



**STATE ACTION PLAN FOR CONTROL OF NOISE
POLLUTION UNDER THE NOISE POLLUTION
(REGULATION AND CONTROL) RULES, 2000
AS AMENDED IN 2010**

IN SIKKIM

**INCLUDING
STATUS OF ACTION TAKEN BY THE STATE**

Prepared by:



**Forest and Environment Department
Government of Sikkim
(December, 2020)**



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In compliance with the direction of Hon'ble National Green Tribunal, Principal Bench, New Delhi dated 15/3/2019 in Original Application No.681 of 2018 in the matter of News Item Published in the "Times of India" titled as "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"

And

In compliance to the direction of Hon'ble National Green Tribunal in connection with Original Application No.158 of 2016 (EZ) dated 26/03/2019, Subash Datta Vrs. State of West Bengal and Others





1. Introduction

Sikkim is a small Himalayan State in the North East India and is the 22nd State in the Indian Union with 6.10 lakh population (2011 Census). The state is fast developing and it is a known fact that the increase in population means more demands of infrastructure like road network connectivity, buildings, health facilities, communication, food crops, educational institutions etc. to meet the needs of growing populace in both urban and rural areas. The population density is 86 per sq.km.

Sikkim is full organic state and is also *Swaccha Nirmal Rajya* and open defecation free. But with the pace of development, the activities increased by manifold which pose environmental pollution. There are not many industries and factories in the State but the numbers of pharmaceutical companies have increased in the last few years.

Ambient noise level in public places from various sources like construction activity, DG sets, stone crushers/breakers, use of power chain saws, industrial activity and sound producing devices like public address system, music system, playing of musical instruments through loud speaker, honking of horns and many other mechanical devices increases. The increased noise level beyond threshold level in public places from above mentioned activities will have harmful effects on human health like impairment of hearing and physiological well being of the people.

It is therefore, necessary to control and regulate the noise level from various sources during different point of times to maintain the ambient air quality standards in respect of noise.





2. Background

The Hon'ble National Green Tribunal, Principal Bench, New Delhi in its order dated 15/3/2019 in Original Application No.681/2018 directed to the States/UTs as under:

- “The State Pollution Control Boards may undertake noise level monitoring in conjunction with the Police Department and take remedial action. The Police Department of all the States/UTs may obtain the noise monitoring devices within a period of three months and specification of such devices may be finalized in consultation with respective State PCBs/Pollution Control Committees (PCCs). The Police Department of all States / UTs may also train their staff regarding the use of such devices and develop a robust protocol for taking appropriate action against the defaulters. The CPCB may explore the possibility in consultation with the leading manufacturers of public address systems and other manufacturers of such instruments, to manufacture such equipments wherein the noise meters with data loggers are fitted therein so that as and when the prescribed parameters are violated, the same gets recorded and received by the regulators for fixing the responsibility on the violators. The Chief Secretary may finalise action plans in this regard within three months and submit the same to CPCB. CPCB may give its report by July 15, 2019.”

The Hon'ble National Green Tribunal, Principal Bench, New Delhi in another matter in its order dated 26/03/2019 in O.A. No.158 of 2016 (EZ) through video conferencing directed as under;

- “The Director General of Police of the States impleaded along with the Chief Secretaries and State Pollution Control Boards are directed to file a detailed report regarding the steps taken for enforcement of the Noise Pollution Rules, 2000 and any prosecution has been initiated or launched or any compensation recovered from any of the persons who have violated the rules. They are also directed to file their detailed report showing the mitigation measures that they are going to take to enforce the rules strictly.”





3. Action Taken in respect of Control of Noise Pollution

There are no Cities/towns falling under the non-attainment cities in terms of air pollution. However, the State Government has taken several steps towards combating noise pollution through various notifications, orders, directions etc.

1. The State Government has notified the entire State of Sikkim as Air Pollution Control Area under sub section (1) of section 19 of the Air (Pollution and Control of Pollution) Act, 1981 vide notification no. 03/FEWMD dated 05.09.2011.
2. The State Government through Gazette Notification no.187/FEWMD dated 19th December 2014 imposed prohibition on the manufacture, sale and use or bursting of all types of fire cracker including any sound emitting or illuminating type of firecrackers within the state of Sikkim.
3. SPCB-Sikkim carries out noise level monitoring during pre-Deepawali and post Deepwali at State Capital every year and noise level are well within the prescribed limit of 65db(A) Leq.
4. Every year an Appeal is brought out by the SPCB-Sikkim in local newspaper before Durga Puja and Deepawali festival informing the general public about the firecracker ban in the State and imploring the masses to celebrate the festive occasion in a pollution & noise free manner by refraining from bursting of firecrackers.
5. All Municipal areas in the State Capital stretching from Ranipool to Tashi View point & other important areas has been notified as No Horn Zone by the Motor Vehicles Division, Transport Department, Govt. of Sikkim vide notification no. GOS/MVD/T/2018-19/197 dated 07.05.2019
6. SPCB-Sikkim in co-ordination with CPCB, Regional Office, Shillong provided training to Police Officials on noise pollution monitoring and sensitized them about the provision of the Noise Pollution (Regulation and Control) Rules, 2000 and amendment thereof on 15.11.2019.





7. The State Environmental Information System (ENVIS Hub) of Forest and Environment Department has been conducting awareness and sensitization drives on control and abatement of pollution with target groups as general public, Taxi Driver's Associations, schools and so on. State ENVIS Hub mobilizes the network of 856 Eco-Clubs set up at schools and colleges for awareness at wider level. Pre and post Deepawali activities such as broadcast of jingles through FM/ Radio, video message/ appeal of the Hon'ble Minister Forest, display of hoardings, publicity through websites (www.sikenvis.nic.in / www.sikkimforest.gov.in), social media (YouTube, Facebook etc), street plays, banner campaigns, clean up and sensitization drives are conducted across the state at major towns.
8. Letters have been sent to the DGP and Secretary UDD to ensure fixing of noise limiters on sound producing devices by shops/agencies dealing in such devices. This is in pursuance of order of the Hon'ble NGT in O.A 681 of 2019.
9. Other preventive measures taken by the State Government for control of air pollution are:
 - a) The State Government through Gazette Notification no. 196/FEWMD dated 05/01/2015 imposed prohibition on the burning of agricultural waste, leaves litter, paper waste and garbage within the state of Sikkim.
 - b) The State Government prohibited the sale and use of Pet Coke and Furnace Oil vide notification no. GOS/FEWMD/PR.SECY-cum-PCCF/234 dated 22.03.2018 to prevent air pollution from such types of fuels.
 - c) The State Government prohibited the burning of tyres during cremation of dead bodies or for any other purpose including heating within the State of Sikkim vide Gazette Notification no. GOS/FEWMD/PCCF-cum-PR.SECY/276 dated 16.11.2016.





4. Action Plan for Control of Noise Pollution

To control and regulate noise pollution in the State, the following actions are proposed which will be coordinated and implemented through the concerned Departments / agencies.

SN	Action (s)	Responsible Department / Agency (ies)	Timeline for implementation
1.	Procurement of noise monitoring devices to measure noise level on various occasions in consultation with SPCB	Sikkim State Pollution Control Board/ Police Department	Three (3) months
2.	Strengthening National Air Monitoring Stations under SPCB by equipping it with required devices and manpower for monitoring of Noise pollution	SPCB	Within six month
3.	Deploying of mobile unit for noise monitoring	SPCB/Police Department	Within six month
4.	Training to Police personnel on use of noise monitoring devices	SPCB/Police Department	Within one month after procurement of devices
5.	Noise monitoring at identified locations including in the industrial belt on regular basis and uploading the data in official websites for real time monitoring	SPCB	Continuous activity
6.	Awareness to general people through TVs, audio, videos, electronic medias, social medias, FMs and print media	SPCB/Forest and Environment Department/IPR Department	One month





SN	Action (s)	Responsible Department / Agency (ies)	Timeline for implementation
	etc. on the legal consequences of the Noise Pollution (Control & Regulation) Rules, 2000 and effects of noise pollution		
7.	Registration of shops/companies selling and renting loudspeakers and other P.A Systems. All loudspeakers to be retrofitted with sound limiter.	ULBs/UDD/Environment Department and SPCB	Two months
8.	Sensitization of the sound system owners, decorators, construction company (ies) at District and Sub- Division Levels on the provisions of Noise Pollution Rules and directions of the Hon'ble Courts	SPCB/Forest Department/Urban Local Bodies/Panchayats	Three (3) months
9.	Use of loudspeaker to be allowed during day time only between 6am to 10pm. Sound limiter to be attached with amplifier while using loudspeaker to regulate noise level. Notification regarding this will be brought out.	Police Department	Within three months
10.	Afforestation with suitable species of trees / shrubs along road sides, hospital premises, educational institutions, factories / industries premises to help in reduction of noise level.	F& E Department / Roads & Bridges Department / UDD/RMD/concerned agency (ies)	To be in continuous during plantation seasons.
11.	Restrict, by suitable notification, the use of DG sets in residential	F& E Department/ SPCB	Within three (3) months





SN	Action (s)	Responsible Department / Agency (ies)	Timeline for implementation
	areas, near HCFs, and other Silence zones.		
12.	Issue of notification regarding the penalty to the violators as per the CPCB norms	Home Department / F& E Department	Within one month
13.	Issue of notification (s) declaring silent zones in public places like hospitals, educational institutions, old age homes, orphanages, court premises etc. if not done earlier.	Home Department / F& E Department as applicable	Within one month
14.	Conduct of street plays/skit etc. regarding noise pollution and effects of noise pollution	SPCB	Before any festivals every year.
15.	Directions to various road construction agency (ies), construction companies to use silent explosives during construction activities	Home Department / F& E Department	Within one month
16.	Sensitization of hoteliers, cinema hall operators, restaurant, pubs, discotheque operators etc. in all city and towns regarding use of sound / music devices at permitted threshold as per Noise Control Rules	SPCB / F& E Department	Within two months
17.	Setting up a Grievance Cell in the office of District Magistrate / Collector, SP, SDM and SDPOs to address the complaints regarding noise	DMs /DC, SP, SDM, SDPOs	Within three (3) months





SN	Action (s)	Responsible Department / Agency (ies)	Timeline for implementation
	pollution. The details of such cells along with contact numbers, email address to be displayed in the vantage points in above office premises and in websites of the concerned departments.		
18.	Constitution of committee consisting of all enforcement Department / agency (ies) to oversee the status of implementation of proposed action plans. The committee shall meet every two (2) months	All line Departments	Within one month
19.	Wide publicity regarding banned firecrackers and time for permitted firecrackers through local print media, radios, television etc.	SPCB	Regular activity during festival seasons.
20.	Use of loudspeaker to be prohibited during School examination.	Police Department	
21.	Restriction on Construction activity during night time between 10pm to 6pm	UDD/RDD/Police Department	Within six month
22.	Locality wise patrolling during festival season to penalize violators of fine cracker ban	Police Department/ F&E Deptt./ULBs	Continuous basis





5. MONITORING OF THE ACTION PLAN

The District Magistrates will monitor the implementation of the Various Directions, Orders of the Hon'ble NGT within their respective jurisdictions and review the effectiveness of the actions taken as per the action plan in this regard on quarterly basis. The detailed quarterly report shall be submitted to the Office of the Chief Secretary with a copy to State Pollution Control Board.

The Department of Forest and Environment in consultation with SPCB-Sikkim shall annually review the implementation of the Action Plan and take steps to modify/improve the measures based on experience of field implementation.

The noise monitoring shall be reported in Form-I (Annexure-I) and the permission issued for use of loudspeaker/PA system shall be provided by the competent authority in Form-II (Annexure-II) to SPCB.

Enlistment of Violation of Noise Rules and their respective Scale of Compensation prepared by CPCB and approved by the Hon'ble National Green Tribunal in Hardeep Singh & Ors. Vs. SDMC & Ors. In OA 519/2016 is as follows:

SN	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1	Use of Loud Speaker / Public Address System (Clause 5(1)-5(2), 6 (i, ii, iii and v) ¹⁻⁵	Rs.10,000	Seizure
2	Violation w.r.t. Generator Sets Norms		
a)	DG Sets more than 1000 kva	Rs.1,00,000	Sealing of DG Sets
b)	DG Sets 62.5 to 1000 KVA	Rs.25,000	
c)	DG Sets upto 62.5 KVA	Rs.10,000	
3	Violation of use of sound emitting construction equipment	Rs.50,000	Seizure / Sealing of equipment
4	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and (iv) 7-8)		





SN	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter		Action to be taken by designated authority
4(1)	Violation by Individual / Household	Residential/ Commercial /Mixed Zone Silence Zone	Silence Zone	
		Rs.1,000	Rs.3,000	
4(2)	Violation during Procession a. Public Rallies b. Barat during marriage Religious event	Rs.10,000	Rs.20,000	Fine to be paid by organizer
4(3)	First violation within a fixed Premises: a. Function organized by RWA, b. Marriage function c. Public function d. Institution function e. Banquet Hall f. Open ground functions	Rs.20,000		Fine to be paid by organizer and Owner of the place
4(4)	Second violation within a fixed Premises: a. Function organized by RWA, b. Marriage function c. Public function d. Institution function e. Banquet Hall f. Open ground functions	Rs.40,000		
4(5)	Second violation within a fixed Premises: a. Function organized by RWA, b. Marriage function c. Public function d. Institution function e. Banquet Hall f. Open ground functions	Rs.1,00,000 and action under EP Act		Sealing of Premises





ANNEXURE-I

Noise Pollution Reporting Form (Form-I)

Name of Location:

Name of District:

Category of Area/Zone: Industrial/ Commercial/ Residential/ Silence

Date:	Noise Level dB(A)Leq																							
	6am to 10pm (hourly measurement)												10pm to 6am (hourly measurement)											
	7am	8 am	9 am	10 am	11 am	12 pm	1 pm	2 pm	3 pm	4 pm	5 pm	6 Pm	7 pm	8 pm	9 pm	10 pm	11 pm	12 am	1 am	2 am	3 am	4 am	5 am	6 am

(Signature)





ANNEXURE-II

FORM-II

Information on permission given for using Loudspeakers/ Mike/ PA Systems and sound producing instruments given by the Police Department.

1.	Name of Organization/party to whom permission is given	
2.	Dates for use of loudspeakers/speakers/PA systems:	
3.	Time for use of loudspeakers/speakers/PA systems	
4.	Location where loudspeakers is to be used	
5.	Distance of location from nearest silence zone	
6.	Whether any zoo, gaushala, vet clinic or other animal keeping centre is within 500m of location	
7.	No. of loudspeakers with noise limiters used	
8.	No. of loudspeakers without noise limiters used	
9.	Penalty imposed for violation of Rules	
10.	Name and address of the shop/agency from where the loudspeakers were hired	

(Signature)





GOVERNMENT OF SIKKIM
MOTOR VEHICLES DIVISION, TRANSPORT DEPARTMENT
YATAYAT BHAWAN, GANGTOK: 737101

No. GOS/MVD/T/2018-19/...197...

Dated: 07/05/2019

NOTIFICATION

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 111 of the Motor Vehicles Act, 1988 and in continuation of the previous Notification Nos. 7/MV/T dated:30.06.03 & 23/MV/T dated:26.11.04, the State Government hereby declares the specified premises as indicated below as " NO HORN ZONE" with immediate effect:-

1. Area around the Sikkim Legislative Assembly Complex, Nam-Nang.
2. Area around the New STNM Hospital, Socheygang.
3. Area around Central Referral Hospital, Tadong.
4. All Municipal Areas in and around Gangtok, stretching from Ranipool to Tashi View Point on the National Highway NH10.

sd/-
S.D. Dhakal, SCS
Secretary,
Transport Department

No. GOS/MVD/T/...198-208

Dated: 07/05/2019

Copy to:

1. All Secretaries/ Heads of Department
2. Secretary to H.E. the Government of Sikkim
3. Pr. Secy to the HCM
4. PS to all Ministers
5. All District Collectors
6. All Superintendents of Police
7. Special Secretary, Home Department - for publication in the Official Gazette
8. All RTO's, Dy. RTO's & ARTO's
9. News Editor, AIR
10. File &
11. Guard file.

SECRETARY, TRANSPORT
191
21511

Surekha Thapa (Mrs.)





SIKKIM
GOVERNMENT  **GAZETTE**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

19th December, 2014

No. 544

GOVERNMENT OF SIKKIM
FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT

No.187/FEWMD

Dated:19.12.2014

NOTIFICATION

In exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the State Government hereby prohibits the manufacture, sale and use or bursting of all types of firecracker including any sound emitting or illuminating type of firecrackers within the State of Sikkim.

(Dr. Thomas Chandy)
Principal Secretary-cum-PCCF,
Forest Environment and Wildlife Management Department,
Government of Sikkim.
File No. 540/SPCB/ GOS/2014





GOVERNMENT SIKKIM GAZETTE



**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

27th January, 2015

No. 13

**GOVERNMENT OF SIKKIM
FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT**

No.196/FEWMD

Dated. 5.1.2015

NOTIFICATION

In exercise of the power conferred by sub-section (5) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the State Government in consultation with the State Pollution Control Board-Sikkim, hereby prohibits the burning of agricultural waste, leaves, litter, paper wastes and garbage within the State of Sikkim with immediate effect.

This prohibition shall, however, not cover the use of processed agricultural wastes, leaf litter, and garbage as fuel and controlled burning of forest litter for the purpose of scientific management of forest fires.

(Dr. Thomas Chandy)
Principal Secretary-cum-PCCF,
Forest Environment and Wildlife Management Department,
Govt. of Sikkim.
File No. GOS/541/SPCB





*Sr. S.O. (SPCB)
for 1/0 you serial pt
Jm
01/0/13*

SIKKIM

GOVERNMENT **GAZETTE**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok Friday 25th November, 2016 No. 450

GOVERNMENT OF SIKKIM
DEPARTMENT OF FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT
GANGTOK

NOTIFICATION

Dated: 16/11/2016

NO.GOS/FEWMD/ PCCF-cum-PR.SECY/276

In exercise of the powers conferred by sub-section (5) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the State Government in consultation with the State Pollution Control Board-Sikkim, hereby prohibits the burning of tyres during cremation of dead bodies or for any other purpose including for heating, within the State of Sikkim with immediate effect.

**Dr. Thomas Chandy
PRINCIPAL SECRETARY-cum-PCCF
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT
GOVERNMENT OF SIKKIM**





SIKKIM

GOVERNMENT



GAZETTE

EXTRA ORDINARY
PUBLISHED BY AUTHORITY

GANGTOK

DATED :

NO.

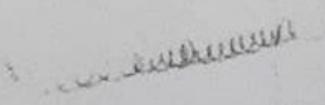
GOVERNMENT OF SIKKIM
DEPARTMENT OF FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT
GANGTOK

NOTIFICATION

NO.GOS/FEWMD/PR.SECY-cum-PCCF.....234.....

DATED 22/3/18

In exercise of the Powers conferred by section 5 read with section 23 of the Environment Protection Act, 1986 (29 of 1986), the State Government hereby prohibits the sale and use of 'Pet Coke' and 'Furnace Oil' as fuel by any industry in the State of Sikkim with immediate effect.


DR, THOMAS CHANDY, IFS,
Principal Secretary-cum-PCCF,
Forest, Env. & Wildlife Management Department,
Government of Sikkim,
Deorali - Gangtok





SIKKIM



GOVERNMENT **GAZETTE**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok Thursday 8th September, 2011 No. 506

GOVERNMENT OF SIKKIM
DEPARTMENT OF FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT
DEORALI - 737101

No. 03/FEWMD Dated the:5/9/2011

NOTIFICATION

In exercise of the powers conferred by **Sub-Section (1) of Section 19 of the Air (Prevention and Control of Pollution) Act, 1981** the State Government after consultation with the State Pollution Control Board of Sikkim hereby declares the entire State of Sikkim as the Air Pollution Control Area for the purpose of the said Act.

**S.T. Lachungpa, IFS,
PCCF-cum-Secretary,
Forest, Environment & Wildlife Management Department.**

S.G.P.G. - 506/Gazette /30 Nos./Dt:- 08.09.2011.





APPENDIX

THE NOISE POLLUTION (REGULATION AND CONTROL) RULES, 2000

(Source: http://cpcbenvs.nic.in/noisepollution/noise_rules_2000.pdf)

THE NOISE POLLUTION (REGULATION AND CONTROL) RULES, 2000

(The Principal Rules were published in the Gazette of India, vide S.O. 123(E), dated 14.2.2000 and subsequently amended vide S.O. 1046(E), dated 22.11.2000, S.O. 1088(E), dated 11.10.2002, S.O. 1569 (E), dated 19.09.2006 and S.O. 50 (E) dated 11.01.2010 under the Environment (Protection) Act, 1986.)

Whereas the increasing ambient noise levels in public places from various sources, inter-alia, industrial activity, construction activity, fire crackers, sound producing instruments, generator sets, loud speakers, public address systems, music systems, vehicular horns and other mechanical devices have deleterious effects on human health and the psychological well being of the people; it is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining the ambient air quality standards in respect of noise;

Whereas a draft of Noise Pollution (Control and Regulation) Rules, 1999 was published under the notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 528 (E), dated the 28th June, 1999 inviting objections and suggestions from all the persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

And whereas copies of the said Gazette were made available to the public on the 1st day of July, 1999;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by clause (ii) of sub-section (2) of section 3, sub-section (1) and clause (b) of sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules for the regulation and control of noise producing and generating sources, namely:-

The Noise Pollution (Regulation and Control) Rules, 2000

1. Short-title and commencement.-

- (1) These rules may be called the 'Noise Pollution (Regulation and Control) Rules, 2000.
- (2) They shall come into force on the date of their publication in the Official Gazette.





2. Definitions- In these rules, unless the context otherwise requires,-

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "area / zone" means all areas which fall in either of the four categories given in the Schedule annexed to these rules;
- (c) "authority" means and includes any authority or officer authorized 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;
- (d) "court" means a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice and includes any court of law presided over by a judge, judges or a magistrate and acting as a tribunal in civil, taxation and criminal cases;
- (e) "educational institution" means a school, seminary, college, university, professional academies, training institutes or other educational establishment, not necessarily a chartered institution and includes not only buildings, but also all grounds necessary for the accomplishment of the full scope of educational instruction, including those things essential to mental, moral and physical development;
- (f) "hospital" means an institution for the reception and care of sick, wounded, infirm or aged persons, and includes government or private hospitals, nursing homes and clinics;
- (g) "person" shall include any company or association or body of individuals, whether incorporated or not;
- (h) "State Government" in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution.
- (i) "public place" means any place to which the public have access, whether as of right or not, and includes auditorium, hotels, public waiting rooms, convention centres, public offices, shopping malls, cinema halls, educational institutions, libraries, open grounds and the like which are visited by general public; and
- (j) "night time" means the period between 10.00 p.m. and 6.00 a.m.





3. Ambient air quality standards in respect of noise for different areas/zones.-

(1) The ambient air quality standards in respect of noise for different areas / zones shall be such as specified in the Schedule annexed to these rules.

(2) The State Government shall categorize the areas into industrial, commercial, residential or silence areas / zones for the purpose of implementation of noise standards for different areas.

(3) The State Government shall take measures for abatement of noise including noise emanating from vehicular movements, blowing of horns, bursting of sound emitting firecrackers, use of loud speakers or public address system and sound producing instruments and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.

(4) All development authorities, local bodies and other concerned authorities while planning developmental activity or carrying out functions relating to town and country planning shall take into consideration all aspects of 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.

(5) An area comprising not less than 100 metres around hospitals, educational institutions and courts may be declared as silence area / zone for the purpose of these rules.

4. Responsibility as to enforcement of noise pollution control measures.-

(1) The noise levels in any area / zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule.

(2) The authority shall be responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

(3) The respective State Pollution Control Boards or Pollution Control Committees in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.





5. Restrictions on the use of loud speakers / public address system and sound producing instruments.-

(1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

(2) A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.

(3) Notwithstanding any thing contained in sub-rule (2), the State Government may subject to such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address system and the like during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural or religious festive occasion of a limited duration not exceeding fifteen days in all during a calendar year. The concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption would be operative.

(4) 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;

(5) 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.

5A. Restrictions on the use of horns, sound emitting construction equipments and bursting of fire crackers:-

(1) No horn shall be used in silence zones or during night time in residential areas except during a public emergency.

(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.

(3) Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones.





6. Consequences of any violation in silence zone / area.-

Whoever, in any place covered under the silence zone / area commits any of the following offence, he shall be liable for penalty under the provisions of the Act:-

- (i) whoever, plays any music or uses any sound amplifiers,
- (ii) whoever, beats a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument, or
- (iii) whoever, exhibits any mimetic, musical or other performances of a nature to attract crowds.
- (iv) whoever, bursts sound emitting fire crackers; or
- (v) whoever, uses a loud speaker or a public address system.

7. Complaints to be made to the authority.-

(1) A person may, if the noise level exceeds the ambient noise standards by 10 dB (A) or more given in the corresponding columns against any area / zone or, if there is a violation of any provision of these rules regarding restrictions imposed during night time, make a complaint to the authority.

(2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.

8 Power to prohibit etc. continuance of music sound or noise.-

(1) If the authority is satisfied from the report of an officer incharge of a police station or other information received by him including from the complainant that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property on the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating:-

- (a) the incidence or continuance in or upon any premises of-
 - (i) any vocal or instrumental music,
 - (ii) sounds caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument including loudspeakers, public address systems, horn, construction





equipment, appliance or apparatus or contrivance which is capable of producing or re-producing sound, or

(iii) sound caused by bursting of sound emitting fire crackers, or,

(b) the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

(2) The authority empowered under sub-rule (1) may, either on its own motion, or on the application of any person aggrieved by an order made under sub-rule (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the said authority shall afford to the applicant and to the original complainant, as the case may be, an opportunity of appearing before it either in person or by a person representing him and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.





SCHEDULE

(see rule 3(1) and 4(1))

Ambient Air Quality Standards in respect of Noise

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

- Note:-
1. Day time shall mean from 6.00 a.m. to 10.00 p.m.
 2. Night time shall mean from 10.00 p.m. to 6.00 a.m.
 3. Silence zone is an area comprising not less than 100 metres around hospitals, educational institutions, courts, religious places or any other area which is declared as such by the competent authority
 4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

* dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

A "decibel" is a unit in which noise is measured.

"A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq: It is an energy mean of the noise level over a specified period.

