

GOVERNMENT OF TRIPURA  
DEPARTMENT OF SCIENCE, TECHNOLOGY AND ENVIRONMENT  
PT. NEHRU COMPLEX, AGARTALA

No.F.11(33)/DSTE/CC/Pt-I/461-73

Dated the 29<sup>th</sup> January 2014

MEMORANDUM - 07

Subject: Checking noise pollution.

Attention of all concerned is hereby drawn to the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 framed under the Environment (Protection) Act, 1986 as well as provisions of the Central Motor Vehicles Act, 1989, as applied to Tripura. The High Court of Tripura in Writ Petition (C) (PIL) 03 of 2013 has issued certain directions on the 20<sup>th</sup> January 2014 (copy enclosed). In compliance with the said directions, following action shall be taken by all concerned for checking noise pollution:

I. Action by Police

- (i) The Sub-Divisional Police Officer (SDPO) of the Subdivision shall be designated 'authority' as per Rule 2(c) of the Noise Pollution (Regulation and Control) Rules, 2000. Persons requiring use of loud speaker shall have to submit application under the prescribed format to the SDPO of the concerned area at least seven days before the date of use. The SDPO, on receipt of the said application, shall undertake enquiry, as deemed necessary, and give permission indicating the conditions to be complied with and copy of the same shall be endorsed to the SDM concerned. The permission may also be refused, if deemed necessary, indicating the reasons thereof. The SDPO, with help of officer-in-charge of the Police Station, shall take necessary action for ensuring that the directions indicated above are complied with and in the event of any violation, appropriate action shall be taken as per provisions of the relevant Act and Rules and the directions issued by the Hon'ble High Court.
- (ii) No loudspeaker or any sound producing instrument or a musical instrument or a sound amplifier shall be used at night time during 10 PM to 6 AM except within an auditorium, conference rooms, community hall, banquet hall or during public emergency.
- (iii) Under no circumstances, loudspeakers or other sound making instruments be permitted in the "silence zone" within a radius of 100 meters from any school, college, governmental hospital or court.

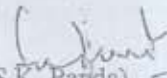
- (iv) The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB(A) the ambient noise standards specified for the area in which it is used.
- (v) Required equipment for measuring intensity of sound shall be made available to the SDPOs.
- (vi) Due care shall be taken for ensuring that the rules are obeyed in a graceful and civil manner as far as feasible and only in case of resistance by the violators, punitive action is to be taken.

## II. Action by other departments

- (i) The horns or other sound producing device on vehicles should comply with Rule 119 of the Motor Vehicles Rules. No vehicle with sound boxes should be permitted to ply. Requirement for complying with these should be indicated in the licence and looked into while issuing and renewing licence. While appropriate legal action may be taken for the first offence committed by the driver/vehicle, in case the offence happening for the second time, route permit, wherever applicable, of such vehicle/driver shall be cancelled and the sound box seized. (Action by Transport Department)
- (ii) Awareness regarding noise pollution should be generated among students, youth, enforcement agencies, civil society. For the purpose, wide publicity should be given to these in print and electronic media. (Action by ST&E/School Education/ICA Departments)
- (iii) Tripura State Pollution Control Board (TSPCB) shall organize capacity building on necessary technical guidance to concerned officials. The Board shall also keep general watch for maintaining ambient air quality standards for sound levels in different zones.
- (iv) All development authorities, local bodies and other concerned authorities, while planning development activity or carrying out functions relating to town and country planning, shall give due consideration to checking noise pollution as a parameter of quality of life to avoid noise menace and to achieve the objective of maintaining the ambient air quality standards in respect of noise. (Action by UD, PW Departments)

III. General

- (i) Implementation of the statutory provisions and directions of the Hon'ble High Court of Tripura, as indicated above, shall be monitored at the district level by the DM & Collectors with help of the District Superintendents of Police and other officials and at the State level by the Director General of Police.

  
(S.K. Panda)  
Chief Secretary  
Government of Tripura

To

1. Director General of Police
2. Chairman, Tripura State Pollution Control Board
3. Additional Chief Secretary, PWD
4. Secretary, Home/Transport/ST&E/UD
5. Chief Executive Officer, TTAADC
6. All DM & Collectors,
7. All District Superintendents of Police
8. All Sub-Divisional Police Officers

Copy to:

1. Secretary, Information & Cultural Affairs with request to issue due publicity.
2. Director, Tripura Government Press with request to publish the same in the Tripura Gazette.

Copy for favour of information to:

1. ACS to Chief Minister
2. PS to all Ministers
3. PS to all Secretaries



Format for submission of application seeking permission for use of loudspeaker /  
public address system.

1. Name and address of the :  
application
2. Contact number :
3. Date and time of use of :  
loudspeaker/public address system:
4. Place/location of use of the :  
loudspeaker/public address system:
5. Details of equipment sought to be :  
used.

Undertaking

I / We hereby undertake to comply with the relevant provisions of the Noise Pollution (Regulation and Control) Rules, 2000 and the directions of the Hon'ble High Court of Tripura dated the 20<sup>th</sup> January 2014 in Writ Petition (C) (PIL) 03 of 2013, as relevant for the purpose.

(Signature of the person seeking permission)

Format for granting permission for the use of loudspeaker/public address system

No. \_\_\_\_\_  
Office of the Sub-Divisional Police Officer  
\_\_\_\_\_ Sub-Division

Dated, the \_\_\_\_\_, 2014

Order

In exercise of the powers under Rule 2(c) of the Noise Pollution (Regulation and Control) Rules, 2000 framed under the Environment (Protection) Act, 1986, and the Notification No.F.11(33)/DSTE/CC/Pt-I dated the 29<sup>th</sup> January 2014 of the Department of Science, Technology & Environment, Government of Tripura, permission is hereby granted to ..... for use of loudspeaker/public address system at the place and on the date(s) specified below:

1. Name of the place and its location :
2. Date(s) for which the permission given : On ..... /  
From .....(date) to .....(date)
3. Time allowed for use of the loudspeaker/public address system : From ..... (hrs.) to ..... (hrs.)
4. Specification of the loudspeaker/public address system allowed :

The above permission is subject to the following conditions:

- (i) The loudspeaker or public address system shall not be used at night time (between 10-00 pm and 6-00 am).
- (ii) The noise level at the boundary of the public place, where loudspeaker or public address system is being used, shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A), whichever is lower.
- (iii) Any violation of the conditions will lead to cancellation of the permission and make the person(s) liable for penalty, as laid down under the said Rules.

Sub-Divisional Police Officer

Copy to:  
The Sub-Divisional Magistrate, \_\_\_\_\_

BEFORE  
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA  
HON'BLE MR. JUSTICE S. TALAPATRA

Court on it's own motion  
Vrs.  
State of Tripura & Others.

Present :

For the petitioner : None.  
For the respondents : Mr. T.D. Majumder, G.A.,  
Mr. P. Roy Barman,  
Advocate.

20.01.2014  
(Deepak Gupta, C.J.)

A letter addressed to one of us (Deepak Gupta, C.J.) by some students has been treated to be a writ petition in the public interest.

By means of this letter, the students have complained that due to unauthorized use of loudspeakers at night their studies are being affected.

On 23-12-2013, the Registrar General of this Court had addressed a communication to the District Magistrate & Collector, West Tripura, Agartala as well as the Superintendent of Police, West Tripura, Agartala informing them that this Court had taken note of the said letter and had directed them to comply with the judgments and orders of the Apex Court in Noise Pollution cases reported in (2005) 5 SCC 728, (2005) 5 SCC 730, (2005) 5 SCC 733, (2005) 8 SCC 794 and (2005) 8 SCC 796. Thereafter, the matter came up for hearing on 07-01-2014 when Shri T.D. Majumder, learned G.A., put in appearance for the respondent nos. 1 to 3. On 13-01-2014 when the matter was taken up,



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High Court of Tripura,  
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on the prayer of the counsel for the respondents, time was granted till today to file the affidavit.

As far as the affidavit of the Pollution Control Board is concerned, it states that after the letter was received from the Registrar General of this Court, the noise level was measured outside the houses of certain individuals. We are not concerned with individual disputes at the present stage and we are, therefore, not naming the individuals, but there is no doubt that in both the cases the noise levels were found to be much above the prescribed level.

The Superintendent of Police as well as the District Magistrate in their affidavits have stated that they are complying with the directions of the Supreme Court issued from time to time and that they are taking action as required by law. They have annexed a copy of an advertisement issued in one newspaper on 17-03-2012 more than a year and a half back. They have also placed on record some other notifications regarding banning of bursting of crackers during puja and Diwali festivals. Other than that we have find no other material as to what action was taken against people who violated the law. We are constrained to observe that these senior functionaries who are supposed to implement the law and ensure that the directions of the Apex Court are complied with have turned a blind eye to the total violation of the law and a deaf ear to the disturbingly loud playing of loudspeakers day in and day out in the State of Tripura.

We on the Bench ourselves are aware that every night loudspeakers are being used in some area or the other of Agartala town for religious and other

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purposes. Can the Administration and police claim that they are ignorant about this blatant violation of law when each and every citizen is otherwise aware of it.

The issue of noise pollution has been the subject matter of a number of decisions. Normally in view of the directions issued by the Apex Court from time to time, this Court would not have been required to refer to all the decisions, but since the Administration in the State seems to be total ignorant about the decisions delivered by the Apex Court from time to time, this Court is compelled to refer to these judgments.

In the 5<sup>th</sup> Noise Pollution Control Case decided on 18<sup>th</sup> July, 2005, In Re, Noise Pollution [(2005) 5 SCC 733], the Supreme Court dealt with all the issues relating to noise pollution. The following observations of the Apex Court need to be highlighted:-

" 10. Article 21 of the Constitution guarantees life and personal liberty to all persons. It is well settled by repeated pronouncements of this Court as also the High Courts that the right to life enshrined in Article 21 is not of mere survival or existence. It guarantees a right of persons to life with human dignity. Therein are included, all the aspects of life which go to make a person's life meaningful, complete and worth living. Human life has its charm and there is no reason why life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent noise as pollutant reaching him. None can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance. How and when a nuisance created by noise becomes actionable has to be answered



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by reference to its degree and the surrounding circumstances, the place and the time."

The Apex Court dealt with the argument raised before it that under Article 19(1)(a) which guarantees freedom of speech and right to expression, people have a fundamental right to create nuisance and be heard. The Apex Court had this to say:



"11. xxx xxx xxx

Nobody can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers. While one has a right to speech, others have a right to listen or decline to listen. Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or mind of others. Nobody can indulge in aural aggression. If anyone increases his volume of speech and that too with the assistance of artificial devices so as to compulsorily expose unwilling persons to hear a noise raised to unpleasant or obnoxious levels, then the person speaking is violating the right of others to a peaceful, comfortable and pollution-free life guaranteed by Article 21."

Section 2(a) of the Air (Prevention and Control of Pollution) Act, 1981, includes noise in the definition of "air pollutant". Noise is a nuisance and a health hazard. In fact, in modern days, noise has become one of the major noise pollutants and has a serious deleterious effect on human health. The Apex Court identified the various ways in which noise can adversely affect the right of the citizens. These are (i) Hearing Loss, (ii) Interference with Communication, (iii) Disturbance of sleep, (iv) Annoyance, (v) Effect on performance, (vi) Physiological effects, (vii) Adverse effect of noise on the unborn child, and (viii) Ill effects on the unborn, children and human beings generally.

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The Apex Court also identified the following as a major source of noise pollution:-

(i) Road traffic noise, (ii) Aircraft noise, (iii) Noise from railroads, (iv) Construction noise, (v) Noise in industry, (vi) Noise in buildings, (vii) Noise from consumer products, (viii) Noise of the fireworks, and (ix) Noise from festivals.

The Apex Court thereafter dealt with the various legal provisions relating to noise pollution in many other countries like UK, USA, China, Japan, Australia etc.

The statutory provisions relating to control of noise pollution as far as India is concerned are the Noise Pollution (Regulation and Control) Rules, 2000. These have to be read in conjunction with the provisions of Sections 268 of the Indian Penal Code, Section 133 of the Code of Criminal Procedure, Section 89 of the Factories Act and Rules 119 and 120 of the Central Motor Vehicles Rules.

We are mainly concerned with the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 framed under the Environment (Protection) Act, 1986.

Rule 3 lays down the ambient air quality standards in respect of noise for different areas/zones of industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise, standards for different area.

We have been informed at the Bar that no notification has been still issued in the State of Tripura in this regard. If no such notification has been issued, the



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State shall issue a notification in this behalf latest by 31-03-2014.

Sub Rule (3) of Rule 3 casts a duty upon the State Government to take measures for abatement of noise including the noise emanating from vehicular movements, blowing of horns, bursting of sound emitting fire crackers, use of loud speakers or public address system or sound producing instruments. It is the duty of the State to ensure that the existing noise level do not exceed the ambient air quality standards prescribed under the rules.



Sub Rule (4) casts a duty upon all development authorities, local bodies and other concerned authorities while planning development activity to ensure that the noise levels are maintained as prescribed under the rules.

Sub Rule (5) is very important for our purpose. This rule prescribes that an area comprising not less than 100 metres around any hospital, educational institutions and court may be declared as silence area/zone for the purpose of these rules.

A bare perusal of these rules shows that at the barest minimum, the area of 100 metres from the periphery of a hospital, educational institutions and a court must be a silence zone and the noise levels maintained like a silence zone. It appears that the authorities are totally ignorant about this sub-rule (5) because just outside the GB Hospital, kirtan was being held and loudspeakers being played throughout the night.

Rule 4 of the rules provides that that the noise levels in the particular zone will not exceed the ambient

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air quality standards in respect of noise as specified in the Schedule. The authorities are responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

Rule 2(c) defines "authority" to mean any authority or officer authorized by the Central Government or the State Government 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.

It is not clear whether any authority has been declared in the State of Tripura or not, but till such declaration is made, we by this judicial order direct that all District Magistrates, Superintendent of Police and all Deputy Superintendent of Police within their respective jurisdiction shall be deemed to be authorities within the meaning of these rules.

Rule 5 of the rules clearly provides that a loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

Sub-rule (2) of Rule 5 provides that no loud speaker or public address system or any sound producing instrument or a musical instrument or a sound amplifier shall be used at night time during 10 p.m. to 6 a.m. except within an auditorium, conference rooms, community hall, banquet hall or during a public emergency.

Sub-rule (3) permits the State Government in certain cases to permit the use of loud speaker or public

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address system during night hours between 10 p.m. to 12 midnight during cultural or religious occasions, but the power is limited to giving this exemption only for a total period not exceeding 15 days in an entire calendar year. The rule also provides that the State Government should generally specify in advance, the number and particulars of the days on which such exemption would be operative.

Even where such use of loud speakers or public address system is allowed, the noise source should not exceed 10 decibels (db) above the ambient noise standard or 75 dB whichever is lower. Therefore, under no circumstance can the sound level be higher than 75 dB. In case of privately owned sound systems, the sound at the boundary of the private place where such permission is granted should not exceed more than 5 dB of the ambient noise standards.

Rule 5A provides that no horn shall be used in a silence zone or during night time in residential areas except during a public emergency. Similarly, sound emitting fire crackers shall not be burst in silence zone or during night time. These standards have been laid down by the Central Government and these standards applied to the entire country and these standards are required to be strictly complied with throughout the country.

Rule 119 of the Central Motor Vehicles Rules, 1989 provides that no motor vehicle including an agricultural tractor shall be fitted with a multi toned horn giving a succession of different notes or any other sound producing device which gives an unduly harsh, shrill, loud or alarming noise. Every such horn should be constructed and maintained to comply with the noise

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standards laid down in the Environment (Protection) Rules.

The Apex Court also referred to a large number of decisions of various High Courts which had prohibited the use of multi toned horn also commonly known as pressure horn. The Apex Court approved the decisions of the Punjab High Court and the Calcutta High Court in this regard.

*In Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association [(2000) 7 SCC 282]*, the Apex Court held that the noise pollution rules would apply even if such noise was a direct result of and was connected with religious activity. The Apex Court held as follows:-

*"Undisputedly, no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice amplifiers or beating of drums. In our view, in a civilized society in the name of religion, activities which disturb old or infirm persons, students or children having their sleep in the early hours or during daytime or other persons carrying on other activities cannot be permitted. It should not be forgotten that young babies in the neighbourhood are also entitled to enjoy their natural right of sleeping in a peaceful atmosphere. A student preparing for his examination is entitled to concentrate on his studies without there being any unnecessary disturbance by the neighbours. Similarly, the old and the infirm are entitled to enjoy reasonable quietness during their leisure hours without there being any nuisance of noise pollution. Aged, sick, people afflicted with psychic disturbances as well as children up to 6 years of age are considered to be very sensible (sic sensitive) to noise. Their rights are also required to be honoured.*

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Under the Environment (Protection) Act, 1986, rules for noise-pollution level are framed which prescribe permissible limits of noise in residential, commercial, industrial areas or silence zone. The question is—whether the appellant can be permitted to violate the said provisions and add to the noise pollution. In our view, to claim such a right itself would be unjustifiable. In these days, the problem of noise pollution has become more serious with the increasing trend towards industrialisation, urbanisation and modernisation and is having many evil effects including danger to health. It may cause interruption of sleep, affect communication, loss of efficiency, hearing loss or deafness, high blood pressure, depression, irritability, fatigue, gastrointestinal problems, allergy, distraction, mental stress and annoyance etc. This also affects animals alike. The extent of damage depends upon the duration and the intensity of noise. Sometimes it leads to serious law and order problem. Further, in an organised society, rights are related with duties towards others including neighbours.”

After dealing with the entire law, the Apex Court issued the following directions:-

“ (i) Firecrackers:-

174. 1. On a comparison of the two systems i.e. the present system of evaluating firecrackers on the basis of noise levels, and the other where the firecrackers shall be evaluated on the basis of chemical composition, we feel that the latter method is more practical and workable in Indian circumstances. It shall be followed unless and until replaced by a better system.

2. The Department of Explosives (DOE) shall undertake necessary research activity for the purpose and come out with the chemical formulae for each type or category or class of firecrackers. DOE shall specify the proportion/composition as well as the maximum permissible weight of every chemical used in manufacturing firecrackers.



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3. The Department of Explosives may divide the firecrackers into two categories—(i) sound-emitting firecrackers, and (ii) colour/light-emitting firecrackers.

4. There shall be a complete ban on bursting sound-emitting firecrackers between 10 p.m. and 6 a.m. It is not necessary to impose restrictions as to time on bursting of colour/light-emitting firecrackers.

5. Every manufacturer shall on the box of each firecracker mention details of its chemical contents and that it satisfies the requirement as laid down by DOE. In case of a failure on the part of the manufacturer to mention the details or in cases where the contents of the box do not match the chemical formulae as stated on the box, the manufacturer may be held liable.

6. Firecrackers for the purpose of export may be manufactured bearing higher noise levels subject to the following conditions: (i) the manufacturer should be permitted to do so only when he has an export order with him and not otherwise; (ii) the noise levels for these firecrackers should conform to the noise standards prescribed in the country to which they are intended to be exported as per the export order; (iii) these firecrackers should have a different colour packing, from those intended to be sold in India; (iv) they must carry a declaration printed thereon something like "not for sale in India" or "only for export to country AB" and so on.

(ii) Loudspeakers:-

175. 1. The 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.

2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10.00 p.m. and 6 a.m.) except in public emergencies.



3. The peripheral noise level of privately-owned sound system shall not exceed by more than 5 dB(A) than the ambient air-quality standard specified for the area in which it is used, at the boundary of the private place.

(iii) Vehicular noise:-

176. No horn should be allowed to be used at night (between 10 p.m. and 6 a.m.) in residential area except in exceptional circumstances.

(iv) Awareness:-

177. 1. There is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the textbooks which teach civic sense to the children and youth at the initial/early-level of education. Special talks and lectures be organised in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it. Police and civil administration should be trained to understand the various methods to curb the problem and also the laws on the subject.

2. The State must play an active role in this process. Resident Welfare Associations, service clubs and societies engaged in preventing noise pollution as a part of their projects need to be encouraged and actively involved by the local administration.

3. Special public awareness campaigns in anticipation of festivals, events and ceremonial occasions whereat firecrackers are likely to be used, need to be carried out.

The abovesaid guidelines are issued in exercise of power conferred on this Court under Articles 141 and 142 of the Constitution. These would remain in force until modified by this Court or superseded by an appropriate legislation.



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(v) Generally:-

178. 1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipment as are found to be creating noise beyond the permissible limits.

2. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air-quality standards in respect of noise for different areas/zones, categorization of the areas for the purpose of implementation of noise standards, authorising the authorities for enforcement and achievement of laid down standards. The Central Government/ State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done.

179. Though, the matters are closed consistently with the directions as issued above in public interest, there will be liberty of seeking further directions as and when required and in particular in the event of any difficulty arising in implementing the directions."

These directions of the Supreme Court are mandatory directions required to be followed by each and every one of us. The law laid down by the Apex Court binds each and every person in the country.

On perusal of the affidavits of the District Magistrate and the Superintendent of Police, we are not at all satisfied that any action was being taken by these authorities to control or check noise pollution. As observed by us earlier, the officials appear to be totally ignorant of the various directions issued. An important duty is also cast upon the State as well as the State Environment (Protection) and Pollution Control Board, respondent no.4, to ensure that there is sufficient dissemination of



knowledge to the public and specially the younger generation about these rules.

We have requested Mr. D.K. Biswas, learned counsel, to assist us in this case as amicus curiae.

By the next date, the learned counsel for the parties including the amicus curiae shall submit to us a list of NGOs or other public spirited organizations who can help the State and the State Pollution Control Board in the task of dissemination of knowledge with regard to prevention of noise pollution. Sufficient material should be made available to various organizations like the Rotary Club, Lions Club or other social Clubs working in the State of Tripura as well as the Clubs functioning in the different localities not only of Agartala but of all the towns in the State of Tripura. They shall all be supplied with a copy of this order also by the State. The respondent-State shall also ensure that such information is made available to all religious organizations in each and every district of the State of Tripura.

As directed by us above, the State of Tripura shall ensure the necessary notifications with regard to declaration of authorities and zoning of areas as provided in the rules is done latest by 31<sup>st</sup> March, 2014.

We also direct the State to ensure that sufficient number of equipment is made available to the concerned authorities so that they can measure the sound levels at different places. This be also done latest by 31<sup>st</sup> March, 2014.

The District Magistrate shall ensure that widespread publicity is given to the noise pollution rules referred to by us above and a synopsis of the rules and the notification in the local languages i.e. Bangla and Kokbarak can be circulated in the newspapers having circulation in the area as well as by giving due publicity on All India

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Radio and Doordarshan. We also call upon the local TV channels to disseminate information in this regard as this is their corporate social responsibility to ensure that they disseminate knowledge to the people.

As held by us earlier, Rule 119(2) of the Central Motor Vehicles Rules prohibits the use of multi toned horns or any other sound producing device which gives an unduly harsh, shrill, loud or alarming noise. Only those horns can be used on vehicles which meet with the requirements of the bureau of Indian standard. However, we have noticed that pressure horns and multi toned horns are being used with impunity in the State of Tripura. The State is directed to ensure that adequate steps are taken to ensure that there is no violation of the Rule 119 of the Central Motor Vehicles Rules, 1989.

We direct the State to issue directions within one week from today to all the District Magistrates, Superintendent of Police, Deputy Superintendent of Police and any other authority which the State deems fit including Sub-Divisional Magistrates, registering and licensing authorities, Motor Vehicle Inspectors to ensure the compliance with the rules.

Multi toned horns/pressure horns are normally not used on private vehicles and are used mainly on public transport vehicles. All these public transport vehicles have to obtain a fitness certificate. When the fitness certificate is obtained, the authority granting such fitness certificate must ensure that there is no multi toned horn fixed in the vehicle.

We have also found that in the State of Tripura many vehicles are plying in which huge sound boxes have been fixed and music is played at very high decibel levels. Such sound boxes cannot be permitted in any car/vehicle



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and this is a violation of the Motor Vehicles Rules. The District Magistrates and the Superintendent of Police shall ensure that no vehicle is permitted to ply which has such sound box. In the case of vehicles which are required to have route permits to ply as commercial vehicles after removal of the sound box, notice shall be given to the owner and the data shall be entered in a computer. In the case of second violation by the owner of the vehicle, the route permit shall be cancelled and no fresh route permit shall be granted without permission of the Court. The sound boxes shall also be seized and not released without the orders of the Magistrate.

We hold the District Magistrates and the Superintendent of Police responsible to fully and absolutely comply with and strictly implement all directions contained in the aforesaid order and the Act and the Rules. They shall be answerable to the Court to ensure that the law is complied with and implemented in letter and spirit. Any violation of the law may also in certain circumstances be treated as contempt of Court by these officials.

The urgency of these directions cannot be overstated. The young children have to appear for their most important Class-X and XII examinations in the month of March. The students of Tripura face the problem of living in a State which is virtually cut off from the rest of the country. If they are to compete at the national level and fight with those who have the advantages of living in the main part of the country, we must ensure that the environment is conducive to study. It is, therefore, the duty of the State to ensure that no violations with regard to noise pollution norms take place.

Whatever may have happened in the past, we do not want to rake up old matters. However, as from today, it

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is the duty of the State to ensure that the law is complied with in letter and spirit and any violation of the law shall be strictly dealt with by this Court and the concerned officials may have to face contempt action from this Court if the law is violated.

We again reiterate that under no circumstances will loudspeakers or other sound making instruments be permitted within a radius of 100 metres aerial distance as the crow flies from any school, college, Government hospitals, Court or office. Till Rules in this behalf are framed by the State, we empower the District Magistrates, the Superintendent of Police, the Deputy Superintendent of Police and any other authority as may be notified by the State Government to seize the equipment which is used for noise pollution. Once that equipment is seized, it shall not be released without obtaining orders of the concerned Magistrate. In case of second offence by any owner/supplier of the equipment, the equipment shall not be released till orders are obtained from this Court. The Magistrate shall only permit the equipment to be released on that person or the owner/supplier of the equipment filing an affidavit that he shall comply with the law in future.

We are aware that the practice of playing music and sound at high decibel level often takes place at marriages, birthday parties and also at religious and social functions. When the concerned authorities go to these functions to stop the playing of music at high decibel level or to stop music in the prohibited hours, they shall respect the sentiments of the people and politely tell them about the orders of the Court. The orders of this Court must be obeyed but this can be ensured in a graceful and civil manner. In case the organizers of such events put up resistance or object to the officials carrying on their duties

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they can be challaned and prosecuted in Court and in addition thereto, the concerned authority can file an application in this Court that such person(s) has violated the orders of this Court and then contempt proceedings can be initiated against the said person(s). In case, the organizers (other than proposed tent house services and sound system provider, disc jockeys etc.) voluntarily obey the orders of this Court, their equipment shall not be seized but in case they put up resistance or try to defy the orders of the Court, then the sound system shall be seized. As far as the case of tent house providers, sound system providers, disc jockeys etc. is concerned, the equipment shall straightway be seized.

In case of pressure horns/multi toned horns, as soon as a pressure horn or multi toned horn is detected in the vehicle, the concerned officials shall remove the horn and destroy the same at the spot after making entry in a register to be maintained in this regard.

The authorities shall also prepare a data base with the number of the vehicle, name of the driver of the vehicle and owner who were challaned for using pressure /multi toned horns and this data shall be maintained in such a manner so that if a second offence is committed by them it is easy to identify the owner and driver of the vehicle. In case of repeated offences by them, the vehicle can be seized by the authorities concerned and shall not be released except with the permission of this Court.

A copy of this order shall be supplied to Mr. T.D. Majumder, learned G.A., Mr. P. Roy Barman and Mr. D.K. Biswas, learned Advocates within 48 hours from today.

The Registry is directed to supply Mr. D.K. Biswas, learned amicus curiae with a complete copy of the paper book.

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List the matter on **03-02-2014** by which time the District Magistrates as well as the Superintendent of Police of all the districts shall file affidavits in this Court stating what action has been taken in compliance of this order.



Sd/- S. Jaiswara  
Judge

Sd/- Deepan Gupta  
Chief Justice

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