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Court : Allahabad

Decided On : Sep-01-2000

Reported in : 2000(4)AWC3083

Judge : S.H.A. Raza and ;R.P. Nigam, JJ.

Acts : Noise Pollution (Regulation and Control) Rules, 2000 - Sections 5 - Rule 5; Central Motor Vehicles Rules, 1989

Appeal No. : Writ Petition No. 4460 (M/B) of 2000

Appellant : Jan Hitai

Respondent : State of U.P. and Others

Advocate for Def. : C.S.C.

Advocate for Pet/Ap. : I.B. Singh, ;Sanjay Singh, ;M.K. Shukla, ;B.K. Singh Parmar, ;Ashish Sinha and ;Shailendra Kumar Singh, Advs.

Judgement :

S. H. A. Raza and R. P. Nigam,JJ.

1. In the recent years, the ambient noise level in public places from various sources infer alia industrial activity, construction activity, generator sets, loud-speakers, music systems, vehicular horns and sirens and other mechanical

devices which make hazardous Impact on human life and psychological well-being of the people, have increased to a considerable extent.

2. Shri Kamlesh Singh appearing on behalf of the U. P. Pollution Control Board. Lucknow, submitted that in the congested market area of the city, the noise pollution is around 90 decibels which is not in accordance with the norms and provisions of the Act and the rules framed thereunder. In no case, the noise pollution should be more than 75 decibels in the Industrial area, 65 decibels in the commercial areas, 55 decibels in the residential areas and 50 decibels in the silence zone.

3. It is a matter of great concern that due to increase of vehicular traffic in the recent years, horns and sirens created the heavy noise pollution. Vehicles of several persons often are found to be fitted with sirens, which is against the rules. This is also one of the reasons for noise pollution. One to the use of the loudspeakers and other public systems, the noise pollution has increased which is hazardous to the health of the people particularly people belonging to tender age. Thestudies of the students, the work in the offices also are adversely affected.

4. Despite its dangers, noise pollution never receives the attention that air or water pollution docs. One reason is that an overworked police force cannot keep a check on the rapidly growing traffic population. Though the Central Motor Vehicles Rules of 1989, clearly specify the kind of horn that can be used and make it mandatory for all vehicles to be fitted with silencers, three-wheelers, trucks and motorcycles remain the biggest contributors of noise. The police must discourage the use of loud fancy horns.

5. The Calcutta High Court in the year 1996 came down heavily on the use of loudspeakers in religious places during festivals and bursting of firecrackers during Diwali. The Court said that the noise level should not exceed 65 decibels. A small ear plug for a factory worker, often exposed to 110 decibel levels, can cut noise by up to 18 decibels.

6. Hearing is not the only thing at risk. Noise can play havoc with the nervous system, making a person irritable. Now research shows high decibel levels cause

the brain to press the panic button, constricting blood vessels and putting more pressure on the heart. This can mean high blood pressure and cardiac problems. Noise can also cause insomnia and impair sexual performance, also learning disability in children. The study shows that unborn babies are at risk too. The unborn child develops the organ of hearing in the fifth month of pregnancy and exposure to high levels of noise can affect the immature cochlea, the spiral cavity of the ear. The babies born may be hard of hearing because they are exposed to the loud clacking of looms long before they enter the world.

7. The Ministry of Environment and Forests has issued a notification on 14.2.2000 framing the Noise Pollution (Control and Regulation) Rules, 2000, which has already been notified on 14.2.2000, which mandates the State to take measuresfor abatement of noise including noise emanating from vehicular movements and ensure that existing noise levels do not exceed the Ambient Air Quality Standards as specified under those rules.

8. The Rules further provide that all development authorities, local bodies and other concerned authorities while planning developmental activities or carrying out functions relating to town and country planning shall take into consideration all the aspects of the noise pollution as a parameters of quality of life to avoid noise menace and to achieve objective of maintaining Ambient Air Quality Standards in respect of noise. In that regard, some restrictions have been imposed, wherein it was indicated that a loud-speaker or a public address system shall not be used except after obtaining the written permission from the authorities concerned and that equipments shall not be used at night (between 10 p.m. to 6 a.m.) except in closed premises for communication within, e.g., auditoria, conference rooms, community halls and banquet halls.

9. But it is really unfortunate that during the marriage ceremonies, religious functions and meetings as well as for the purpose of advertisement, the loudspeakers are fitted with a high beams in congested localities and halls are causing noise pollution as a result of which the ambient air quality is seriously affected but the authorities fail to check that menace, it is the duty of the State to protect the ambient air quality standards and the noise menace should not exceed

to more than the specified decibels mentioned in the schedule annexed to those rules. The learned Additional Chief Standing Counsel as well as Shri Kamlesh Singh both have submitted that in view of report already submitted, such a menace should be checked forthwith.

10. In view of the aforesaid situations, after hearing the counsel of the parties, we allow this writ petition by issuing a direction to the State Government to categorize theareas as laid down in the schedule to the Noise Pollution (Regulation and Control) Rules, 2000, in all cities with a population of ten lac and above to start with, enforce therein the Ambient Air Quality Standards in respect of noise to strictly enforce restrictions on the use of loud speakers/public address system between 10 p.m. to 6 a.m. as laid down in Section 5 of the Noise Pollution (Regulation and Control) Rules, 2000. We also direct the State Government Pollution Control Board, Lucknow to issue a comprehensive guidelines in respect of the use of loudspeakers, horns sirens in the vehicles and fireworks, on the lines issued by the Pollution Control Board, West Bengal. The State and D.G.P., U. P.. Is also directed to ensure that all vehicles under their charge are fitted only with normal, prescribed horns and sirens in conformity with the Motor Vehicles Rules and no person shall be allowed to move his vehicles fitted with siren, except the authorities who have been provided such a facility in accordance with the laws.

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