IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 1997 of 2019

Jharkhand Civil Society through its
Core Committee Member Atul Gera … **Petitioner**
Versus
The State of Jharkhand & Others … **Respondents**

WITH
Cont. (Civil) Case No. 246 of 2019

Court on its own Motion
Versus
The State of Jharkhand … **Opposite Party**

CORAM : SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.

For the Petitioner : Ms. Khushboo Kataruka, Advocate
For the Respondents : Mr. Piyush Chitresh, AC to AG
Mr. Rahul Saboo, Advocate

08/ 19.09.2023 Upon hearing the learned counsel for the parties, this Court passed the following (Per Sanjaya Kumar Mishra, C.J.):-

O R D E R

1. The learned counsel for the petitioner submits that she has received the Counter Affidavit filed on 10.07.2023 by the Jharkhand State Pollution Control Board and also the Counter Affidavit filed by the Sub Divisional Officer, Sadar at Ranchi. She submits that though in the counter affidavit filed by the State, reference of Notification has been mentioned about declaring certain areas / zones as Silence Zones, fixing the decibel limits and the time, but the same is not being monitored by the State. Further, she states that the prosecution, which has been launched by the State against the defaulters and the noise polluters, is not sufficient and it is merely an eye wash. There is nothing in the said counter affidavit to suggest as to how the State intends to check the noise pollution arising from use of loud speakers, sound amplifiers, public address systems or any other source of noise. She submits that there is no proper mechanism or authority designated through which or before whom any aggrieved person can raise his grievance, complaining about sound pollution caused by use of loud speakers, sound amplifiers, public address systems or any other source of sound. As per her, during the forthcoming festive season, respondents should monitor the sound

pollution. She prays to pass an appropriate order to ensure minimizing the sound pollution. She refers to a judgment of the Hon'ble Supreme Court in the case of ***Noise Pollution (V) IN RE*** reported in ***(2005) 5 SCC 733.***

2. Learned counsel appearing for the State submits that they had taken steps to minimize the noise pollution and to combat the same. It is their case that five prosecutions have been initiated against persons, who have violated norms. In those cases several materials viz. amplifier box etc. have been seized. Further, huge amount of fine has been collected while checking noise pollution in connection with the Motor Vehicles Act. Senior Superintendent of Police, Ranchi has instructed all the Officers-in-Charge of the Police Stations for strict enforcement of Noise Pollution Rules, 2000. The sound level meters and decibel meters have been procured and provided to the Police Stations, signage have been installed declaring several places including areas near hospitals, educational institutions as "Silence Zones". As per the State, they had conducted a meeting with the D.J. Sound and Loud Speaker Operators and made them aware of the Noise Pollution Rules. On this basis, they submit that several actions have been taken by them to minimize the noise/sound pollution.

3. The Jharkhand State Pollution Control Board has also filed a separate counter affidavit, wherein they have submitted that several "Silence Zones" have been declared. A notification to such effect has already been published. They have also submitted that vide Notification No.477 dated 07.02.2020, areas within a distance of 100 meters of the premises of private hospitals located in 24 districts of the State, with 50 and above number of beds registered under Ayushman Bharat Yojna and all Sadar Hospitals located in the State, have been declared "Silence area/Zone". Noise limit has already been prescribed in different areas, residential areas etc. As per them noise pollution zones are being regularly monitored.

4. Learned Counsel appearing for the petitioner counters that the action of the respondents in declaring "Silence Zones" near the Hospitals having capacity of 50 beds is without any rationale, inasmuch as areas near all the hospitals irrespective of number of beds, should be declared as "Silence Zones".

5. After going through both the counter affidavits, we are not fully satisfied with the action taken by the Respondents. Prima facie, we feel that

what is the rationale to declare the areas near a Hospital having capacity of 50 beds or more, only as “silence zones” have not been explained. Further, though in the counter affidavit, it has been mentioned that all the Sub Divisional Officers, Sub Divisional Police Officers, City Deputy Superintendents of Police, Senior Superintendents of Police are entrusted to ensure compliance of the notifications, but there is nothing to suggest as to before whom a person aggrieved by noise pollution, can approach, in cases of emergency where there is immense threat of noise pollution. Further, there is nothing in the counter affidavit to suggest what steps they propose to take to control the sound pollution, which is caused by drums or tom-tom or by playing trumpets, and/or how the Noise Pollution Regulations and Control Rules are being implemented.

Thus, we direct the respondents to file fresh affidavit clarifying all the aspects.

6. In the interregnum, we pass the following order for immediate compliance: -

(i) From 10.00 p.m. to 06.00 a.m., there will be a complete ban on use of loud speakers, public address systems, sound amplifiers;

(ii) No one shall beat a drum or tomtom or play trumpant or use any sound instruments or use any sound amplifier at night between 10.00 p.m. to 06.00 a.m. except in public emergency.

(iii) Area within 100 meters radius of any hospitals or nursing homes irrespective of capacity, should be declared as “Silence Zone”;

(iv) The noise level at the boundary of public place, where loud speakers or public address system or any other systems 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.

(v) 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.

(vi) During any festivities, the appropriate authority under the Noise Pollution Control and Regulation Rules, 2000 may relax the period of ban from 10.00 p.m. maximum till 12.00 mid night. No relaxation can be granted beyond 12.00 mid night.

(vii) Deputy Commissioners of each district should immediately notify the officials along with their mobile numbers to whom, any one aggrieved by the noise pollution can raise their grievance. Similarly, mobile numbers of mobile PCR vans. should also be notified and published before whom any aggrieved person may make complaint against the noise pollutants.

(viii) On receipt of any complaint, the authority will take appropriate steps including immediate seizure of sound amplifiers, loud speakers, public address systems etc and thereafter proceed in accordance with law.

7. Let both these matters be listed on 5th December, 2023.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)

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