

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

Original Application No. 221 of 2025(SZ)

IN THE MATTER OF:

Subhash S, Kerala

APPLICANT(S)

Versus

State of Kerala and Ors.

RESPONDENT(S)

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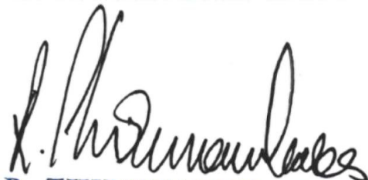
Signed on 6th day of April, 2026 at Bengaluru


DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903



**COUNSEL FOR
RESPONDENT No. 5**


R. THIRUNAVUKARASU
ADVOCATE
Flat C, 2nd Floor,
No.9, Thandavarayan Street,
Purasawalkam, Chennai - 600 007.
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**BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI.
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**RESPONSE ON BEHALF OF THE RESPONDENT NO. 5 i.e.
CENTRAL POLLUTION CONTROL BOARD**

1. That it is humbly submitted that, the Hon'ble National Green Tribunal (NGT) vide order dated 04.11.2025 impleaded Central Pollution Control Board (herein after referred as CPCB) as additional Respondent No. 5. Thereby, the response is made in succeeding paragraphs.
2. That, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986 (herein after referred as EPA 1986).

3. That, it is humbly submitted that, CPCB prepared a Report on "Scale of Compensation to be Recovered for Violation of Noise Pollution (Regulation and Control) Act, 2000" in compliance of Hon'ble NGT order dated 01.08.2019 & 15.11.2019 in O.A. No. 519/2016 in the matter of *Hardeep Singh & Ors. Vs. SDMC & Ors.*
4. That, it is humbly submitted that in compliance to directions of Hon'ble NGT in O.A No. 519/2016, O.A No. 496/2018, O.A No. 196/2018 and O.A No. 197/2018 vide order dated 11/08/2020, CPCB vide letter No. A-14011/1/2021-MON dated 27th April, 2021 has issued Directions to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) including Kerala State Pollution Control Board ((herein after referred as KSPCB) under Section 5 of the EPA 1986 that SPCB shall issue direction to designated authorities of the state to implement scale of compensation for violation of Noise Pollution (Regulation and Control), Rules, 2000 as accepted by Hon'ble NGT. A copy of the direction is enclosed as **Annexure-I**.
5. As per rule 2(c) of Noise Pollution (Regulation and Control), Rules, 2000. "Authority" means and includes any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force.

The list of authorities or officers authorized in the State of Kerala, as provided by the Kerala State Pollution Control Board (KSPCB) vide letter No. KSPCB/349/2022-EE-3 dated 12.08.2024, is available on the CPCB website at:

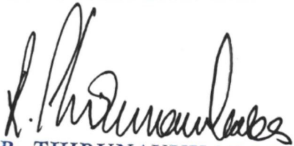
<https://cpcb.nic.in/displaypdf.php?id=Tm9pc2UtU3RhbmRhcml0eUxpc3QucGRm>.

6. As per rule 7 (1) of Noise Pollution (Regulation and Control), Rules, 2000, a person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone or, if there is a violation of any provision of these rules regarding restrictions imposed during night time, make a complaint to the authority.
7. As per rule 7 (2) of Noise Pollution (Regulation and Control), Rules, 2000, the authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.
8. Further, it is humbly submitted that, EPA, 1986 has been amended vide The Jan Vishwas (Amendment of Provisions) Act, 2023, wherein penalty provisions have been inserted which are to be considered / levied by Adjudicating Officer concerned as provided at Section 15 (c).

Further, The Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 has been notified by the MoEF&CC (Copy enclosed **Annexure -II**) and MoEF&CC vide order dated 04.11.2024 (**Annexure-III**) has appointed The Secretary in-charge, Environment Department of the State Government / Union Territory Administration to perform the functions of Adjudicating Officer in their respective jurisdiction.

9. That, it is humbly submitted that, Kerala SPCB to take necessary action as per averments made in para 5 to 8 of this response for control of Noise Pollution in their jurisdiction.
10. It is submitted that, it in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

Dated on this 6th day of April, 2026


R. THIRUNAVUKARASU
 ADVOCATE
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 No.9, Thandavarayan Street,
 Purasawalkam, Chennai - 600 007.
 Mobile: 94440 12986

**COUNSEL FOR
 RESPONDENT No. 5**




 6/4/2026

DEPONENT

J. Chandra Babu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE - BENGALURU
 (MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
 BENGALURU - 560 079. MOB: 9868278903

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

Original Application No. 221 of 2025(SZ)

IN THE MATTER OF:

Subhash S, Kerala

....Applicant(s)

Versus

State of Kerala and Ors.

...Respondent(s)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.5

I, J Chandra Babu, son of late Shri. J Balaramaiah, aged 57 years, having office at the Regional Directorate (Bengaluru), Central Pollution Control Board (CPCB), 1st& 2nd Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079, Karnataka, do hereby solemnly affirm, declare on oath and state as under: -

1. I submit that, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. I submit that, the accompanying reply may be read part and parcel of the present affidavit.
3. I submit that, the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

J. Chandra Babu
6/4/2026

DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

VERIFICATION

I, Jathikartha Chandra Babu, working as Scientist 'F' and presently posted as Regional Director (Bengaluru) at CPCB, Regional Directorate, Bengaluru, the respondent herein do hereby Verified at Bengaluru on this 6th day of April, 2026 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Dated on this 6th day of April, 2026

R. Thirunavukarasu
R. THIRUNAVUKARASU
ADVOCATE
Flat C, 2nd Floor,
No.9, Thandavarayan Street,
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**COUNSEL FOR
RESPONDENT NO. 5**



J. Chandra Babu
6/4/2026

DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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BENGALURU - 560 079. MOB: 9868278903



SPEED- POST

ANNEXURE I

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

Date: 27/04/2021

To,
Chairman
All SPCBs / PCCs [List enclosed]

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.”

1

o/c

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

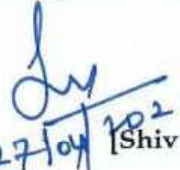
Control)Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020(copy attached); and

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 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.


27/04/2021 [Shiv Das Meena]
Chairman

Copy to:

1. The Secretary,
Ministry of Environment, Forests, & Climate Change
Indira Bhawan, Aliganj, Jorbagh Road,
New Delhi-110003
2. The Regional Director, CPCB
(Bengaluru, Bhopal, Chandigarh, Chennai, Lucknow,
Kolkata, Pune, Shillong , Vadodara)
3. The DH-IT Division


[Prashant Gargava]
Member Secretary

List of SPCBs/PCCs

Sl. No.	States / UTs
1.	Andaman & Nicobar Islands
2.	Andhra Pradesh
3.	Arunachal Pradesh
4.	Assam
5.	Bihar
6.	Chandigarh
7.	Chhattisgarh
8.	Daman Diu & Dadara Nagar Haveli
9.	Goa
10.	Gujarat
11.	Haryana
12.	Himachal Pradesh
13.	Jammu & Kashmir
14.	Jharkhand
15.	Karnataka
16.	Kerala
17.	Lakshdweep
18.	Madhya Pradesh
19.	Maharashtra
20.	Manipur
21.	Meghalaya
22.	Mizoram
23.	Nagaland
24.	NCT of Delhi
25.	Odisha
26.	Pondicherry
27.	Punjab
28.	Rajasthan
29.	Sikkim
30.	Tamil Nadu
31.	Telangana
32.	Tripura
33.	Uttar Pradesh
34.	Uttarakhand
35.	West Bengal

Sl. No.	REGIONAL DIRECTORATE , CPCB	State Covered
1	Regional Directorate, Bengaluru A-Block, Nisarga Bhavan, 1st and 2nd Floors, 7th D Cross, Thimmaiah Road, Shivanagar, Bengaluru-560079	1. Karnataka 2. Telangana 3. Lakshdweep
2	Regional Directorate, Bhopal Parivesh Bhawan, Paryavaran Parisar E-5, Arera Colony, Bhopal-462016	1. Madhya Pradesh 2. Rajasthan 3. Chhattisgarh
3	Regional Directorate, Chennai Second Floor, No.77-A, South Avenue Road, Ambattur Industrial Estate, Ambattur Taluk, Thiruvallur District, Chennai- 600 058, Tamil Nadu	1. Andhra Pradesh 2. Kerala 3. Tamil Nadu 4. Puducherry
4	Sh. Sunil Dave Regional Directorate, Chandigarh	1. Jammu & Kashmir 2. Himachal Pradesh 3. Punjab 4. Haryana 5. Chandigarh 6. Delhi
5	Regional Directorate, Kolkata 'South end Conclave' Block-502, 5th & 6th Floor, 1582, Razidanga, Main Road, Kolkata700107	1. Andaman & Nicobar Islands 2. Bihar 3. Jharkhand 4. Odisha 5. West Bengal
6	Regional Directorate, Lucknow PICUP Bhawan, Vibhuti Khand, Gomti Nagar,Lucknow - 226010	1. Uttar Pradesh 2. Uttarakhand
7	Regional Directorate, Vadodara Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura, Vadodara - 390 023	1. Gujarat 2. Daman, Diu & Dadra Nagar Haveli
8	Sh. Bharat Kumar Sharma Regional Directorate, Pune	1. Goa 2. Maharashtra
9	Regional Directorate, Shillong "TUM-SIR". Lower Motinagar, Near Fire Brigade H.Q., Shillong793014	1. Arunachal Pradesh 2. Assam 3. Nagaland 4. Meghalaya 5. Manipur 6. Mizoram 7. Sikkim 8. Tripura

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi

Original Application No. 519/2016

With

Original Application No. 496/2018

In the matter of:-

Hardeep Singh & Ors.

Applicant(s)

VS.

SDMC & Ors.

Respondent(s)

With

Akhand Bharat Morcha

Applicant

VS.

Union of India & Ors.

Respondent(s)

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(N.K. Gupta)

Scientist -E

Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032

Place: Delhi

Dated: 12.06.2020

REPORT ON

**“SCALE OF COMPENSATION TO BE RECOVERED FOR
VIOLATION OF NOISE POLLUTION (REGULATION AND
CONTROL) RULES, 2000”**

**SUBMITTED IN COMPLIANCE TO HON'BLE NATIONAL
GREEN TRIBUNAL (NGT) ORDER DATED 15.11.2019
(uploaded on 20.11.2019)**

**IN THE MATTER O.A NO. 519 OF 2016 TITLED; HARDEEP
SINGH & ORS VS SDMC & ORS**

WITH

**O.A NO. 496 OF 2018
Akhand Bharat Morcha**

Versus

Union of India & Ors.



**CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)**

Parivesh Bhawan East Arjun Nagar,

Delhi-110032

June, 2020

1.0 BACKGROUND

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

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

In compliance to above, CPCB submitted its report on 14/11/2019 Copy of report attached as Annexure-I. Hon'ble NGT vide order dated 15.11.2019 (uploaded on 20.11.2019) further directed CPCB as follows:

"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.

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."

2.0 COMPLIANCE

In compliance to Hon'ble NGT directions, meeting of the committee for compliance of NGT directions was held on 05th March 2020. Committee agreed for revising compensation for bursting of fire crackers for different classes of defaulters and frequencies of default as per directions of Hon'ble NGT. After detailed discussion modified scale of compensation for violation of Noise Rules, 2000 finalized by committee is tabulated in Table below:

Table 1: Enlistment of Violation of Noise Rules and their respective Scale of compensation.

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority	
1.	USE OF LOUD SPEAKERS / PUBLIC ADDRESS SYSTEM 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)			
a)	DG sets more than 1000 KVA	₹ 1,00,000	Sealing of DG sets	
b)	DG sets 62.5 to 1000 KVA	₹ 25,000		
c)	DG sets up to 62.5 KVA	₹ 10,000		
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENTS ⁶	₹ 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	
		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)	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.

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
4(4)	Second Violation within a fixed Premises: <ol style="list-style-type: none"> Function organized by RWA, Marriage Function Public Function Institution function Banquet Hall Open ground functions	40,000	
4(5)	More than Two Violation within a fixed Premises: <ol style="list-style-type: none"> Function organized by RWA, Marriage Function Public Function Institutional function Banquet Hall Open ground functions	1,00,000 and action under EP Act.	Sealing of Premises
<p>Note:</p> <ol style="list-style-type: none"> Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority. 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. Clause 6 (i) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited. 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. 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. Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during night time in residential areas and silence zones Sound emitting fire crackers shall not be burst in silence zone or during night time in each zone; As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers: Diwali: 8pm to 10pm Gurpurb: 4am to 5am and 9pm to 10pm New Year and Christmas: 11.55 P.M to 12.30 A.M 			

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
9. <i>It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019</i>			

CPCB also deliberated on the issue of compensation to be imposed for tampering of sound limiters. In view of the committee member's suggestions, it is concluded that:

1. Sound Limiter working is not full proof and it is additional unit in addition to Loudspeakers which can be easily Plug in or Plug Out, Sound limiters cannot be used for ensuring regulations.
2. Central Pollution Control Board is in process of framing source specific standards for regulations of Loud Speakers and Public Address System for specific uses.

REPORT ON

**“SCALE OF COMPENSATION TO BE RECOVERED FOR
VIOLATION OF NOISE POLLUTION (REGULATION AND
CONTROL) RULES, 2000”**

**SUBMITTED IN COMPLIANCE TO HON'BLE NATIONAL
GREEN TRIBUNAL (NGT) ORDER DATED 01.08.2019
IN THE MATTER O.A NO. 519 OF 2016 TITLED; HARDEEP
SINGH & ORS VS SDMC & ORS**



**CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)
Parivesh Bhawan East Arjun Nagar,
Delhi-110032**

October, 2019

1.0 BACKGROUND

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

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

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

2.1 Existing rules and standards

- Noise pollution (Regulation and Control) Rules, 2000 are notified by MoEF & CC and responsibilities and restrictions are defined with authorities for further implementation.
- Standards have been fixed for most of the major sources of noise, as well as ambient noise level in different category areas such as Silence Zone, Commercial, Industrial and Residential Area. The maximum permissible levels of Ambient Noise in Indian Cities notified by Ministry of Environment & Forests vide its notification no. S.O. 123 (E), (14-02-2000), Noise Pollution (Regulation & Control) Rules, 2000 is as follows:

Area Code	Category of Area/Zone	Limit in dB (A) Leq	
		Day	Night
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 AM to 10 PM.
2. Night time shall mean from 10 PM to 6 AM.
3. Silence Zone is defined as areas up to 100 meters around such premises as hospitals, educational institutes and courts. The Silence Zones are to be declared by competent authority. Use of Vehicular horns, loudspeaker and bursting of crackers shall be banned in these

Area Code	Category of Area/Zone	Limit in dB (A) Leq	
		Day	Night
	zones.		
	4. 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.		
	5. Leq: It is an energy mean of the noise level over a specific period		

- Under Noise Pollution (Regulation and Control) Rules, 2000, responsibilities are vested with State Governments, District Magistrate, Police Commissioner, or any other officer not below the rank of Deputy Superintendent of Police, as per detail given below:
 - i. Restriction on the use of Loud Speakers/Public Address system.
 - ii. Restriction on the use of Horns, Sound emitting construction equipment and bursting of Fire crackers.
 - iii. Prohibition of continuance Music Sound or Noise.

Noise limits are notified under EPA Rules, 1986 and other provisions of Noise Rules, 2000 are listed below:

- i. Noise limits for Automobiles (Free Field) at one meter in dB (A) at the Manufacturing Stage. Limits are attached as Annexure-I.
- ii. Noise rules for Domestic Appliances and construction Equipment's at the manufacturing stage. Standards are attached as Annexure-II.
- iii. Noise standards for Fire Crackers. Standards are attached as Annexure-III.
- iv. Noise Limit for Generator sets run with Petrol or Kerosene. Standards are attached as Annexure-IV
- v. Noise Limit for Generator Sets run with Diesel. Standards are attached as Annexure-V
- vi. Noise limit for CNG and or LPG dual fuel/biofuel/dedicated generator sets. Standards are attached as Annexure-VI

2.2 Penal provision for violation of Noise Rules

- As per rule 7 (2), it is mentioned that Authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law inforce.

- Noise Rules are defined in Environment (Protection) Act, 1986. Section 15 of EPA, 1986 refersto penalty and action to be taken against violators and same is mentioned below:

Penalty for contravention of the provisions of the act and the rules, orders and directions -

1. 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 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.
2. If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

3.0 SCALE OF COMPENSATION FOR VIOLATION OF NOISE RULES

- Source of noise pollution have been identified based on provisions mentioned in section 2.1.
- 10-25 % of cost of instrument has been considered as compensation for violations of provisions of noise rules and repeated violators to be imposed fine which has deterrent effect.
- Accordingly, compensation to be paid by the defaulter and action to be taken by authority for violations of Noise Rules by usage of equipment like Public Address System, Construction Equipment, Generator Sets and Music DJ system are recommended as per details given in Table 1.

Table 1: Enlistment of Violation of Noise Rules and their respective Scale of compensation.

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1.	USE OF LOUD SPEAKERS/ PUBLIC ADDRESS SYSTEM ¹	₹ 10,000	Seizure

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
	(Clause 5(1)- 5(2), 6(i, ii, iii and v) ¹⁻⁵		
2.	VIOLETION WRT GENERATOR SETS NORMS(Standards attached as Annexure -IV to VI)		
a)	DG sets more than 1000 KVA	₹ 1,00,000	Sealing of DG sets
b)	DG sets 62.5 to 1000 KVA	₹ 25,000	
c)	DG sets up to 62.5 KVA	₹ 10,000	
3.	VIOLETION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENTS⁶	₹ 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	₹ 1000	-
Note:			
<ol style="list-style-type: none"> 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 fire crackers: 			

Sl. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
<p><i>Diwali: 8pm to 10pm</i> <i>Gurpurb: 4am to 5am and 9pm to 10pm</i> <i>New Year and Christmas: 11.55 P.M to 12.30 A.M</i></p> <p>9. <i>It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019</i></p>			

4.0 LIMITATION OF NOISE RULES WITH RESPECT TO LOUDSPEAKER

- i. Existing standards for loud speaker defined under clause 5(4) of Noise Rules, 2000 states that Noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower.
- ii. In order to verify compliance, ambient noise monitoring is to be carried out for 16 hours (day time) and violation by specific source of noise can not be identified due to background noise. Further, as impact of the noise source; duration of which mostly varies from a few seconds to few minutes gets leveled when monitoring for long duration (16 hours) is carried out.
- iii. Recently, CPCB has carried out demonstration of Sound limiters and it was found that sound limiter is not a full proof system and same can easily tamper with. It is difficult for authorities to set limits for sound limiter in absence of source standards for loudspeaker while granting permission for public address system.
- iv. Source specific standards have been notified for firecrackers, Generator sets, construction equipments, vehicles etc. However, source specific standards for Loudspeakers and Public Address System (PAS) yet to be framed.

In view of (i-iv) above, it is suggested that source specific standards be framed for Loud speaker and Public Address System with specific usage type

5.0 RECOMMENDATIONS

1. Designated authorities defined as per clause 2 (c) of Noise Pollution (Regulation and Control) Rules, 2000 shall imposed penalty and take necessary action against the defaulters as per details given in Table 1.

-
2. The compensation to be paid shall be 02 times / 03 times the original fine for the second and third violation respectively and permission for installation / operation of the equipment shall be withdrawn thereafter.

Item No. 01 to 04

Court No. 1

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

Original Application No. 519/2016

WITH

Original Application No. 496/2018

(M.A. No. 1159/2018)

WITH

Original Application No. 196/2018

WITH

Original Application No. 197/2018

Hardeep Singh & Ors.

Applicant(s)

Versus

SDMC & Ors.

Respondent(s)

WITH

Akhand Bharat Morcha

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 15.11.2019

Date of uploading of order: 20.11.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

ORDER

1. This order may be read in continuation of order dated 01.08.2019. 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 Vs.*

*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. The grievance of the Applicants is that in spite of the above orders, unsatisfactory state of affairs continues. By use of DJ systems, music systems, public address systems etc. during weddings or other functions, noise was being created at odd hours adversely affecting the health of the citizens. Reference is made to the order of this Tribunal dated 18.12.2012 in *Supreme Court Group Housing Vs. All India Panchayat Parishad, Original Application No. 34/2011*, directing establishment of call centers, drawing up of Standard Operating Procedure (SOP) regarding control of noise pollution and banning the use of generator sets of capacity of 5 KVA and above in the residential areas between 10 pm to 6 am, apart from other directions.
3. The steps taken pursuant to the earlier orders of this Tribunal, included the issuance of orders by the Commissioner of Police, DCP (Traffic) and SDM (East Delhi). Action plans were placed before the Tribunal for setting up of call centers and drawing up of detailed SOP for controlling noise pollution. The Ministry of Environment, Forest and Climate Change (MoEF&CC) amended the Noise Rules on 10.01.2010 prohibiting loud speakers, public address systems at night time except in closed premises. The DCP (Traffic) filed a status report indicating the number of challans etc.
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

¹ AIR 2001 Delhi 455

² (2005) 5 SCC 733

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 systems*³ 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

³ *Supra* at 2 and (2005) 5 SCC 728

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.

6. Noise is an underestimated threat that can cause a number of short- and long-term health problems. It is increasingly becoming a potential hazard to health, physically and psychologically, and affects the general well-being of an individual. ⁴Excessive noise interferes with people's daily activities at school, at work, at home, and during leisure time. It can disturb sleep, cause cardiovascular and psychophysiological effects, reduce performance and provoke annoyance responses and changes in social behavior.⁵ Environmental noise exposure is responsible for a range of health effects, including increased risk of ischaemic heart disease as well as sleep disturbance, cognitive impairment among children, annoyance, stress-related mental health risks, and tinnitus.⁶ According to a 2007 WHO estimate, almost six per cent people in India suffer from hearing loss.⁷ WHO says that exposure to excessive noise is one of the causes for loss of hearing.⁸ Delhi was the second worst city for noise pollution, followed by Cairo, Mumbai, Istanbul and Beijing.⁹ Residents of Vienna, Austria have the least amount of hearing loss proportionate to their age whilst citizens of Delhi, India have the most.¹⁰

⁴Community Noise Pollution in Urban India: Need for Public Health Action, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3968587/>

⁵ <http://www.euro.who.int/en/health-topics/environment-and-health/noise/noise>

⁶ <https://www.who.int/sustainable-development/transport/health-risks/noise/en/>

⁷ https://www.who.int/healthinfo/statistics/bod_hearingloss.pdf, <https://www.downtoearth.org.in/news/health/not-just-air-level-of-noise-pollution-in-delhi-is-also-deadly-study-57273>

⁸ <https://www.who.int/en/news-room/fact-sheets/detail/deafness-and-hearing-loss>

⁹ <https://www.weforum.org/agenda/2017/03/these-are-the-cities-with-the-worst-noise-pollution/>

¹⁰ <https://www.mimi.io/en/blog/2017/3/8/worldwide-hearing-index-2017>,

<https://www.theguardian.com/cities/2018/mar/08/where-world-noisiest-city>

7. In *Re: Ramlila Maidan Incident*¹¹, it was observed:

“.....(301). Deprivation of sleep has tumultuous adverse effects. It causes a stir and disturbs the quiet and peace of an individual’s physical state. A natural process which is inherent in human being if disturbed obviously affects basic life. It is for this reason that if a person is deprived of sleep, the effect thereof, is treated to be torturous. To take away the right of natural rest is also therefore violation of a human right. It becomes a violation of a fundamental right when it is disturbed intentionally, unlawfully and for no justification. (318). Thus, it is evident that right of privacy and the right to sleep have always been treated to be a fundamental right like a right to breath, to eat, to drink, to blink, etc. (327). An individual is entitled to sleep as comfortably and as freely as e breathes. Sleep is essential for a human being to maintain the delicate balance of health necessary for its very existence and survival. Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril. To disturb sleep, therefore, would amount to torture which is now accepted as a violation of human right. It would be similar to a third-degree method which at times is sought to be justified as a necessary police action to extract the truth out of an accused involved in heinous and cold-blooded crimes. It is also a device adopted during warfare where prisoners of war and those involved in espionage are subjected to treatments depriving them of normal sleep.”

8. In the matter of *Farhd K. Wadia vs. Union of India & Ors.*¹², the Hon’ble Supreme Court observed:

“24. This Court has also taken suo motu cognizance as regards noise pollution. It passed various orders from time to time in noise pollution (I), *In re, Noise Pollution (II)*, *In re, Noise Pollution (III)*, *In re and Noise Pollution (IV)*, *In re*. A detailed judgment was rendered by a Division Bench of this Court in the said writ petition, which has since been reported in *Noise Pollution (V)*, *In re*. Several guidelines had been issued therein by this Court in exercise of its jurisdiction under Articles 141 and 142 of the Constitution of India. Therein, the decision of the Calcutta High Court in *Om Birangana Religious Society v. State* has been taken note of. As regards loudspeakers and amplifiers, it was directed: “171. Loudspeakers and amplifiers or other equipment or gadgets which produce offending noise once detected as violating the law should be liable to be seized and confiscated by making provision in the law in that behalf.”

9. It is thus clear that noise has auditory as well as non-auditory effects on sleep, hearing, communication, mental and physical health and may even lead to madness. It can disturb work, rest, sleep, communication and damage the hearing and cause psychological and

¹¹ (2012) 5 SCC 1

¹² (2009) 2 SCC 442

pathological reactions. Long noise exposure can cause irreversible loss of hearing. The Rules were framed in view of increasing ambient noise levels and noticing its adverse effects on the health. The Rules categorized areas as industrial, commercial, residential (for extent of noise level) and silence zones (to maintain silence near hospitals, educational institutions and courts). The Hon'ble Supreme Court laid down that noise pollution above the specified level affects right to life. Silence was required to be maintained between 10:00 pm to 06:00 am, except for emergencies. It was also directed that provision for seizure and confiscation of equipments used for creating noise should be made.

10. Taking note of the judgments 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*¹³, *Re: Ramlila Maidan Incident, supra*, and *Farhd K. Wadia vs. Union of India & Ors., supra*, and the rules on the subjects, the Tribunal further directed that requisite action be taken including setting up of a website and helpline, The concerned authorities were also required to acquire noise monitoring devices for effective monitoring.
11. The matter was thereafter reviewed on 01.08.2019 in the light of the earlier proceedings and report dated 15.04.2019 furnished by the Special Commissioner of Police (Operation), Delhi and further report dated 30.06.2019 filed by the DCP (Control Room).
12. The Tribunal heard the DCP (East), DCP (Shahadra) and DCP (South) who were present in person and furnished their action taken reports dated 01.07.2019 on the subject of coordination with the RWAs,

¹³ (2005) 5 SCC 733

Schools and enforcement action. The revised action plan filed by the Commissioner of Police on 28.06.2019 was also considered. The Tribunal recorded its dissatisfaction about the progress in terms of number of monitoring stations, procurement of necessary equipments and compliance of Rule 4(3) of the Rules on the subject of publishing of data with regard to noise pollution and abatement measures. The Tribunal also considered the report filed by the CPCB in O.A. No. 681/2018 with regard to the noise control measures throughout India to the effect that 46 metropolitan cities in 7 States and UTs were identified for carrying out noise mapping. 10 States / UTs had prepared action plans for setting up of National Ambient Noise Monitoring Network. The States of Tripura and West Bengal had made policies for mandatory use of sound systems which was required to be adopted by other States.

13. The Tribunal held that apart from taking other steps, compensation regime was required to be developed.
14. Accordingly following directions were issued:-

“(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 systems¹⁴. 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 defaulters¹⁵. A compliance report be filed.

(c) Sound measuring devices as sought by the DCP East, Shahdara and South Districts be made

¹⁴ See para 9 above

¹⁵ See para 12 above

available by the DCP logistics¹⁶. 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 equipment¹⁷, compile and publish statistical data relating to noise pollution¹⁸, prescribe interim scale of compensation pending finalization of the same by CPCB¹⁹. Compliance report may be filed by DPCC."

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

¹⁶ See para 7 above

¹⁷ See para 9 & 12 above

¹⁸ See para 11 above

¹⁹ See para 13 above

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:-

S. 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	Rs. 10,000	Seizure

	system (clause 5(1)-5(2), 6(i,ii,iii&iv)		
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.

List again on 14.04.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 20, 2019
Original Application No. 519/2016
and other connected matters



MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

ANNEXURE II

New Delhi, the 4th November, 2024

S.O. 4790(E).—In exercise of the powers conferred by section 6 and 25 of the Environment (Protection) Act, 1986(29 of 1986), the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.** —(1) These rules may be called the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** —(1) In these rules, unless the context otherwise requires, —

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “adjudicating officer” means an officer appointed under section 15C of the Act;

(c) “form” means a form appended to these rules.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act

3. **Complaint.** —The Central Pollution Board, State Pollution Control Boards, Pollution Control Committees, Commission for Air Quality Management and Integrated Regional Offices of the Ministry of Environment, Forest and Climate Change, in their respective jurisdictions, through their authorized Officers, or any other persons, may file a complaint in Form-I through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under sections 7, 8, 9, 10 and 11 of the Act.

4. **Holding of Inquiry.** — (1) For the purpose of adjudication under section 15C of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer within thirty days from the date of receipt of the complaint shall, issue a notice in Form-II to such person requiring him to show cause within such period as may be specified in the notice (being not less than fifteen days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised legal representative, the contravention, committed by such person and the provision of the Act, in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence under Form-III as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bhartiya Sakshya Adhiniyam, 2023 (47 of 2023).

(6) While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may by order in writing, impose such penalty under the Act as he considers reasonable.

(9) Every order made under sub-rule (8) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of cost to the complainant and the person against whom the inquiry was held.

(11) The adjudicating officer shall complete the proceeding within six months from the issuance of the notice to the opposite party.

(12) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner,-

(i) by delivering or tendering it to that person or his authorised representative; or

(ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or

(iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

5 . Transfer of complaint.- (1) If the adjudicating officer is of the view or it is made to appear that he does not have jurisdiction to entertain any complaint under these rules, he shall transfer the matter to the adjudicating officer concerned within fifteen days of the receipt of such complaint or information made to him after reasons to be recorded in writing.

(2)The adjudicating officer to whom such case is transferred shall proceed with the inquiry from the stage it is transferred to him.

6. Factors to be considered while determining quantum of penalty.- The adjudicating officer, while adjudicating the quantum of penalty shall have due regard to all or any the following factors in addition to factor stated in sub-section (4) of section 15 C of the Act, namely:

(a) place of operation of project;

(b) size of the project whether large, medium or Small;

(c) category of industry;

(d) type of contravention or violation such as,-

(i) working without prior environment clearance as required under the notification number

S.O 1533(E) dated the 14th September, 2006 issued under the Act;

(ii) non-compliance of environmental safeguards and standards prescribed under the Act;

(iii) violation of conditions of environment clearances granted under the notification referred to in sub-section

(iv) non- compliances of orders or directions;

(e) quantum of deviation or contravention from the standard prescribed under the Act;

(f) health impacts or loss likely to be caused;

(g) undue gain or benefit derived out of contravention or non-compliance;

(h) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the contravention or non-compliance;

(i) the repetitive nature of the contravention or non-compliance;

(j) any other factor as may be considered by the adjudicating officer to be relevant for the protection of environment.

7. Extension of time. —The adjudicating officer may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable.

8. Order and penalties. —(1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Environment Protection Fund established under 16 of the Act.

FORM I
(see rule 3)

To,

The Adjudication Officer

.....

1. Particular of complainant: -

(a) Name:

(b) Address for service:

(c) Contact No:

(d) Email (for service):

2. Particulars of complaint: -

(a) Date, time and instance of commission of the alleged contravention:

(b) Statement of contravention setting out all relevant material particulars:

(c) Evidence in support of the statement:

(d) Tentative amount of damage (in pecuniary terms) with cost break-up.

I/We....., the complainant.....herein declare that the facts stated herein are correct to the best of my/our knowledge.

3. Name and Signature of the Complainant:

Note. – Strike out whichever is not applicable.

Form –II

[See sub- rule (1) of rule 4]

To

SHOW CAUSE NOTICE

Sub: Contravention of the Environment Protection Act, 1986.

Sir/Madam,

As per the complaint received in Form-I dated _____(copy enclosed), contravention has been committed under section ----- of the Environment(Protection) Act, 1986 in

2. The above contravention is liable for penalty. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under the Environment (Protection) Act, 1986 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act .

Adjudicating Officer

(Name and seal of the office)

FORM-III	
Furnishing of document or evidence by or on behalf of the contravener	
[See sub-rule (5) of rule 4]	
To Adjudication Officer	
1.	I/We, hereby give a counter statement to the complaint made in Form-I The grounds in which the counter statement is made are as follows: -
2.	Complete address including postal index number/code and state along with mobile number and e-mail.
3.	Signature of the contravener or his authorised representative:
4.	Name of the person along with mobile number who has signed.

[F. No. IA-Z-11013/20/2022-IA-II(IND-I)]

VED PRAKASH MISHRA, Jt. Secy.

F. No. IA-Z-11013/20/2022-IA-II(IND-I) [177428]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

ANNEXURE III

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj,
 New Delhi – 110003


Dated: 4th November, 2024

ORDER

Sub: Appointment of Adjudicating Officer under section 15C of Environment (Protection) Act, 1986 – reg.

In accordance with the powers given under section 15C of the Environment (Protection) Act, 1986, the Central Government hereby appoints the following officers as Adjudicating officers:

- i. The Secretary in-charge, Environment Department of the State Government / Union Territory Administration for their respective jurisdictions.
 - ii. Additional Secretary in charge of the Control of Pollution Division of the Ministry of Environment, Forest and Climate Change for the complaints filed by Commission for Air Quality Management in NCR & Adjoining Areas and Integrated Regional Offices of the Ministry.
2. The Adjudicating Officer shall be provided with requisite manpower assistance, office space and technical assistance by the Central Government / State Government / Union Territory Administration, as the case may be.
3. This is issued with the approval of the Competent Authority.


 (Ved Prakash Mishra)
 Joint Secretary

To

1. The Secretary in-charge, Environment Department of the State Government / Union Territory Administration of all States/UTs.
2. The Additional Secretary, CP Division, Ministry of Environment Forest and Climate Change, Government of India, New Delhi.

Copy for information to:

1. PPS to Hon'ble MEF&CC
2. PPS to Hon'ble MoS (EF&CC)
3. PPS to Secretary MoEF&CC
4. PPS to SS(TK)
5. PPS to AS(NPG) /PPS to AS (AG)
6. Guard file

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

Original Application No. 221 of 2025(SZ)


IN THE MATTER OF:

Subhash S, Kerala
.... Applicant(s)

Versus

State of Kerala and Ors.
...Respondent(s)

**REPOSE STATEMENT ON BEHALF
OF THE RESPONDENT NO. 5 i.e.
CENTRAL POLLUTION CONTROL
BOARD (CPCB)**


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