

## **Noise Pollution Final Order for 10 PIL petitions.**

*The PILs deal with issues of noise pollution and obstruction of roads. This Note deals only with the issues related to noise pollution.*

- 1 Festival Noise and Noise meters: PIL No. 173 of 2010 Dr Mahesh Bedekar.
  - a. 1843 Noise meters have not been procured and Contempt Petition against Home Secretary K P Bakshi is pending.
- 2 Notification for relaxation 15 days a year, Silence Zones and interpretation of laws: PIL No 2053 of 2003 Dr. Yeshwant Oke, Dr. P N Rao, Sumaira Abdulali and BEAG
  - a. No specific Notification of declaration of Silence Zones (100 meters around specified institutions) is required if definition of Silence Zone institution is met.
  - b. Declaration required only for additional areas to be notified as Silence Zones.
  - c. State Government must specify in advance all 15 days when loudspeakers are permitted upto midnight.
  - d. Collectors cannot permit relaxation upto midnight for any day and any exemptions granted by the District Collector are completely illegal.
  - e. Relaxation upto midnight is not applicable in any Silence Zone. This has also been clarified by Supreme Court.
  - f. Noise levels cannot exceed those specified in Noise Rules at any time.
  - g. Definition of Silence Zone will not include the silence zone Institution but will include 100 meters around the Institution. The decibel levels cannot be violated at boundary of the Institution.
  - h. In a private place (such as a residence), noise levels may not exceed 5dB of the permissible limit eg. In a residential area in the daytime 55dB + 5dB
- 3 Religious Noise PIL No 2053 of 2003 and Criminal PIL No.20 of 2015 Santosh Pachalag
  - a. No fundamental right to celebrate religion on the streets
  - b. All places of worship of all religions are bound by the Noise Pollution Rules.
  - c. No place of worship is entitled to use loudspeakers without written permission.
  - d. All Silence Zone laws will be applicable.
- 4 Noise Mapping: PIL 85 of 2007 Awaaz Foundation

- a. Mandatory for all authorities to take into account all aspects of noise pollution as a parameter of quality of life
  - b. Noise mapping using LIMA technology should be carried out in all major cities of Maharashtra and integrated into the Development Plan.
  - c. All aspects of noise are to be considered in the Draft Development Plan of Mumbai.
- 5 Construction Noise: PIL 85 of 2007 Awaaz Foundation
- a. Prohibition on sound emitting construction equipment in Silence Zones
  - b. Prohibition on sound emitting construction equipment in Residential areas during night time.
  - c. Planning Authority to impose conditions for compliance with Noise Rules.
- 6 Traffic Noise: PIL 85 of 2007 Awaaz Foundation PIL 357 of 2003 H S D'Lima
- a. Measures to be taken by the State Government to control vehicular noise pollution to be placed before the court within 3 months.
- 7 Horns: PIL 85 of 2007 Awaaz Foundation
- a. Horns cannot be used in Silence Zones at any time except during a public emergency.
  - b. Horns cannot be used in residential areas at night 10pm to 6am except in a public emergency.
  - c. No multi-tone, shrill or unduly harsh horns may be fitted on any vehicle.
  - d. Concerned authorities should remove illegal horns and file criminal cases.
  - e. Provisions of Notification dated 13<sup>th</sup> July 2013 are mandatory.
- 8 Helipads: PIL 85 of 2007 Awaaz Foundation
- a. In view of the specific affidavit of the MoEF, noise levels will increase during movement of helicopters and increase in noise pollution in Mumbai will have to be considered while giving permission for construction of any helipad.
- 9 Railways: PIL No 74 of 2007 Madhav Rane
- 10 Firecrackers:
- a. Firecrackers are not permitted in Silence Zones
  - b. Firecrackers are not permitted between 10pm and 6am on any day of the year.  
There is no exemption for Diwali.
- 11 Implementation of laws: All PILs

- a. Loudspeaker or PA may not be used without written permission from Authorities under Noise Pollution Rules and all other laws in force.
- b. Loudspeakers may not be used between 10pm and 6am except for 15 days a year which are to be notified in advance by the State Government or in a closed space such as an Auditorium, where the decibel level does not exceed permissible levels.
- c. Prohibition on any noise making equipment in Silence zones at all times including drums, tom toms,
- d. Citizens will have a right to seek compensation from the State Government for breach of noise pollution Rules under Article 21.
- e. Toll free numbers should be set up and anonymous complaints entertained.
- f. Email, sms and Whats App complaints should be entertained and cases filed under EP Act. Tel No 100 shall entertain anonymous complaints and maintain anonymity of complainants.
- g. Police should suspend loudspeaker licenses when complaints are received.
- h. No future permissions may be granted to those violating conditions of permissions.
- i. State Government to take action against departments and officers who do not effectively implement the noise pollution rules.

#### 12 Awareness: PIL 85 of 2007 Awaaz Foundation

- a. Publicity shall be given within 2 months to complaint mechanisms by State Government
- b. Publicity shall be given before every public festival.
- c. State Government shall conduct public awareness programs in schools/colleges and through media frequently.

#### 13 Authorities:

- a. MPCB
- b. Police
- c. State Government
- d. Municipal Corporations

#### 14 Complaint mechanisms:

- a. Under EP Act

- b. Under Police Act
- c. Others