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Supreme Court, Rajasthan High Court & Tribunals

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONE BENCH AT BHOPAL**

ORIGINAL APPLICATION NO. 79 OF 2021

Consumer Unity & Trust Society (CUTS), Jaipur ...Applicant

Versus

State of Rajasthan & Ors. ...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Tarun Agarwal, Adv

Mr. Bhaskar Agarwal, Adv

For Respondent(s):

Mr. Shoeb Hasan Khan, Adv

SUMMARY OF THE ORDER

The Hon'ble Court directed the State of Rajasthan to compulsorily abide and implement the existing legislative framework on the subject matter amongst the following:-

1. That State shall comply with the directions laid by the Hon'ble Apex Court in ***In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high-volume producing sound systems, (2005) 5 SCC 733*** and ***Balwant Singh vs. Commissioner of Police, (2015) 4 SCC 801*** amongst various other judgments covering the issue. The Hon'ble Apex Court in *Balwant Singh* while dealing with the issue of rampant and unchecked noise pollution in State of Rajasthan, and in particular with respect to State capital i.e., Jaipur, directed compliance of the directions issued by it in its

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earlier judgment in *In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems*, wherein it directed States to inter alia ensure that:-

- i. No noise source shall exceed 10 dB(A) limit above the ambient noise standards for the area or 75 dB(A), whichever is lower; and
- ii. No horn should be allowed to be used at night (between 10 p.m. and 6 a.m.) in residential areas except in exceptional circumstances; and
- iii. The States shall make provision for seizure and confiscation of any noise source which is found to be creating noise beyond the permissible limits.

Further, the Hon'ble Court also recorded that above directions were issued in exercise of power conferred on the Apex Court under Article 141 and 142 of the Constitution and thus would remain in force in the State until modified by the Hon'ble Apex Court or superseded by an appropriate legislation.

2. That State shall comply with the directions laid by the special 5-member Principal Bench of Hon'ble NGT in ***Vardhaman Kaushik vs. Union of India & Ors.***, M.A. No. 284 of 2015 whereby the Hon'ble Tribunal vide its order dated 20.07.2016 observed that since the existing provisions of the Motor Vehicle Act, 1988 were insufficient to fulfil and secure the mandate of the Noise Rules, 2000, prescribed a fine of Rs. 5,000/- in the form of Environment Compensation per act of noise pollution, which is to be collected by Traffic Police and maintained in a separate account with a liberty to authorities to approach the Hon'ble Tribunal in event of default of payment by a defaulter of Environment Compensation.



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3. That State shall comply with the directions laid underneath in ***Hardeep Singh vs. South Delhi Municipal Corporation***, O.A. No. 519/2016 (P.B.) whereby the Hon'ble Tribunal directed the C.P.C.B. vide its Order dated 01/08/19 to devise the scale of compensation on the basis of 'Polluter Pays' principle to enforce the mandate and spirit of Noise Rules, 2000 and the ***Scales of Compensation*** devised by C.P.C.B.

The scheme devised by C.P.C.B. laid that in the event of violation of Rules, imposition of fine of Rs. 10,000/- and seizure of polluting source will be undertaken. C.P.C.B. also recommended that in whenever the Concerned Authority finds a vehicle which has contravened mandate of Rule 6(ii) of the Noise Rules, 2000 which proscribes blowing of horns in silent zones, the Concerned Authority shall 'seize' the polluting vehicle which will only be released on payment of fine of Rs. 10,000/- and any subsequent violation by the same polluter is liable to attract cancellation of the vehicle's operation permit in addition to the two/ three times the original fine for the second and third violation respectively.

4. The Hon'ble bench directed the State to direct automobile manufacturers that they shall provide information on sound levels of vehicles and sound emissions of a vehicle to the consumers at the point of sale and in technical promotional material under the Precautionary Principle.
5. That State shall direct automobile manufacturers that they shall necessarily provide the certificate of compliance issued under rule 120 (2) of Motor Vehicle Rules, 1989 or even that of horn/silencer etc. for each type approval shall also be provided to the automobile purchaser and also, the same shall be available on automobile manufacturer's website in public domain, for each prototype of vehicle.



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6. That State PCB shall notify the noise emission standards for vehicles at manufacturing and in- use stage as provided under the existing legislative framework and thereafter issue necessary directions under Section 20 of the Air (Prevention and Control of Pollution) Act, 1981, to the concerned Authorities for enforcement of such standards.
7. That State shall ensure strict compliance of Rule 115 sub-Rule (7) of the Central Motor Vehicle Rules, 1989 wherein it is stipulated that only vehicles that carry valid PUC Certificate issued by authorised agency will be permitted to ply in the State. Further the Hon'ble bench directed the State as follows:-
 - a. That State shall record the PUC data which shall be automatically linked with the Central Server by way of uniform standardized software;
 - b. That State shall limit the number of PUC centres and upgrade them under strong supervision and control so to foster quality;
 - c. That State shall link annual vehicle insurance and vehicle registration with PUC certificate;
 - d. That State shall develop and adopt uniform and standardized data recording and reporting format by way of software which shall automatically transmit PUC data through online network to the Central Server;
 - e. That State shall properly analyze PUC data for remote auditing of PUC centres;
 - f. That State shall strengthen inspection of PUC centres for quality control;
 - g. That State shall strengthen the licensing programme to ensure proper calibration authentic test;



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- h. That State shall float annual maintenance contracts for the maintenance of all testing equipment, training of operators, calibration of equipments and accessories;
 - i. That State shall upgrade testing centers for high level of automatic emission testing so that operators and vehicles drivers are prevented from manipulation of results;
 - j. That State shall introduce well equipped mobile test centres;
 - k. That State shall introduce a programme to detect and check visibly polluting vehicles.
8. That State should organize special talks and lectures in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it.
9. That Police and civic administration should be trained to understand the various methods to curb the problem and also the laws on the subject.
10. The State should encourage Residents Welfare Associations, Service Clubs and Societies engaged in preventing noise pollution and should be actively involved by the local administration.
11. The State should raise special public awareness campaigns in anticipation of festivals, events and ceremonial occasions where firecrackers are likely to be used or need to be carried out.

Tarun Agarwal & Bhaskar Agarwal (TBA LEGAL)

Counsels for Applicant