide order dated 11.08.2020 as follows:

*"12.We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. **The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs."***

26. The matter was also considered in OA 681/2018, *News item published in "The Times of India" Authored by Shri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15."* dealing with the control of air pollution in non-attainment cities. The direction in the above order dated 11.08.2020 in OA 519/2016, *Hardeep Singh (supra)* was reiterated.

27. **Accordingly, the above needs to be followed against violation of prohibition/restriction on bursting of crackers. Apart from the scale of compensation, applicable for noise, equal amount of compensation is liable to be paid for violation of air norms. Thus, the rate of compensation has to be double of the above scale. The word 'fine' is infact compensation. Polluter pays principle is part of environmental law not only under section 20 of the NGT Act but also has to be applied by law enforcing agency to enforce environmental norms. For second violation and more than two violations, deterrent amount in the form of double compensation will be payable for cases covered by**

Para 4(1) & 4(2) of the above table also. Further, it is clarified that 'second' violation does not mean second day. Second violation includes violation on same day or continuous violation.

The amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate.

28. Further, in above matter (OA681/2018), the issue of setting up of monitoring stations for monitoring of air quality was also considered by the Tribunal vide order dated 21.8.2020, in continuation of earlier proceedings, in the light of report of the CPCB dated 18.08.2020. The report was in compliance of order dated 20.11.2019 directing that assessed number of air monitoring stations be installed within one year i.e. till 20.11.2020 and such stations be connected to the server of the CPCB to display data on real time basis in public domain giving all the 12 notified parameters. The equipments be procured through GeM portal as per specifications of CPCB from recruited venders notified on the Gem Portal. The report mentioned that air quality was being monitored manually at 793 locations covering 344 cities/towns in 28 States and 7 Union Territories (UTs) across the country under National Air Quality Monitoring Programme (NAMP) and through real time stations in 219 stations covering 123 cities in 18 States and 2 UTs under Continuous Ambient Air Quality Monitoring. Further, the SPCBs/PCCs are also monitoring ambient air quality manually at 126 locations covering 86 cities/ towns in 13 States under State Air Quality Monitoring Programme (SAMP).

29. The Tribunal, vide order dated 21.08.2020, directed that the work at remaining monitoring stations be completed within six months, which may commence within one month and monitored by the CPCB.

30. The fact remains that there are 740 Districts in the country and above 4000 cities. It is absolutely necessary that at least at every District Headquarter in all the 740 Districts, there should be an air quality monitoring station. Wherever such stations have not yet been set up so far (though Air Act is 39 years old), manual stations, which are very easy to set up and are not costly, must be installed at the earliest using simpler procedure like GeM. This step should not exceed three months in any case. This will be the responsibility of the State PCBs/PCCs, using funds available under 'consent mechanism' / 'environmental compensation'. As per data furnished by the CPCB in its report dated 14.11.2019, it was mentioned that as against requirement of CAAQMS being 800, only 176 had been installed and as against required manual stations being 1250, only 658 had been installed. The gap was directed to be filled up by the Tribunal till 20.11.2020 which was extended vide order dated 21.08.2020 for six months, which will now expire on 21.02.2021.

31. Since Pandemic is still continuing and is aggravated by the addition of pollution by fire crackers, having potential of damage to public health, invoking precautionary principle under section 15 and 20 of the NGT Act, 2010, we are satisfied that there is need to continue directions for prohibition and regulation of use of fire crackers during pandemic Covid-19, depending upon air quality with further direction to take coercive measures for non-compliance, including recovery of compensation and for redressal of claims of victims of such pollution and restoration of environment.

Directions

32. In view of above discussion, following directions are issued:

- i. There will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic in the NCR and all cities/towns in the country **where the ambient air quality falls under the ‘poor’ and above category.**
- ii. Direction to restrict use of fire crackers in cities/towns where air quality is ‘moderate’ or below to green crackers only and for duration of not more than two hours and only for celebration of any specified festivals or permitted occasions will continue. Such festivals be specified by the States. Other than specified festivals, prior permission of the District Magistrate of the area will be required for use of crackers for limited period which will be given having regard to air quality.
- iii. During Christmas and New Year, green crackers can be used from 11:55 pm to 12:30 am only at places where air quality is ‘moderate’ or below as directed by the Hon’ble Supreme Court¹⁸.
- iv. With a view to ensure availability of air quality data, atleast one air quality monitoring station must be set up at every district headquarter at the earliest. Where no such monitoring station exists, atleast a manual monitoring station which is very easy to set up and is not costly must be installed at the earliest, using simpler procedure like GeM. This should not exceed three months in any case. This will be the responsibility of the State PCBs/PCCs from

¹⁸ (2019) 13 SCC 523 para 48.14

- ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the Environment in the District.
- x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.3.2021.

The applications are disposed of.

An amount of Rs. 1 lac and Rs. 25,000/- respectively may be paid by the CPCB to Shri Raj Panjwani, Senior Advocate and Ms. Shibani Ghosh, Advocate, as a token honorarium for assisting the Tribunal as Amicus.

We place on record our sincere thanks to learned Amicus for the assistance rendered.

A copy of this order be forwarded to the MoEF&CC, CPCB, Chief Secretaries and DGPs, State PCBs/PCCs and District Magistrates of all the States/UTs by e-mail for Compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

December 01, 2020
OA No. 249/2020, OA No. 254/2020
OA No. 255/2020 & OA No. 93/2020(CZ)
DV



1320
21/06/2021

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED- POST

File No. A-14011/1/2021-MON

To,

The Chairman
Kerala State Pollution Control Board,
Plamoodu Jn., Pattom Palace P.O.
Thiruvananthapuram-695 004



DIRECTIONS UNDER SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof; and

WHEREAS, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, following responsibilities are vested with CPCB and SPCBs:

1. The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule, and
2. The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, under section 19 of The Environment (Protection) Act, 1986, No court shall take cognizance of any offence under this Act except on a complaint made by –
“(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid."

WHEREAS, section 15(1) of The Environment (Protection) Act, 1986 states that:

"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

WHEREAS, section 9(3) of The Environment (Protection) Act, 1986, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"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."

WHEREAS, in compliance to directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 14/11/2019 (copy attached); and

WHEREAS, Hon'ble NGT CPCB vide order dated 15.11.2019 directed CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.

- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored to.

WHEREAS, in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020 (copy attached); and

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 11/08/2020, Hon'ble NGT further directed CPCB as follows:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs."

NOW, THEREFORE, in view of the above stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it is hereby directed that Chairman Kerala SPCB shall direct designated Authorities of the State to implement *Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000* as accepted by Hon'ble NGT.

The Chairman, SPCB shall acknowledge the receipt of this direction within 15 days and shall communicate the status on the action plan and its implementation.


[Shiv Das Meena]
Chairman



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram - 695 004

PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19

Date: 20 /05/2021

From

The Chairman

To

The Chairman

Central Pollution Control Board

Parivesh Bhawan, East Arjun Nagar, Delhi- 110032

Sub:-Direction under Section 5 of Environment (Protection) act, 1986 regarding
implementation of environment compensation regime of noise pollution.

Ref:- 1. Letter no. A-14000/1/2021-MON dated 27.04.2021

2. G.O(P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002 of Govt. Of
Kerala

Sir,

Referring to the direction (1) cited, it may kindly be noted that Govt. Of Kerala designated the District magistrates, the Commissioner of Police/ the Superintendents of Police and the Deputy Superintendent of Police (Sub divisional officers) as the authorities under the Noise Pollution (Regulation and Control) Rules, 2000 for the maintenance of ambient air quality standards in respect of noise pollution, vide notification cited (2) above. So, direction has been issued to the Inspector General of Police to implement scale of compensation for violation of Noise Pollution (Regulation and Control) Rules, 2000 as accepted by the Hon'ble NGT. Copy of the direction issued is attached herewith for your kind information.

Yours faithfully,

Sd/-

CHAIRMAN



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram – 695 004

PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19(M)

Date:19/05/2021

DIRECTION UNDER SECTION 5 OF ENVIRONMENT (PROTECTION)ACT,1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

WHEREAS under Sec17(1) of the Air (Prevention & Control of Pollution)Act 1981, one of the functions of the State Pollution Control Boards is to plan a comprehensive programme for the prevention and control or abatement of air pollution in the State and to secure the execution thereof;

WHEREAS under Sec 2(a) of theAir (Prevention & Control of Pollution)Act 1981, noise is defined as air pollutant;

WHEREAS as per Rule 4(2) of theNoise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of ambient air quality standards in respect of noise;

WHEREAS Sec 15(1) of the Environment (Protection) Act, 1986 states that "Whoever fails to comply with or contravenes any of the provisions of this Act, or the Rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which

may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention”;

WHEREAS Sec 9(3) of Environment (Protection) Act, 1986 states that “The expenses if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Govt. May, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand”;

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, the Hon'ble NGT directed Central Pollution Control Board on 1-8-2019 that, “CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 by the concerned Authority on the basis of “Polluter Pays” Principle. Though violation of the rules like Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986, with imprisonment up to 5 year and fine up to 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”;

WHEREAS in compliance to the directions of Hon'ble NGT, CPCB prepared scale of compensation for violation of the Noise Pollution(Regulation and Control)Rules,2000 as follows and submitted before the Hon'ble NGT (Copy attached as Annexure);

Sl.No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulters		Action to be taken by designated Authorities
1	Use of loudspeakers/Public address system(1) (Clause 5(1)-5(2), 6(I ,ii,iii and v) ^(1-s)	Rs. 10,000/-		Seizure
2	Violation with respect to Generator set Norms(Standards attached as Annexure)			
a)	D.G.sets more than 1000 KVA	Rs.1,00,000/-	Sealing of D.G.sets	
b)	D.G.sets 62.5 KVA to 1000 KVA	Rs.25,000/-		
c)	D.G.sets upto 62.5 KVA	Rs.10,000/-		
3	Violation of use of sound emitting construction equipment ⁽⁶⁾	Rs.50,000/-	Seizure/Sealing of equipment	
4	Bursting of firecrackers beyond the prescribed time limit			
	(Hon'ble Supreme Court order & Clause 5A ⁽²⁾ & 6(iv) ⁽⁷⁻⁸⁾			
4(1)	Violation by individuals/household	Residential/Commercial/Mixed Zone	Silence Zone	Fine to be paid by the individual
4(2)	Violation during possession	Rs.1000/-	Rs.3000/-	Fine to be paid by the Organizer
	a. Public Rallies	Rs.10,000/-	Rs.20,000/-	
	b. Barat during marriage			
	c. Religious events			
4(3)	First violation within a fixed premises	Rs.20,000/-		Fine to be paid by organizer and owner of the place
	a. Function organized by RWA			
	b. Marriage function			
	c. Public function			
	d. Institution function			
	e. Banquet hall			
4(4)	f. Open ground functions	Rs.40,000/-		
4(4)	Second violation within a fixed premises			

	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		
4(5)	More than two violations within a fixed premises	Rs.1,00,000/- and action under EP Act	Sealing of premises
	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used as except after obtaining written permission from the Authority.
2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency
3. Clause 6(i): Playing any music or using any sound amplifiers in any place covered under the silence zone/area is prohibited.
4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.
5. Clause 6(iii): Exhibits any mimetic musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5(A)(3): Sound emitting construction equipment shall not be used or operated during **night** time in residential areas and silence zones.
7. Sound emitting fire crackers shall not be burst in silence zones or during night time in each zone.
8. As per directions of Hon'ble Supreme Court, following time limits are prescribed for bursting **fire** crackers;
 - Diwali - 8 PM - 10 PM
 - Gurupurb - 4 AM - 5 AM and 9 PM - 10 PM
 - New Year and Christmas- 11.55 PM-12.30 PM
9. It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicles Rules, 2019.

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, Hon'ble NGT further directed CPCB that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied within all the States;

WHEREAS CPCB vide letter no. A-14011/1/2021-MON dated 27.04.2021 directed the undersigned to direct the designated authorities of the State to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

ANDWHEREAS as per the Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002, Govt. Of Kerala designated the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police. (Sub. divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State;

NOW THEREFORE you are hereby directed to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

The status of the action plan and its implementation shall be submitted to the Board within 30 days of receipt of this Direction for submitting to the Central Pollution Control Board.

FOR AND ON BEHALF OF
KERALA STATE POLLUTION CONTROL BOARD

Sd/-
CHAIRMAN

To

The Inspector General of Police
Social Policing and Traffic
Police Head Quarters,
Vazhuthacaud, Thiruvananthapuram

- Copy to: 1. The Chairman, Central Pollution Control Board (with covering letter)
2. The Additional Chief Secretary, Environment Department, (with covering letter)
3. Chief Environmental Engineer, Regional Office, TVM/EKM/KKD
4. Environmental Engineer, AllDOs
5. All Technical officers in HO

552/2022

9/12/2022

3/33
13/12/22

1363
14/12/22

E. P.No. 14206/2022



GOVERNMENT OF KERALA

Environment (A) Department
07-12-2022, Thiruvananthapuram

No.A3/241/2019-ENVT

From
Additional Chief Secretary to Government
To
Additional Chief Secretary, Home Department
Secretary, Law Department

MS. P. 100

The State Police Chief,
Kerala State Police Head Quarters,
Vazhuthacaud, Thiruvananthapuram - 695010

13/12/22
Involve too and prepare a draft

The Director,
Directorate of Environment and Climate Change,
Thiruvananthapuram.

CHAIRMAN

The Commissioner,
Transport Commissionerate, Motor Vehicle Department,
2nd Floor, Trans Tower, Vazhuthacadu,
Thiruvananthapuram- 695014

The Chief Town Planner,
Swaraj Bhavan, 2nd Floor, Nanthancode,
Kowdiar. P.O, Thiruvananthapuram- 695003

✓ The Chairman,
Kerala State Pollution Control Board, Thiruvananthapuram

The Member Secretary,
Kerala State Pollution Control Board, Thiruvananthapuram.

Sir,

Sub: Environment Department - Discussion on the progress made in the implementation of Noise Pollution (Regulation and Control) Rules, 2000 - Meeting Minutes forwarding of - Reg.

Ref: Minutes of the meeting held at 12.00 Noon on 25.11.2022

I am to invite your attention to the reference cited and to forward a copy of the Minutes of the meeting cited above for information and necessary action.

Yours Faithfully,
GEETHA GOPINATH
UNDER SECRETARY

For Additional Chief Secretary to Government.

Approved for Issue,

Signed by S Feroskhan

Date: 08-12-2022 10:49:13

Section Officer.

Copy to:- Home Department
LSGD
Transport Department
Law Department
Environment Monitoring Cell

Minutes of the Meeting convened by Additional Chief Secretary, Environment Department, at 12.30 PM on 25.11.2022 to discuss regarding the realisation of compensation amount and to frame procedure for implementation of compensation regime as directed by NGT

The meeting commenced at 12:30 PM with Additional Chief Secretary in Chair. Officers, as per the list appended, attended the meeting. The NGT Order dated 11.08.2020 in OA 519/2016, wherein the Tribunal directed to implement the compensation regime for violation of Noise Rules, 2000, and other prevailing Rules were discussed in the meeting. The Police Department again raised some ambiguities regarding the implementation of compensation regime by the authorities concerned.

After detailed discussion, the following decision was taken:

Kerala State Pollution Control Board shall prepare a draft Scheme enabling smooth implementation of Compensation Regime during violations of Noise Rules, 2000. Government Order shall be issued by Environment Department after getting the draft vetted by the Law Department.

[Action: KSPCB, ENV T Dept., Law Dept.]

The meeting ended at 1:10 PM.

Dr. Venu. V. IAS



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HO/ EE3/NGT/O.A.NO.681/2018/30/19

Date: 06/01/2023

From

The Chairman

To

The Additional Chief Secretary
Environment Department
Government Secretariat
Thiruvananthapuram



Sub: - Implementation of Noise Pollution (Regulation and Control) Rules, 2000-reg.

Ref: - 1. Decision taken in the meeting convened on 25.11.2022

2. Government letter no A3/241/2019-ENVT dated 05.01.2023

Sir,

As per the decision under ref 1, a draft scheme regarding implementation of environmental compensation regime for noise pollution is submitted herewith.

Yours faithfully,

CHAIRMAN

o/c

**ENVIRONMENT DEPARTMENT - IMPLEMENTATION OF
ENVIRONMENT COMPENSATION REGIME FOR NOISE
POLLUTION AS ORDERED BY HON'BLE NATIONAL GREEN
TRIBUNAL(PZ)**

- 1. Order dated 11.08.2020 in OA Nos. 519/2016 (PZ), 496/2018 (PZ), 196/2018 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal*
- 2. Order dated 01.12.2020 in OA Nos.249/2020 (PZ), 254/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) of the Hon'ble National Green Tribunal*
- 3. Judgment dated 18.07.2005 of the Hon'ble Supreme Court in WP(C) No. 72/1998*
- 4.Direction No. A-14011/1/2021-MON dated 27/04/2021 issued by CPCB to KSPCB*
- 5. Direction No. PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19 (M) dated 19/05/2021 issued by KSPCB to Police Authority*
- 6. Meetings held on 17/03/2022, 23/05/2022 & 19/09/2022 under the chairmanship of the Chief Secretary*

A mindful reading of the landmark judgment dated 18.07.2005 delivered by the Hon'ble Supreme Court in the WP (C) No. 72 of 1998 would reveal that the Apex Court had emphasized clearly and categorically that noise being a nuisance, health hazard and environmental pollutant, shall be regulated for the physical and psychological wellbeing of citizens.

It is pertinent to recall that vide the above judgment it was also conveyed that it is well settled by repeated pronouncements of the Apex Court that right to life enshrined in

Article 21 is not of mere survival and existence, but, it guarantees right of persons to life with human dignity. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. The Court had further observed that the freedom of speech and right to expression are fundamental rights, but the rights are not absolute. While one has a right to speech, others have a right to listen or decline to listen and nobody can be compelled to listen and nobody can claim he has a right to make his voice trespass into the ears or mind of others. The States were directed to create awareness on the hazardous effects of noise pollution and to make provisions for seizure and confiscation of loud speakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits.

The issue of noise pollution continues unabated due to various reasons. In India various laws are invoked for curbing the nuisance of noise pollution. The Environment (Protection) Act, 1986 and the Noise Pollution (Regulation and Control) Rules, 2000 (made under the provisions of said Act & Rules thereunder) also assume relevance in this context. Relevant clauses under the said Act / Rules are quoted below:

Regarding cognizance of offences as specified in the Environment (Protection) Act, 1986, section 19 of the Act reads as under:

“No court shall take cognizance of any offence under this Act except on a complaint made by-

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid."

The section 15(1) of The Environment (Protection) Act, 1986 regarding penalty for contravention of the provisions of the Act, Rules, orders and directions states that:

"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

Also Section 9(3) of The Environment (Protection) Act, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

Noise is defined as air pollutant under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981. One of the functions of the State Pollution Control Boards (SPCBs) under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof.

Further as per the Noise Pollution (Regulation and Control) Rules, 2000 notified under the Environment (Protection) Act, 1986, following responsibility is vested with CPCB and SPCBs:

“The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement”.

As specified in the rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

The Hon'ble National Green Tribunal while dealing with cases concerning noise pollution issues have given various orders to be complied by the States. In this context the most prominent common orders dated 1.08.2019 (in OA No. 519/2016, 496/2018, 196/2018, 197/2018), 11.08.2020 (in OA No. 519/2016, 496/2018, 196/2018,

197/2018) & 1.12.2020 (in OA No. 249/2020, 259/2020, 255/2020, 93/2020) are relevant in terms of the Tribunal's directions regarding implementation of compensatory regime for curbing noise pollution. Order dated 1.12.2020 issued in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) is the final order detailing the levy of compensatory regime. This order directs the States to implement Compensatory Regime as accepted by the Tribunal for violation of Noise Rules 2000. Salient portions of the orders are extracted below.

In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"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 directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to the Hon'ble National Green Tribunal on 14/11/2019.

Hon'ble NGT vide order dated 15.11.2019 directed CPCB as follows:

"a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.

b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored to. "

Further in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020.

In O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 vide order dated 11/08/2020, the Hon'ble National Green Tribunal further directed CPCB as follows:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTS,"

Further orders with respect to Compensatory Regime was issued in 1.12.2020 (order dated 01.12.2020 of the Hon'ble National Green Tribunal in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ)) wherein District Magistrates were assigned as authorities for levy of EC for violation in bursting fire crackers.

Further authorities for enforcing the Compensation was referred under para 22 of the same order

“22. As per the Noise Control rules, the responsibility for enforcement of noise pollution control measures is of the ‘authority’, which includes authorized officers, District Magistrates, Police Commissioner or any officer not below the rank of Deputy Superintendent of Police designated for the maintenance of air quality standards in respect of noise. There is further provision that any loudspeaker or sound producing instrument /equipment can be used only after obtaining written permission. Festive occasions are defined as notified National or State functions, including the Republic Day, the Independence Day, State Day or other notified day.”.

The Hon’ble National Green Tribunal has further vide para 27 of order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) ordered that,

Para 27. *“Accordingly, the above needs to be followed against violation of prohibition/restriction on bursting of crackers. Apart from the scale of compensation, applicable for noise, equal amount of compensation is liable to be paid for violation of air norms. Thus, the rate of compensation has to be double of the above scale. The word ‘fine’ is infact compensation. Polluter pays principle is part of environmental law not only under section 20 of the NGT Act but also has to be applied by law enforcing agency to enforce environmental norms. For second violation and more than two violations, deterrent amount in the form of double compensation will be payable for cases covered by Para 4(1) & 4(2) of the above table also. Further, it is clarified that ‘second’ violation does not mean second day. Second violation includes violation on same day or continuous violation. The*

amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate."

It has been ordered by the Hon'ble National Green Tribunal vide para 32. vi, vii, viii, ix & x of the order dated 01.12.2020 in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) that,

"32. In view of above discussion, following directions are issued:

..vi. The District Magistrates in every district may take steps to ensure that banned fire crackers are not sold in terms of order of the Hon'ble Supreme Court dated 23.10.2018.

vii. The District Magistrate, on a complaint or otherwise, will recover compensation from violators of the above directions on the parameters already mentioned in Para 24 above.

viii. Any victim of pollution, apart from other remedies, can approach the District Magistrate for compensation, by showing evidence of individual damage and the person responsible for the damage. Such claim may be dealt with by a reasoned order.

ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the environment in the district.

x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.03.2021."

In view of the above stated facts and to ensure compliance of the existing Rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it was hereby directed vide letter no. A-14011/1/2021-MON dated 27.04.2021 that Chairman Kerala SPCB shall direct designated Authorities of the State to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by the Hon'ble National Green Tribunal.

In compliance to the above statutory directions received from the Central Pollution Control Board, directions were issued from Kerala State Pollution Control Board to State Inspector General of Police and the matter was informed to the Environment Department.

Meetings were held by the Chief Secretary on 17/03/2022, 23/05/2022 & 19/09/2022 with the Departments concerned, to discuss the implementation of Compensatory Regime for violation of noise pollution in the State in compliance to the directions of the Hon'ble National Green Tribunal, wherein it was decided to go ahead with implementing the scheme as directed by the National Green Tribunal to regulate noise pollution in the State.

As part of implementation of Noise Rules, 2000 in the State, the State Government had in accordance to the Rule 2 (C) provisions of Noise Rules issued Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002 from HOME (F) Department, designating the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police

(Sub. divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State.

The orders of the Hon'ble National Green tribunal has to be complied with in both letter and spirit. It is further observed that as a result of rapid urbanization and development in multifarious sectors including transportation, electioneering, industrialization, communication, building & infrastructure etc. and emergence of new lifestyles, the ambient noise levels are on a rise which warrants strict enforcement of noise regulation. Further due to high population density in the State noise pollution assumes high significance. The urban-rural continuum as seen in the State of Kerala also calls for concerted efforts to streamline the causes of noise pollution and to devise deterrent steps to prevent pollution issues to guarantee a better/high quality of life for its citizens.

The State Government having seriously considered all the above matters is pleased to order the implementation of Compensatory Regime for violation of Noise Rules in the State in due compliance to the order dated 01.12.2020 of the Hon'ble National Green Tribunal in OA Nos. 249/2020 (PZ), 259/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ).It is hereby directed to implement the scale of compensation for violation of Noise Pollution(Regulation and Control)Rules, 2000 as accepted by the Hon'ble National Green Tribunal (Annexure- I attached), by the authorities concerned viz; Police Authorities & District Magistrates.

Mass awareness campaigns through visual, audio & social media may be imparted for the benefit and information of general public on the hazards of noise pollution and introduction of compensatory regime. Motor Vehicle Department may also conduct awareness campaigns on regulating the use of horns.

The status of the implementation shall be submitted to the Kerala State Pollution Control Board within 30 days of receipt of this Direction for submitting to the Central Pollution Control Board.

To,

Cc,

ANNEXURE

Enlistment of Violation of Noise Rules and their Respective Scale of Compensation

SR. 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 ¹ (Clause 5(1)-5(2), 6(i, ii, iii and v) ¹⁻⁵	₹ 10,000	Seizure	
2.	Violation w.r.t generator sets norms			
a)	DG sets more than 1000 KVA	₹ 1,00,000/-	Sealing of DG sets (Sealing of DG sets shall be done by the Police Authorities based on direction issued by the Pollution Control Board who is the designated authority)	
b)	DG sets 62.5 to 1000 KVA	₹ 25,000/-		
c)	DG sets upto 62.5 KVA	₹ 10,000/-		
3.	Violation of use of sound emitting construction equipments	₹ 50,000/-	Seizure/ Sealing of equipment	
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6(iv) ⁷⁻⁸)			
4(1)	Violation by individual/ household	Residential /Commercial/ Mixed zone	Silence Zone	
a)	Violation by individual/ household (1 st violation)	₹ 1,000	₹ 3,000	
b)	Violation by individual/ household (2 nd violation)	₹ 2000	₹ 6000	

4(2)	Violation during possession a) public rallies b) barat during marriage religious event	Residential /Commercial/ Mixed Zone	Silence Zone	Compensation to be paid by organizer
A)	Violation during possession a) public rallies b) barat during marriage Religious event (1st violation)	₹10,000	₹20,000	Compensation to be paid by organizer
B)	Violation during possession a) public rallies b) barat during marriage religious event (2nd violation)	₹20,000	₹40,000	Compensation to be paid by organizer
4(3)	First Violation within a fixed premises: a) Function organized by RWA b) Marriage Function c) Public Function d) Institution function e) Banquet Hall f) Open ground functions	₹20,000		Compensation to be paid by organizer and owner of the place.
4(4)	Second violation within a fixed premises: a) Function organized by RWA b) Marriage Function c) Public function d) Institution function e) Banquet hall f) Open ground function	₹40,000		Compensation to be paid by organizer and owner of the place.
4(5)	More than two violation within a fixed Premises: a) Function organized by RWA b) Marriage Function c) Public Function d) Institution function e) Banquet Hall f) Open ground function	₹1, 00, 000 and action under EP Act.		Sealing of premises

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.
2. Clause 5(2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.
3. Clause 6 (i) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.
4. Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument in any place covered under the silence zone/area are prohibited.
5. Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones
7. Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;
8. As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting firecrackers:
 Diwali: 8 pm to 10 pm
 Gurupurb: - 4am to 5 am and 9 pm to 10 pm
 New Year and Christmas: 11.55 pm to 12.30am
9. It may be noted that imposition of compensation for notification of Rule 5A (1) falls within the purview of Motor Vehicle Rules, 2019
10. In case of compensation levied by District Magistrates the amount of compensation collected may be credited to a separate account to be called 'District Environment Compensation Fund' to be maintained by the District Magistrate.
11. The Government had vide GO(Rt) No. 653/2022/Finance dated 03/02/2022 of Finance (Budget Wing D) Department opened a new head of account for pooling compensation under noise rules. The Police Authorities may pool the compensation levied, under this head.

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
 e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004
 പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/347/2022-EE-3

Dated: 11-01-2025

From

CHAIRPERSON

To

The Secretary to Government
 Environment Department

Sub:- Draft Scheme for Environmental Compensation Regime-Implementation of
 Noise Pollution(Regulation and Control) Rules 2000-reg

- Ref:-
1. Order dated 11.08.2020 in OA Nos. 519/2016 (PZ), 496/2018 (PZ), 196/2018 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal
 2. Order dated 01.12.2020 in OA Nos.249/2020 (PZ), 254/2020 (PZ), 255/2020 (PZ) and 93/2020 (CZ) of the Hon'ble National Green Tribunal
 - 3.Minutes of the meeting convened by ACS Env't Dept dated 25.11.2022
 4. Government letter No. A3/241/2019-ENV'T dated 05.01.2023
 5. This Office letter No. PCB/HO/EE3/NGT/O.A. No.681/2018/30/2019 dated 06.01.2023
 6. This Office letter of even no. dated 13.12.2024

Sir,

Kind Attention is invited to subject matter. The Hon'ble NGT vide the orders in ref.(1),(2) directed States to implement compensatory regime accepted by Tribunal for violation of Noise Rules 2000 and CPCB had issued direction to Kerala SPCB to direct designated authorities of the State to implement scale of compensation for violation of Noise Rules 2000 (copy enclosed). So, the Board had issued a direction (copy enclosed) under section(5) of Environmental Protection Act 1986 to Inspector General, Social Policing and Traffic for implementation of Environmental Compensation Regime of Noise Pollution.

As per decision in ref.(3), draft scheme in Environmental Compensation Regime of Noise Pollution was prepared and submitted to Environment Department vide ref.(5). As per ref (3), Government Order is to be issued by Environment Department which is required for implementation of Environmental Compensation Regime of Noise Pollution by the designated authorities (the District Magistrates, the Commissioners of Police/the Superintendents of Police and the Deputy Superintendent of Police (Sub Divisional Officers)) in the State, as per the orders of Hon'ble NGT and CPCB. Urgent necessary action may kindly be taken in this regard as complaints and RTI applications in this

matter are being received.

Encl: As above

Signed by

Sreekala S

Yours faithfully,

Date: 11-01-2025 13:21:53

CHAIRPERSON

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
 e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/1017/2025-EE-4

Dated: 29-06-2025

From

The Chairperson

To

1. The Member Secretary
Tripura State Pollution Control Board
2. The Member Secretary
West Bengal Pollution Control Board

Sub: Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)- reg

Ref: Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025

Sir,

Kind attention is invited to the subject matter. The Government of Kerala vide reference has instructed to urgently submit the details of the scheme implemented by the states of Tripura and West Bengal regarding the collection of Environmental Compensation in Noise Pollution based on the principle of 'Polluter pays principle' as mentioned in the order of the Hon'ble National Green Tribunal in case No. OA 519/2016.

In this regard, it is requested to kindly furnish the requisite information at the earliest to facilitate the preparation of a detailed report for evaluating the feasibility of implementing a similar Environmental Compensation framework for Noise Pollution in the State of Kerala.

Yours faithfully,

CHAIRPERSON
Signed by

Sreekala S

Date: 29-06-2025 00:13:29

3215
20/06/25

6
20/6/25

"ഭരണഭാഷാ മാതൃഭാഷ"



കേരള സർക്കാർ

ENVT-A3/241/2019-ENVT

പരിസ്ഥിതി (എ) വകുപ്പ്

19-06-2025, തിരുവനന്തപുരം

സ്പെഷ്യൽ സെക്രട്ടറി

ചെയർപേഴ്സൻ,

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

സർ,

വിഷയം:- പരിസ്ഥിതി വകുപ്പ്- ബഹു. NGT നിർദ്ദേശിച്ച പ്രകാരം, 2000-ലെ ശബ്ദ (പ്രതിരോധവും നിയന്ത്രണവും) നിയമങ്ങളുടെയും പരിസ്ഥിതി നഷ്ടപരിഹാര വ്യവസ്ഥയുടെയും ഫലപ്രദമായ നടപ്പാക്കുന്നത് - സംബന്ധിച്ച്.

- സൂചന:- 1. Order dated 11.08.2020 in OA Nos- 519/2016 (PZ), 496/2018 (PZ), 196/2015 (PZ) and 197/2018 (PZ) of the Hon'ble National Green Tribunal.
2. താങ്കളുടെ 06.01.2023 തീയതിയിലെ PCB/HO/EE3/NGT/O.A No. 681/2018/30/19 നമ്പർ കത്ത്.

സൂചനകളിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. ബഹു. നാഷണൽ ഗ്രീൻ ട്രിബ്യൂണലിന്റെ OA 519/2016 നമ്പർ കേസിലെ ഉത്തരവിൽ പരാമർശിച്ചിട്ടുള്ള 'Polluter pays principal' എന്ന തത്വത്തിന്റെ അടിസ്ഥാനത്തിൽ നഷ്ടപരിഹാരം ഈടാക്കുന്നത് സംബന്ധിച്ച് Tripura, West Bengal എന്നീ സംസ്ഥാനങ്ങൾ നടപ്പാക്കിയ പദ്ധതിയുടെ വിശദവിവരങ്ങളും, അത് കേരളത്തിൽ നടപ്പാക്കുന്നത് സംബന്ധിച്ച വിശദമായ റിപ്പോർട്ടും അടിയന്തിരമായി സർക്കാരിൽ സമർപ്പിക്കുവാൻ നിർദ്ദേശിക്കുന്നു.

വിശ്വസ്തയോടെ,

UNNIKUTTAN S S

അണ്ടർ സെക്രട്ടറി

സ്പെഷ്യൽ സെക്രട്ടറിയ്ക്കുവേണ്ടി

Signed by

സെക്ഷൻ ഓഫീസർ.

Date: 19-06-2025 15:28:01

Urgent
BB-A
20/6
km
For CHN.

Item No.01:-

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

[Through Physical Hearing (Hybrid Option)]

Original Application No. 221 of 2025 (SZ)

IN THE MATTER OF:

Subhash. S,
Kerala.

...Applicant(s)

Versus

State of Kerala,
Represented by Chief Secretary,
Kerala and ors.

...Respondent(s)

Date of hearing: 04.11.2025.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. PRASHANT GARGAVA, EXPERT MEMBER

For Applicant(s): Mr. S. Subhash (*Party-in-Person*).

For Respondent(s): Mr. G. Vignesh represented
Mr. E.K. Kumaresan for R1 to R3.
Mrs. Rema Smrithi for R4.

ORDER

1. The prayer in the application is to implement the environmental compensation regime of the National Green Tribunal to enforce Rule 4 (2) of the Noise Pollution (Regulation and Control) Rules, 2000.

2. The applicant has furnished a communication from the Kerala State Pollution Control Board addressed to him dated 07.08.2025, which specifically stated that the above-referred framework is under consideration with the Government of Kerala.

3. As already the States of Tripura and West Bengal are having such a scheme, let the Kerala SPCB as well as the State of Kerala verify on the issue and the status of the framework being followed.

4. The applicant also stated that pursuant to the order dated 01.08.2019 of this Tribunal in O.A. No.519 of 2016(PB) and batch cases, the CPCB prepared a revised report on the scale of compensation for violation of the Noise Pollution (Regulation and Control) Rules, 2000. Therefore, the Central Pollution Control Board becomes a necessary party to this proceeding and accordingly, the Central Pollution Control Board is suo motu impleaded as additional Respondent No.5.

5. Let notice be issued to all the respondents through the Tribunal as well as privately.

6. The learned counsel Mr. G. Vignesh representing E. K. Kumaresan accepts notice on behalf of Respondents No.1, 2 & 3 and Mrs. Rema Smrithi accepts notice on behalf of Respondent No.4.

7. Post the matter on 27.01.2026.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Prashant Gargava, EM

O.A. No. 221/2025 (SZ)
04th November, 2025. AD.



ANNEXURE 10

REMINDER-NGT CASE

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151

e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004



File No. KSPCB/1017/2025-EE-4

Dated: 07-01-2026

From

Member Secretary

To

The Regional Director CPCB
Regional Directorate - South,
Nisarga Bhawan, 1st Floor,
Thimmaiah Road, 7th D' Cross,
Shivanagar, Bengaluru-560079.
jcb.cpcb@nic.in

Sub:- Environmental Compensation Regime in Noise Pollution -Reg

Ref:- 1. This Office letter of even no dated 09-11-2025

2. Order in Hon'ble NGT Case No. OA 221/2025(SZ) dated 04.11.2025

Sir,

Kind attention is invited to the subject matter. Vide reference cited, it was requested to provide the information regarding the Environmental Compensation regime in Noise Pollution implemented by any State Pollution Control Board (SPCB)/Pollution Control Committees PCCs in the country. It is submitted that, as per the recent development, the Hon'ble NGT (SZ), vide ref. (2), has impleaded CPCB as an additional respondent in the case relating to the implementation of the Environmental Compensation Regime for Noise Pollution.

In this context, it is requested to kindly provide necessary guidance as to whether any Environmental Compensation Scheme pertaining to Noise Pollution has been implemented in any State in India.

Yours faithfully,

Signed by

Ratish Menon

MEMBER SECRETARY

Date: 07-01-2026 22:12:27

ANNEXURE 11

General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
 e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി ഒ., തിരുവനന്തപുരം – 695 004

**REMINDER-NGT CASE**

File No. KSPCB/1017/2025-EE-4

Date: 07-01-2026

From

Member Secretary

To

1. The Member Secretary
Tripura State Pollution Control Board
2. The Member Secretary
West Bengal Pollution Control Board

Sub:- Environmental Compensation Regime in Noise Pollution as per orders of Hon'ble NGT in OA 519/2016(PZ), OA 496/2018(PZ), OA 196/2015(PZ) and OA 197/2018(PZ)- reg

- Ref:-
1. Govt letter No. ENVT-A3/241/2019-ENVT dated 19.06.2025
 2. This Office letter of even no. dated 29.06.2025
 3. Email reminder dated 28.07.2025
 4. Order of the Hon'ble NGT (SZ) in OA 221/2025 dated 04.11.2025

Sir,

Kind attention is invited to the subject matter. Vide ref. (2), it was requested to furnish the information regarding the Environmental Compensation framework for Noise Pollution implemented in the States. It is submitted that, as per the recent development, the Hon'ble NGT (SZ), vide ref. (4), has impleaded CPCB as an additional respondent in the case relating to the implementation of the Environmental Compensation Regime for Noise Pollution.

In this context, it is requested to kindly furnish the requisite information at the earliest to facilitate the preparation of a detailed report for evaluating the feasibility of implementing a similar Environmental Compensation framework for Noise Pollution in the State of Kerala.

Yours faithfully,

Signed by

Ratish Menon MEMBER SECRETARY

Date: 07-01-2026 22:13:09