

HIGH COURT, BOMBAY  
0101533 to 0101540 (8 pages)  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE  
PUBLIC INTEREST LITIGATION NO. 104 OF 2003

Anil Moreshwar Tade & Ors:

Petitioners

V/s

The District Superintendent of Police, Sangli & Anr:

Respondents

Mr. Uday Warunjkar with Mr. B. Bandal and Mr H Marathe for the petitioners

Mr. P.M. Patil, Assistant Government Pleader for the respondents.

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CORAM : DAVEER BHANDARI, C.J. &

S.A. BOBDE, J.

**DATE : MARCH 30, 2005**

P.C.:

1. This Public Interest Litigation was filed praying that the respondents be directed to make the infrastructure available at every police station which is coming under the supervision and control of the respondents for the purpose of counting the decibel of the noise pollution under the Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter referred to as the "2000 Rules"). It is also prayed that the respondents be directed to take appropriate and immediate action under the 2000 Rules within a specified period.

2. It is incorporated in the petition that the cities of Sangli and Miraj are flooded with various vehicles, including two-wheelers, three-wheelers and four-wheelers and unless the noise is kept under control, the public at large will suffer. The petitioner further submits that as per the Rules, for commercial area, there should be maximum noise upto 65 decibels during day time and 55 decibels during night time. Similarly, for the Industrial area, 55 decibels during day time and 45 decibels during night time (my comment: it should be Residential Area and not Industrial area - perhaps the petitioner had made this error in the petition).

3. According to the Schedule of Ambient Air Quality Standards in respect of noise, some guidelines have been issued. The Schedule is reproduced as under :-

<u>Area Code</u>	<u>Category of Area/Zone</u>	<u>Limits in dB(A) Leq.*</u>	
		<u>Day time</u>	<u>Night time</u>
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

3. The petitioners also contended that in the heart of the city, there are stadiums. The said stadiums are ordinarily let out for the purpose of conducting get-together as well as social functions. The loud speaker as well as public address system are utilised for conducting such functions. The petitioners submit that the authorities on such occasions grant permissions to such organisers who are conducting such get-togethers or such functions. It is alleged that the respondents are not taking any action against such use of loud speakers, public address system and the petitioners have been

compelled to approach this court because of the inaction of the respondents.

4. Pursuant to the show cause notice issued by this Court, Neela Satyanarayana, Principal Secretary (Appeals & Security) to the Government of Maharashtra, Home Department, and A.M. Kamte, Superintendent of Police, Sangli, have filed their affidavits. It is mentioned in the affidavit of the Principal Secretary that the Ministry of Environment and Forest, Government of India, has framed the 2000 Rules and pursuant to the said rules, the Environment Department of the Government of Maharashtra has issued necessary Resolution dated 16.8.2000 laying down procedure and the power of the Designated Authority. It is mentioned that as regards availability of noise monitoring level meters for the effective implementation of the laws relating to noise pollution, at present 13 such meters have been provided to 13 Zonal Offices under the control of the Deputy Commissioner of Police in Mumbai city. In addition, five portable decibel meters have been purchased and provided for the offices of the Additional Commissioners of Police in different regions in Mumbai. In Zone I in South Mumbai, one such meter is provided along with the printer. However, 18 meters mentioned above are without printers. It is also mentioned that the Maharashtra Pollution Control Board has also provided one meter with printer and the same has been kept with the additional Commissioner of Police, South Region, Mumbai. It has been pointed out by the Commissioner of Police, Mumbai, that each police station will have to be provided with at least one meter along with printer for measuring decibel level.

5 It is also incorporated in the affidavit that as far as providing noise monitoring level meters in other Commissionerate and at District places, the office of the Director General of Police has issued instructions.

6. The Principal Secretary has filed another affidavit on 30.3.2005 which is handed over to us in Court. In this affidavit, it has been disclosed the steps which have been taken by the State Government for providing infrastructural facilities to police stations for the purpose of counting the decibel of noise pollution with a view to control the same.

**7. It is stated in the affidavit that 14 noise level monitoring meters were distributed among eight Commissionerates and two districts in Maharashtra and 22 meters were distributed by the Commissioner of Police, Mumbai, in various Zonal Offices and police stations in Mumbai. It is stated that provision of Rs. 1,85,34,880/- was made for the purpose of 133 noise level monitoring meters with printers.**

8. Pursuant to the above provisions, the process of calling for tenders and finalising the same has been completed by the office of the Director General of Police. Accordingly, the order for supply of 166 noise level meters along with printers and calibrators, as against proposed 133 meters, each at the rate of Rs. 1,11,160/- was placed with the suppliers and the same were supplied. **These meters have been distributed amongst the various Commissionerates and Superintendents of Police in all the districts of Maharashtra.**

9. It is also incorporated in the affidavit that after taking review of the utility of these meters and if necessary, additional meters will be purchased by making appropriate provisions for the same. So far as the Commissionerate of Mumbai is concerned, where the problem of noise pollution is more acute, the Commissioner of Police, Mumbai, will be at liberty to utilise the meters as per the requirement and can also purchase additional meters, if required, from the grants available with him.

10. According to the 2000 Rules, the definition of "authority" given in rule 2(c) means and includes any authority or officer authorised 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 Deputy Commissioner of Police is a designated authority. The learned Assistant Government Pleader appearing for the State submits that there are 12 Zones. **We direct the Deputy Commissioner of Police of each Zone to monitor noise level and take appropriate action, in accordance with law, against the erring people.**

11. The learned counsel appearing for the petitioners has drawn our attention to the provisions of section 190, 191 and 192 of the Motor Vehicles Act, 1988 and submits that even Officers who are incharge of law and order are not aware of these provisions. The State Government must ensure that proper training is given to those officers so that they are able to implement the provisions of the Act and the Noise Pollution (Regulation and Control) Rules, 2000 effectively. **The respondents to ensure that the concerned officers would be provided the requisite training in this regard.** Similarly, in rural areas, the Superintendent of Police are directed to ensure the maintenance of noise level. **The Director General of Police is directed to ensure the compliance of our directions meticulously. We direct him to periodically get the information that these provisions are effectively implemented and he would also be at liberty to take appropriate action against the officers who are not complying with these provisions strictly.** The public must be made aware about the provisions of the Motor Vehicles Act, 1988 and the Noise Pollution (Regulation and Control) Rules, 2000. The Director General of Police to ensure that public awareness programme is carefully conducted and he may take assistance of T.V., radio and the print media in this respect.

12. No further directions are necessary. This Petition is, accordingly, disposed of.

Sd/

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.