

Item Nos. 02 to 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 519/2016

(With reports dated 12.6.2020(CPCB), 13.07.2020 & 06.08.2020(DPCC),
15.7.2020 (Delhi Govt) and 11.05.2020 (Delhi Police),)

Hardeep Singh & Ors. Applicant(s)

Versus

SDMC & Ors. Respondent(s)

AND

Original Application No. 496/2018

Akhand Bharat Morcha Applicant(s)

Versus

Union of India & Ors. Respondent(s)

AND

Original Application No. 196/2018

Akhand Bharat Morcha Applicant(s)

Versus

Union of India & Ors. Respondent(s)

AND

Original Application No. 197/2018

Akhand Bharat Morcha Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 11.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s); Mr. Manish Garg, Advocate
Mr. Rahul Raj Mallik, Advocate

Respondent(s): Mr. Sumeet Pushkarna, Advocate for DPCC
Mr. Raj Kumar, Advocate for CPCB
Ms. Jyoti Mendiratta, Advocate for GNCTD

ORDER

1. This order is in continuation of order dated 20.11.2019. The subject matter for consideration is the failure of the statutory authorities in Delhi in controlling noise pollution as per statutory mandate of Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules). The matter has been dealt with earlier by this Tribunal in the light of judgment of Delhi High Court in *Free Legal Aid Cell v. Government of NCT of Delhi*¹ and of the Hon'ble Supreme Court in *In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems*.²

2. This Tribunal passed orders from time to time which were summed up in the last order dated 20.11.2019 as follows:-

¹ AIR 2001 Delhi 455

² (2005) 5 SCC 733

- “4. In Original Application No. 519 of 2016, the Tribunal, **vide order dated 27.09.2018, held that steps taken were hardly effective on the ground. The problem of noise pollution continued. Directions in the order of the Hon’ble Supreme court in In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems³ had not been fully complied with. Accordingly, the Tribunal directed the Chief Secretary, Delhi, the Commissioner of Police, Delhi and the Delhi Pollution Control Committee (DPCC) to take steps for enforcing the directions of the Hon’ble Supreme Court and the Noise Rules with regard to control of use of loud speakers, control of vehicular noise and creation of awareness. The Commissioner of Police was to nominate a DCP and the Chief Secretary was to nominate a SDM who were to meet once in every week to take stock of the situation. They were to set up an exclusive website and dedicated helpline, apart from other steps. Report of compliance was to be filed.**
5. In Original Application. No. 496/2018, Original Application No. 196/2018 and Original Applicant No. 197/2018 also, similar grievance against non-enforcement of the Noise Rules in Delhi have been raised. Vide order dated 10.08.2018 in O.A No. 496/2018, joint inspection was directed to be conducted and report was directed to be furnished. The report dated 31.10.2018 was considered on 14.02.2019 along with O.A No. 196/2018 and O.A No. 197/2018 and directions were issued to take remedial action. The Tribunal also directed the presence of DCP (East), DCP (Shahdara) and DCP (South) with action plans. O.A No. 496/ 2018, O.A No. 196/2018 and O.A No. 197/2018 were again taken up on 14.03.2019, along with O.A 519/2016 and after interaction with the officers who are to enforce the Noise Rules, further directions were issued to identify and map hotspots, install noise measuring device on the devices causing high noise level, conduct surveillance and monitoring and conduct awareness and coordination with RWAs. The Commissioner of Police, Delhi was also to monitor and furnish a report to this Tribunal.”

3. The subject of enforcement of direction of having a joint Committee of one SDM nominated by the Chief Secretary, Delhi and one DCP representing Police Commissioner to exclusively monitor regulation of noise pollution was further considered on the next date i.e 12.02.2019. It was found that beyond nominating

³ *Supra* at 2 and (2005) 5 SCC 728

DCP and SDM by the Police Commissioner and the Chief Secretary respectively, no meaningful functioning of the joint Committee took place. The said nominated DCP and SDM were directed to remain present in person.

Again, on 14.03.2019, the Tribunal noted, in the presence of Mr. Deepak Purohit, DCP and Mr. Nitin Jindal, SDM (who were nominated by the Police Commissioner and Chief Secretary Delhi for the purpose) that practically no meaningful meeting had been held, no exclusive website had been set up and no effective steps had been taken. The DCP and SDM did not appear to be interested in the job assigned and put forward lame excuses for their failure. The Tribunal accordingly directed the Chief Secretary, Delhi and the Police Commissioner to review the appointments so that persons assigned the responsibility are suitable for the job, having regard to the adverse consequences of uncontrolled noise on health and welfare of the citizens. The Tribunal also directed the three Municipal Corporations of Delhi, New Delhi Municipal Council and Delhi Cantonment Board to take steps in the matter.

In today's hearing, unfortunately, no counsel for any of the authorities is in a position to mention the status of working of the joint Committee of SDM and the DCP. **We hope the Chief Secretary and the Police Commissioner will look into the continued violation of orders of this Tribunal and take corrective measures.**

4. We further note that the matter was thereafter monitored on 01.08.2019 in the light of earlier proceedings in the presence of DCPs (East, Shahadra and South

Delhi) and in the light of report furnished by the Special Commissioner of Police dated 15.04.2019. Unsatisfactory state of affairs was noticed as follows:

- “9. We find that though some steps have been taken, the enforcement of legal mandate under the Noise Pollution (Regulation and Control) Rules, 2000 and compliance of the directions of the Hon’ble Supreme Court and this Tribunal is still a far cry. Dr. M.P George, Scientist, DPCC, present during the hearing, has stated that **DPCC has only five monitoring stations which even according to him are not adequate**. The DPCC must undertake gap analysis and set up sufficient number of monitoring stations and acquire such number of equipments as may be necessary. Instructions may be issued for requiring noise measurement equipment to be fitted to the equipment used with the potential of high noise level beyond permissible limits. **There is need for instructions that noise levels be displayed at functions where high noise generating equipments are used**. The DPCC may notify the specifications and methodology for acquiring such equipment in consultation with concerned technical experts.
10. We sought information about the working of the Monitoring Committees - the Joint Committee and the Apex Committee. **There is nothing to show whether the Apex Committee has made any assessment of the monitoring mechanism on regular basis. It is not clear as to what activities such Committees are doing.**
11. Under Rule 4(3) of the Noise Rules, **the DPCC is required to collect, compile and publish technical and statistical data relating to noise pollution and to undertake measures for prevention, control and abatement of noise. This is not shown to have been done. As already noted, the DPCC does not even have sufficient equipment for collecting such data.**
12. It may be noted that while dealing with the issue of noise pollution in Original Application No. 681/2018 News Item Published in 'The Times of India' authored by Shri Vishwa Mohan "NCAP with Multiple Timelines to Clear Air in 102 cities To be Released Around August 15"⁴ this Tribunal, vide order dated 15.03.2019 **directed the CPCB to prepare noise pollution map and categorize the cities with specified hotspots and prepare a remedial action plan.**⁵ It was also noted that there as need for training regulatory machinery, prepare action plan and monitoring mechanism, create awareness among the students and involve RWAs, social

⁴ Order dated 15.03.2019

⁵ Para 12 in O.A 681/2018

and religious institutions, prosecute violators, seize equipment, recover compensation, install noise measurements meter by those using high noise generating equipment with data loggers fitted thereon. The Chief Secretaries of all the states were to finalize their action plans and submit the same to the CPCB. CPCB was to lay down the scale of compensation to be recovered, including the conditions subject to which a seized equipment was to be released. The report filed by CPCB in O.A No. 681/2018 on the subject, inter alia, shows that 46 metropolitan in 17 States/UTs have been identified for carrying out noise mapping and identification of hotspots. It has laid down National Ambient Noise Monitoring Network in 7 cities for 70 locations. Action Plans have been received from 10 States/UTs, including Delhi. **The Action Plan of Delhi was found to be non-compliant, with regard to training for use of measurement devices and to develop robust protocol for action against defaulters. With regard to integration of noise meters in public address systems, though the manufacturers associations have found it not to be economically feasible. States of Tripura and West Bengal⁶ have made polices for mandatory use of sound limiters in sound systems, for effective control of noise pollution.⁷ Use of loud speakers is permitted only when amplifiers are attached to sound limiters. The CPCB has suggested that this policy may be practiced by all states to mitigate noise pollution. Scale of compensation is however yet to be finalized. The report may be placed on the website of the CPCB for a period of three months.**

13. *The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of 'Polluter Pays' principle. Though violation of the rules like the Noise Rules here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine upto Rs. 1 lakh, since prosecution of a non-cognizable offence may have its own limitations, civil liability on 'Polluter Pays' principle can be invoked by the enforcement regulatory authority as per the*

⁶ Reference has been also made to proceedings of the Eastern Zone in O.A 158/2016 (EZ).

⁷ See notification issued by the State of Tripura as follows: "In exercise of the power conferred by rule 5(3) of the Noise Pollution (Regulation and Control) Rules 2000 issued under the Environment (Protection) Act, 1986, the Governor of Tripura is pleased to issue this Notification for mandatory use of Sound Limiter(s) in all Sound System/ Public Address System for effective control of Noise pollution in the whole state with immediate effect as an addendum to rule 5. No sound system should be sold/ purchased/ supplied/ installed/ let out/ used by any manufacturer/ dealer/ shopkeeper/ any agency who lets out the PA system etc./ individual without having sound limiter in it. Further, all Licensing Authorities including Police Authorities, Municipal Corporation, Municipal Councils, Nagar Panchayats, Panchayat shall ensure that no audio system or public address system shall be let out/ installed without being fitted with sound limiter in any government or non government function and this condition be included in all licenses issued by respective agencies.

*guidelines which may be laid down by the CPCB. **The scale of compensation may have reference to the extent and severity of default and whether the default is a repeated offence. Meaningful enforcement of the Noise Rules requires availability of noise measurement equipment and in the course of exercising power of enforcement under Rule 4(2), the authority can certainly lay down measures including the requirement of installing a noise meter on the noise creating equipment itself, such as loudspeakers, public address systems, DJs etc. under Rule 5, as has been done in West Bengal and Tripura and as recommended by the CPCB for all States/UTs.***

14. *In view of the above, we find it necessary to issue following directions:*

- (a) Further steps for meaningful enforcement of Noise Rules be taken by the DPCC and concerned authorities.*
- (b) Delhi Government may issue appropriate notification on the pattern of Notification issue by the Tripura Government for mandatory use of sound limiters in all sound systems⁸ Delhi Government may address the observations of CPCB finding deficiency in its action plan with regard to training for use of measurement devices and developing robust protocol for action against defaulters.⁹ A compliance report be filed.*
- (c) Sound measuring devices as sought by the DCP East, Shahdara and South Districts be made available by the DCP logistics.¹⁰ Let the Special CP (Traffic), in-charge of the Apex Committee, file an affidavit about the methodology for assessing working of the Committees which are being overseen by the Apex Committee which may include compliance of directions issued to the DCP Logistics.*
- (d) DPCC may undertake gap analysis and set up sufficient number of monitoring stations and acquire requisite number of equipment¹¹ compile and publish statistical data relating to noise pollution¹² prescribe interim scale of compensation pending finalization of the same by CPCB¹³ Compliance report may be filed by DPCC.”*

⁸ See para 9 above

⁹ See para 12 above

¹⁰ See para 7 above

¹¹ See para 9 & 12 above

¹² See para 11 above

¹³ See para 13 above

5. The matter was then considered on 20.11.2019 and situation was again found to be unsatisfactory. Accordingly, it was observed:-

- “15. We have reviewed the progress on the subject in light of the action taken report filed by Special Commissioner of Police (Traffic) of Delhi filed on 31.10.2019, report dated 11.11.2019 filed by the DPCC and the report dated 14.11.2019 filed by the CPCB.
16. Compliance status may be noted as follows. With regard to direction Nos. (a) and (d), there is hardly any further progress even after three months in the report of Special Commissioner of Police (Traffic) Delhi. **Requisite equipments have not been procured. Monitoring stations have not been set up in terms in observation of paragraph 9 of the earlier order. Only report is that tender process is going on. Locations have been identified. Technical specification are in the process of being finalized.** Further progress is that a workshop was organized on 16.04.2019 (which is prior even to the earlier order). Another workshop was scheduled for 13.11.2019. Template has been prepared.
17. Likewise, progress by the DPCC can hardly be held to be adequate. We are sorry to record that DPCC has been wholly amiss in performance of its duties. **There is no satisfactory data about the action for violations though violations are rampant and widespread which is failure on the part of all the concerned statutory authorities entrusted with the enforcement of law. Dr. M.P. George representing DPCC has made a statement that the requisite equipment will be procured within 60 days and monitoring stations will be set up within the said time.** In view of the long and continued failures in the past, it becomes necessary to direct that if this is not done even by 31.01.2020, Member Secretary, DPCC and Dr. M.P. George will not be entitled to draw salary till the direction of this Tribunal is complied with.
18. **Special Commissioner of Police, has stated in para 4 of the status report that the requisite equipments will be required by March, 2020.** Accordingly, the Special Commissioner of Police and Deputy Commissioner of Police (Provisioning and Logistics) will not be entitled to draw salary, if there is non-compliance even upto 01.04.2020, till compliance.
19. **With regard to (b), it is stated that Notification of Delhi Government is ready and will be issued within one week from today.** We hope that the statements will be faithfully complied with, failing which appropriate coercive action may have to be taken. Let the Chief Secretary, Govt. of Delhi coordinate this matter.

20. Compliance of directions with regard to training for use of the devices, and robust protocol for action against defaulters may be ensured. **As already directed vide order dated 27.09.2018, a dedicated telephone line with recording facility and a dedicated online grievance redressal portal for redressal of noise pollution related grievances be developed by Delhi Police and public awareness in this regard created.** A minimum grievance redressal timeframe be fixed and monitored by a supervisory authority. Action taken report may be accordingly filed before the next date.
21. We are informed that there are 2000 Eco-clubs in schools/ colleges. Awareness programme may be coordinated in such a way that at least one programme on the subject is held once a month in all such institutions. **The present level of awareness activities by Department of Environment, Govt. of NCT Delhi, is inadequate in terms of quality and quantity.** It needs to be properly planned and coordinated. Yearly action plan covering different thematic areas of environmental problems needs to be clearly identified, awareness activities planned and monitored. It would be appropriate if target groups are properly identified, logistic and personnel earmarked and action taken is monitored. This may be ensured jointly by the Department of Environment, DPCC and the Special Commissioner of Police in coordination with the Education Department of Delhi and a compliance report furnished by the DPCC before the next by e-mail at judicial-ngt@gov.in.
22. Report of CPCB is that compensation for violation by using equipments should be 10%-25% of cost of such equipment. Compensation suggested as follows:-

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1.	Use of loud speakers/public address system (clause 5(1)-5(2), 6 (i,ii,iii&iv)	Rs. 10,000	Seizure
2.	Violation WRT Generator Sets Norms (standards attached as annexure – IV to VI)		
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 6 (iv))	Rs. 1000/-	

23. ***We are of the view that compensation for bursting of crackers at serial No. 4 needs to be suitably revised and needs to be different for different classes of defaulters and frequencies of default. Further, the CPCB has suggested that compensation should be 2-3 times for second and third violations accompanied by withdrawal of permission for installation/operation for their equipment.***

24. ***The CPCB may also lay down stringent compensation for tampering with the sound limiters to ensure that the same is not restored to. Let compliance reports be filed by CPCB, Department of Environment, DPCC and Special Commissioner of Police, Delhi by 31.03.2020 by email at judicial-ngt@gov.in.***

6. In furtherance to above, following reports have been filed:

- (a) Report of the CPCB dated 12.06.2020;
- (b) Reports of the DPCC dated 13.07.2020 & 06.08.2020;
- (c) Report of the Delhi Government dated 15.07.2020; and
- (d) Report of the Delhi Police dated 11.05.2020

7. We proceed to consider the above reports seriatim.

8. Report of the CPCB dated 12.06.2020 has laid down the regime of compensation and other action for violation of the Rules as follows:

“Table 1: Enlishment of Violation of Noise Rules and their respective Scale of Compensation.

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter		Action to be taken by designated authority
1.	USE OF LOUD SPEAKERS/PUBLIC ADDRESS SYSTEM¹ (Clause 5(1)-5(2), 6(i,ii,iii and v)¹⁻⁵	₹ 10,000		Seizure
2.	VIOLATION WRT GENERATOR SETS NORMS (standards attached as Annexure – IV to VI)			
d)	DG sets more than 1000 KVA	₹ 1,00,000/-		Sealing of DG sets
e)	DG sets 62.5 to 1000 KVA	₹25,000/-		
f)	DG sets upto 62.5 KVA	₹ 10,000/-		
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENT	₹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 6 (iv)⁷⁻⁸			
4(1)	Violation by Individual/Household	Residential / Commercial/ Mixed Zone Silence Zone	Silence Zone	
		1,000	3,000	
4(2)	Violation during Possession a. Public Rallies b. Barat during marriage Religious event	10,000	20,000	Fine to be paid by Organizer

4(3)	<p><i>First Violation within a fixed Premises:</i></p> <p>a. <i>Function organized by RWA,</i> b. <i>Marriage Function</i> c. <i>Public Function</i> d. <i>Institution function</i> e. <i>Banquet Hall</i> f. <i>Open ground functions</i></p>	20,000	<i>Fine to be paid by Organizer and Owner of the place.</i>
4(4)	<p><i>Second Violation within a fixed Premises:</i></p> <p>a. <i>Function organized by RWA,</i> b. <i>Marriage Function</i> c. <i>Public Function</i> d. <i>Institution function</i> e. <i>Banquet Hall</i> <i>Open ground function</i></p>	40,000	
4(5)	<p><i>More than Two Violation within a fixed Premises:</i></p> <p>a. <i>Function organized by RWA,</i> b. <i>Marriage Function</i> c. <i>Public Function</i> d. <i>Institution function</i> e. <i>Banquet Hall</i> <i>Open ground function</i></p>	1,00,000 and action under EP Act.	<i>Sealing of Premises</i>

Note:

1. *Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.*
2. *Clause 5(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. *Clause 6 (1) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.*
4. *Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.*
5. *Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.*
6. *Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones*
7. *Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;*
8. *As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers:*
Diwali: 8 pm to 10 pm
Gurpurb: - 4am to 5 am and 9 pm to 10 pm
New year and Christmas: 11.55 P.M to 12.30 A.
9. *It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019”*

9. The DPCC filed its reports dated 13.07.2020 and 06.08.2020. In the report dated 13.07.2020, it is stated as follows:-

“ Action Taken

“4. It is most respectfully submitted that the following actions have been taken by the answering respondent to put in place a state of the art Ambient Noise Monitoring Network in Delhi:

(a) Installation of the additional Noise Monitoring System

That the already installed 5 noise monitoring stations across Delhi from the year 2013 were proving to be inadequate, considering the spurt in activities in the spread of urban and industrial areas in Delhi. Further it was felt that all the 4 categories of zones based on the ambient air quality standards in respect of noise as per the Noise Pollution (Regulation and Control) Rules, 2000 were not appropriately covered by the existing stations. So while carrying out the gap analysis, it was decided to increase the number of stations manifold to cover the major industrial and traffic corridors and to cover all the 4 zones as Industrial Area, Commercial Area, Residential Area and Silence Zone categorized as above under the Rules. Accordingly, as a step in that direction **26 additional locations were selected to cover the aforesaid zones for installation of noise monitoring stations. Out of the 26 additional locations, 7 are in residential, 9 in commercial, 5 in industrial areas and 5 in silence zones.** The details of the aforesaid locations are submitted below:

SN	Location Name	ZONE / AREA
1	Mahatma Gandhi Institute for Combating Climate Change, Bakthawarpur Road, Bakoli, Alipur	Silence Zone
2	Industrial Training Institute, Jahangirpuri, Delhi- 110033	Residential Area
3	Industrial Training Institute, Narela, New Delhi- 110040	Industrial Area
4	Sonia Vihar Water Treatment Plant (DJB), Sonia Vihar, New Delhi-110094	Residential Area
5	Mother Dairy Plant, 30, New Patpar Ganj Road, Block D, Patparganj, New Delhi-	Industrial Area
6	Satyawati College, Ashok Vihar, Phase-III, Delhi-110052	Residential Area
7	PGDAV College, Srinivaspuri Nehru Nagar, New Delhi-110065	Residential Area
8	National Institute of Tuberculosis & Respiratory Diseases, Sri Aurobindo Marg,	Silence Zone
9	Chaudhary Bramprakash Ayurvedic Hospital, Najafgarh, Delhi-110073	Silence Zone

10	Industrial Training Institute(Shandara), VivekVihar,	Residential Area
11	IARI PUSA, PUSA institutional Area, Opposite Lohamandi, Naraina, Delhi-110028	Industrial Area
12	Major Dhayanchand National Stadium, India Gate, New Delhi-110002	Commercial Area
13	J.L.N Stadium Pragati Vihar, New Delhi-110003	Commercial Area
14	Dr. Karni Singh Shooting Range,	Commercial Area
15	National Institute of Malaria Research Sector 8, Dwarka, New Delhi-110077	Commercial Area
16	Mundka Metro Residential Colony, Mundka, Delhi-110081	Residential Area
17	Shaheed Sukhdev College of Business Studies, PSP Area-IV, Dr. K.N. Katju Marg,	Silence Zone
18	Delhi Institute of Tool Engineering, Wazirpur Industrial Area, Wazirpur, Delhi-	Industrial Area
19	DITE, Okhla Industrial Area, Block A, Okhla Phase-II, Okhla Industrial Area,	Industrial Area
20	Maharshi Valmiki Hospital, Bawana Industrial Area, New Delhi-110039	Silence Zone
21	ISBT Building, Kashmere Gate, Delhi-110006	Commercial Area
22	SDMC, Primary School, Krishna Market, G Block, Lajpat Nagar, New Delhi-	Commercial Area
23	EDMC Zonal Office , Opposite Shyamlal College, Shandara, Delhi- 110032	Commercial Area
24	MCD Primary School, Gali No37, Regar Pura, Karol Bagh, New Delhi-110005	Commercial Area
25	IMD, Lodhi Road, New Delhi- 110003	Residential Area
26	Connaught Place, New Delhi- 110001	Commercial Area

In addition to this mobile monitoring/ stations will be made using more portable devices as also set out hereinafter. The new stations above are in addition to those already in place for the purpose.

(b) Constitution of an expert Committee for procuring equipments of latest technology

*Further considering the vast improvements made in the area of noise measurement technology and equipments over the years, it was decided to take the opinion of the domain experts in the field so that the equipments of latest technology with specifications as published by the International Standards Laboratories are procured for the large network being created. Accordingly, a Committee of experts comprising of Principal Scientist National Physical Laboratory (NPL), Scientist-D CPCB, AGM (Environmental Engineering) NTPC and DPCC was constituted and several meetings were held in the year 2019. The detailed technical specifications were finalized on 18.11.2019 and accepted on 28.11.2019. A copy of the same is annexed as **Annexure-***

1. It is pertinent to mention that the process of identifying appropriate technology and developing latest technical specifications of various equipments to be deployed as part of the network took some time as several references to international publications had to be made and wide consultations amongst experts were required to be carried out to arrive at the detailed technical specification of the equipments and the overall architecture of the noise monitoring network.

(c) Procurement of latest equipments

(i) It is most respectfully submitted that after finalization and acceptance of the various components of the Noise Monitoring Network and technical specifications of equipments, tender were floated immediately on 28.11.2019. The last date for the submission of tenders was fixed for 13.12.2019. The pre-bid meeting was held on 05.12.2019. As per the tender document the execution of the project was required to be carried out by 31.01.2020. Though initially eleven prospective bidders participated in the pre-bid meeting, majority of them were of the view that the timelines fixed in the tender are stringent considering the festival season in international market from where many things were to be sourced. However, keeping in mind the urgency and time lines, further extension of time for submission of bids was not considered, so that the project could be completed at an early date. DPCC finally received five bids and the Evaluation Committee after scrutinising the bids, found that none of the bidders met the requirements and thus, DPCC decided for re-tendering. It is submitted that the delay caused at this stage due to un-responsive and un-qualified tenders and which fact was beyond the control of DPCC.

(ii) Due to the poor response by the qualified agencies during the first tendering process, certain pre-qualification requirements were modified and the project was re-tendered on 18.12.2019 and the last date for submission of bids was kept on 09.01.2020 i.e after three weeks, considering the complexity involved in the project. The bids were opened on 09.01.2020, and after detailed technical and financial evaluation of the bids, **the work of 'Supply, Installation, Commissioning, Operation and Maintenance' of Ambient Noise Monitoring Station Network was awarded to M/s ACOEM Ecotech Industries Pvt. Ltd at a cost of Rs. 3,76,24,800 (Three Crores Seventy Six Lakh Twenty Four Thousand Eight hundred Rupees), including O&M for ten years.** Copy of the work order is annexed as Annexure-2. Considering the various activities involved in the project which include import of certain critical items, fabrication and installation at 26 locations spread throughout Delhi, 60 days execution period was granted to the agency. The agency submitted the acceptance of the work order on 25.02.2020 and the execution was initiated immediately.

(iii) It is submitted that by the last week of February, 2020 the Corona-19 pandemic was spreading fast in Europe and all activities there had come to stand still. However, constant follow up was made with the agency to ensure the urgent supply of the **IEC-61672-1:2013 traceable Class-I Noise**

Monitoring system including integral components such as microphone, pre amplifier and other specialized accessories by the Original Equipment Manufacturer (OEM) located in France by giving it top priority to complete the project at the earliest. The assembly of critical equipments were expedited and the shipment of the equipments to India by first week of March, 2020 was planned. However, due to the cancellation of international flights, these equipments could only be dispatched to Mumbai by third week of March, 2020. However, the custom clearance of the goods and the dispatch from Mumbai to Delhi got delayed due to lockdown effective from 22.03.2020. **Finally, the consignment was delivered at Delhi to the agency on 30.04.2020.**

(iv) The agency was asked to complete the activities on the domestic front simultaneously so as to complete the installation without further loss of time as soon as the equipments are received. Accordingly, the fabrication of mast and integration of enclosure for noise monitoring terminal (NMT) has been undertaken by sub-vendors at different industrial areas of Ghaziabad and GautamBudh Nagar. Both the sub-vendors were located in containment zones and the entire process also got delayed from the scheduled timelines. With the gradual opening of various zones and activities, critical support was provided to the agency to complete the various tasks and start installation at the 26 identified locations by the first week of May, 2020. **The installation process of 20 stations could be completed by 31st May, 2020 with seamless coordination with various agencies and sub-vendors. In the rest of the stations, the installation were taken up in subsequent weeks.**

(v) As part of the contract, the agency has provided the central server/central receiving station along with the application software for analysis of environmental noise. The application software has the following features:

- **Measurement of Overall Leq (equivalent level of noise over a particular time period) and statistical indices over selected time periods.**
- **Measurement of Peak, Lmin, Lmax, Slow, Fast, Impulse, SEL, etc. levels.**
- **Identification of Loudest and quietest periods during a day.**
- **Calculation of the L_d & L_n by day, week, month.**

The NMS that has been installed provides a comprehensive but easy to use 24x7 noise monitoring solution for long term monitoring application. The NMS are unmanned, weatherproof outdoor remote terminals and require minimum human interface. The system could be remotely checked for multiple frequency calibration.

(vi) DPCC has also procured 05 Hand held integrating-averaging sound level meters Type-1 IEC61672-1 compliant, in October, 2019. These meters are being used as mobile ambient noise monitoring stations. They can prove very useful to cover areas where reports are received or where larger areas need to be monitored. It is understood that these mobile units/stations are in addition to those being used by other agencies, like the Police, who have also procured substantial number of mobile units.

(d) Data Analysis, compilation and publication

*(i) The stations were put on the network through the central receiving server hosted at DPCC office on 1st June, 2020 after testing, calibration and validation of data and accordingly data of ambient noise measurements has been generated since 1st June, 2020. Based on the measurements since then, an analysis of the data generated for June, 2020 has been prepared which is annexed as **Annexure-3**. **On analysis of the data carried out by DPCC, it has been observed that in case of 5 silence zones, the average noise levels in both day and night have exceeded the standards prescribed under the Noise Rules, 2000. Similarly, in case of 7 residential and 9 commercial areas the recorded noise levels in both day and night times have exceeded the standards.** Only in the 5 industrial areas, the measured noise levels have not crossed the standards prescribed for industrial areas. The data will be moderated in coming months to arrive at baseline levels and averaging out impact of additional sources.*

*(ii) It is further submitted that subsequent to the aforesaid information obtained from the analysis of the data, it has been decided to identify the local sources of noise emissions so as to take appropriate corrective action. Teams have been constituted to visit the areas around these stations where the measurements are exceeded the prescribed standards and assess the sources of noise emission. Hand held integrating-averaging sound level meters Type-1 IEC61672-1 compliant, which were procured in October, 2019 have been provided to the inspecting team to enable them to identify the local sources of noise emission. **Based on the reports of the inspecting teams, further action will be taken as a constant process.** These reports will be forwarded to the authorities prescribed under Noise Rules for the appropriate action including prevention of noise emissions at these local sources.*

(iii) It has been further decided that every week the data received at the central station will be analysed and the same will be shared with the prescribed authorities, concerning the exceeding grades of noise level, supported duly by analysis of the data for further necessary action for stoppage of the source.

(e) Interim Compensation

*It is most respectfully submitted that the Central Pollution Control Board has submitted a report on the scale of compensation to be levied for the violation of Noise Rules 2000 and **it has been decided to by the answering respondent to implement the same.***

In its additional report dated 06.08.2020, it is stated as follows:

- “3. That, the report on local survey was undertaken by the teams to identify the noise sources around the Real Time Noise Monitoring Stations. The specific reason for not meeting the prescribed standards for noise levels on each location is mentioned in the report. However, following are the major sources contributing to the noise level at these locations:
- i. Vehicular movement, Traffic congestions, Honking of horns, Bottle neck on roads,**
 - ii. Congestion at traffic signal, Congestion and Chaotic condition at parking,**
 - iii. Market across the road, Construction activity, Air conditioning exhaust etc.**
4. The silence area like Hospitals, Educational Institutes though have relatively less noise **but noise levels still exceed the prescribed standard due to regular vehicular movement in the vicinity.** The Commercial and Residential areas are also influenced by the vehicular noise, noise from markets/construction activity etc. Copy of the detailed report is annexed herewith as Annexure-1.
5. That after identifying the exact causes of noise pollution, directions under Section 5 of the Environment (Protection) Act, 1986 — read with Noise Pollution (Regulation and Control) Rules, 2000 have been issued to Traffic Police, Public Works Department and Municipal Corporations to take corrective action and file action taken report with DPCC. Copies are enclosed as Annexure-2 (Colly).”

10. Report of the Delhi Government dated 15.07.2020 is as follows:-

“3. The present status report is filed by Environment Department regarding above mentioned issues.

- (a) The Environment Department, Government of NCT of Delhi has issued the notification No. DPCC/(10)(10)...../Leg IS/Vol- 1/2019/6159 on 21.11.2019 as per the directions for mandatory use of sound limiters on the pattern of notification issued by Tripura Government in this regard. Under the aforesaid notification dated 21.11.2019, **no audio system or public address system will be let out / installed without being fitted with sound limiter in the whole of NCT of Delhi.** The Delhi Government has also authorised the District Magistrate/ Commissioner of Police or any other officer not below the rank of Dy.

Superintendent of Police and similarly placed officers in the urban local bodies to take necessary action. Copy of the aforesaid notification dated 21.11.2019 is annexed herewith as Annexure-I.

- (b) **Department of Environment, GNCTD has prepared the annual calendar on different thematic areas of Environmental Issues for Eco Club Activities for organizing awareness programs by Eco-Clubs in about 2000 Schools/Colleges once in a month.** Same was uploaded on the website of the Department of Environment and circulated in the Eco-club Schools and Colleges. Copy of the same is annexed herewith as Annexure-11.

Till date 20 schools have submitted action taken reports to Department of Environment. List of 20 schools who have submitted compliance is enclosed herewith as Annexure 111. Other eco clubs submitted that due to pandemic they will follow the calendar once regular classes are held.

- (c) Department has initiated Awareness through Eco club schools/ colleges through printed 1EC material and power point presentations (audio/video). This awareness material was also provided to Directorate of Education, GNCTD for circulating among students during online classes.

- (d) That Department of Environment has provided 1EC material in the form of pamphlets to all Deputy Directors of Education, GNCTD for distribution to all students on following topics such as:

- > Noise Pollution-Minimise and Control for our own Health
- > Yamuna-The lifeline of Delhi
- > Graded Response Action Plan (GRAP)- To Control Air Pollution
- > Dust Pollution — Protect Your City

The pamphlets prepared and distributed among students through ecoclubs and annexed as Annexure-IV (Colly)

In addition to pamphlets, power point presentation (audio-video) of technical officers of Department of Environment and DPCC were also provided to Science Branch of the Directorate of Education, GNCTD for necessary circulation among students during on-line classes on following topics such as:

- > Noise a Pollutant Monitoring and Legislations
- > Air Pollution-Issues and Its Control (Part-1)
- > Air Pollution - Monitoring and Management A case Study — Delhi
- > Plastic Waste Reuse, Recycle & Disposal with special emphasis on "SINGLE USE PLASTICS (SUPs)"
- > Climate Change and its impacts
- > Abatement of Pollution and Conservation of River Yamuna

Directorate of Education, GNCTD vide letter dated 13.07.2020 has informed uploading of the IEC material on the DOE website and also circulated among students through whats app. Copy of the same is enclosed as **Annexure V.**

- (e) Advertisements/ public notices on air pollution issues in compliance to Hon'ble Supreme Court order in W P. (C) 13029/1985 were issued on 06.11.2019 and 10.11.2019. Advertisement on "Beware of the Harmful Effect of Noise Pollution- helpline number, website, effects of noise pollution, sources and mitigation measures and say no to firecrackers was also published in newspapers on 16.11.2019
- (f) Department of Environment conducted workshop on 13.11.2019 on implementation of the Noise Pollution (Regulation & Control) Rules with designated Authorities under Noise Rules, 2000. This was followed by a High level Round table conference on 27.02.2020 on "Reducing Air Pollution" presided over by Hon'ble Minister (Environment & Forests), GNCTD. The workshops were attended by Experts from academic institutes, senior government officials NGOs, prominent Civil Society Organisation, Eco clubs of schools and colleges. Two more workshops were proposed for on 14.01.2020 (reproposed on 13.03.2020) and 17.03.2020 but could not be conducted due to Election Code of Conduct and COVID-19 pandemic.
- (g) Awareness program through nukkad nattaks on Diwali — Air Pollution issues (from 24.10.2019-31.10.2019) and on water pollution issues (01.11.2019 to 26.11.2019) was conducted for a month by NGO which performed around 150 shows (05 shows at 5 locations per day). Another round of awareness program through nukkad nattaks was conducted from 12.02.2020-13.03.2020 with 150 shows. These Nukkad nattaks/ Shows covered RWAs/ Unauthorised Colonies/ Slum Clusters/ Market Places etc with about 7500-8000 beneficiaries. Two more awareness programs through nukkad nattaks on abatement of water pollution and River Yamuna in Central and South District of Delhi has been approved but implementation halted due to COVID-19 pandemic.
- (h) Directorate of Education, GNCTD has also provided theme wise Yearly Action Plan on 03.06.2020. In the letter it was also informed that since school are closed, activities will be taken up after the schools reopen. Copy of the same is enclosed herewith as **Annexure-VI.**
- (i) On the directions of Yamuna Pollution Monitoring Committee (YPMC) constituted by this Hon'ble Tribunal in OA No. 06/2012 in the matter "Manoj Mishra Vs Union Of India and On.", department has initiated various awareness programme for abatement of water pollution in the

year 2019-20. Compendium of Awareness Activities on River Yamuna is annexed herewith as Annexure VII.

(j) Department of Environment has issued Advertisements in Newspapers/ Train Panel/ Metro Feeder buses / DTC buses on following themes:

- > On 21.11.2019 - "Our Yamuna our responsibility" in Hindustan Times, Times of India, Dainik Jagran, Punjab Kesari.*
- > On 29.12.2019 & 04.03.2020 - "Our Yamuna our responsibility" in Amar Ujala, Sunday Pioneer, Hindustan Times, Nav Bharat Times, Hindi Hindustan and Indian Express.*
- > On 24.12.2019 to 6.01.2020 - 'Our Yamuna our responsibility' on Metro Train Panel, Metro Feeder Buses wrap and DTC Buses wrap.*

(k) Workshops on idol immersion, River Yamuna pollution control were conducted on 29.08.2019, 04.10.2019, 06.11.2019 and 16.03.2019 for awareness among students of Eco-Clubs of schools/ colleges. More awareness activities are planned with 1GNCA on River Yamuna pollution control. Training was imparted by officers of Department of Environment, during state orientation program on "Cleanliness on River Yamna" organized by SCERT for all heads of schools and Eco-club incharges of schools.

(l) Workshops cum meetings, advertisement, public notices have also been a part of awareness programmes by this department on the issues of Plastic bag menace, ban on Manjha etc. Department regularly celebrates International Environment days viz., World Environment day, International Ozone day, Van Mahotsav, etc.

4. That to ensure compliance of this Hon'ble Tribunal in the present OA and OA 681/2018, review meetings were held under the Chairmanship of Pr. Secretary (Environment), GNCTD on 21.02.2020, 25.02.2020 and 08.07.2020 with all stake holder departments. Minutes of the meeting dated 08.07.2020 is enclosed herewith as Annexure- VIII.

5. The Government of NCT of Delhi has further taken up the matter with DPCC for installation of sufficient number of Noise Monitoring Stations across Delhi, compile and publish statistical data relating to noise pollution and provide the same to various authorities for proper enforcement of Noise Rules, 2000. It has been reported by DPCC that the Noise Monitoring Network covering 26 locations across Delhi has been installed and data is being compiled since June, 2020."

11. The report of the Delhi Police on Noise Pollution is as follows:-

"2. That, in order to comply the above mentioned directions and earlier orders of Hon'ble Tribunal in letter and spirit, the matter has been reviewed by Commissioner of Police,

Delhi and a new comprehensive plan has been devised to control noise pollution. For better implementation and monitoring the noise pollution matters, the Commissioner of Police, Delhi has constituted **specialized Operational Committees under the Chairmanship of respective Spl.CsP**. Details of the responsibilities of Operational Committees is annexed as Annexure-A. The respective Spl.CsP have been assigned to monitor, superintendence, regulation, co-ordination and effective control of noise pollution in their respective spheres and jurisdiction. While the heads of Operational Committees will monitor the action taken concerning their respective areas, the Apex Committee will look into policy issues, if any, referred by the Operational Committees.

Apart from above, two meetings on noise pollution matters were conducted on 13-01-2020 and 20-01-2020, first chaired by Commissioner of Police himself, and the second chaired by Spl.CP/Genl. Adm. Various directions to the filed formations were given for better enforcement of noise pollution laws. Minutes of the meetings have been annexed at Annexure B1 & B2.

Besides the above, respective incharges of Operational Committees were shared with the status of action taken by field functionaries time to time with the observation of the Commissioner of Police for better enforcement of noise pollution laws and for compliance of directions of the Hon'ble Apex Court and NGT in this regard.

3. That, in pursuance to the directions mentioned in Para No -18 of the order, **two hundred forty four (244) Sound Level Meters (SLMs) have been procured by Delhi Police on 05.03.2020. Further, the Sound Level Meters have been distributed in the manner that each designated Police Officer i.e. ACP/Sub-division and all Police Stations shall be equipped with at least one Sound Level Meter.**

A training for Trainers course for all the designated Police Officers under the noise pollution rules has been conducted on 13.03.2020 at Conference Hall, PCR Complex, Model Town-II, Delhi. In this course, all participants were sensitized on noise pollution rules and regulations. The engineers of the supplier company i.e. Amsh productline gave a demonstration as to how to operate the SLMs and resolved the queries of trainers. Minutes of the training programme has been annexed at Annexure `C`.

4. That, in view of the directions of Hon'ble Tribunal, **the public redressal mechanism has been intensified so that the complaints of the people could be resolved promptly. The noise pollution calls are being attended 24x7 by trained operators at the Integrated Complex at ERSS, Haiderpur and**

immediately transferred to local police stations for redressal.

Further, the grievances registered on web portal are also being attended by respective SHOs and ACsP for early disposal.

In this reference, a detailed Standard Operating Procedure (SOP) has also been made by DCP/Operations and Communications for developing a robust protocol for disposal of calls received through phone/ web portal and their timely and effective transfer to districts concerned for appropriate legal action. (Annexure-D)

5. *That, analysis of calls received on exclusive helpline and dedicated website w.e.f. 01.01.2020 to 15.03.2020, reveals that 971 calls were received on helpline no. and 502 grievances were registered on web portal. During the above-mentioned period, 4427 legal actions were taken on the grievances registered on web portal, calls received on helpline and ERSS-112 against the noise violators under Indian Penal Code, Criminal Procedure Code and local and special laws like DP Act, Environment Protection Act, etc.*
6. *That, Traffic Unit of Delhi Police has taken regular actions against the drivers indulging in honking, using pressure horns, modified silencers and violating noise violations in silence zone.*

During 01.01.2020 to 15.03.2020, 662 violators were booked for honking, 3583 for pressure horns, 1792 for modified silencers and 273 for violating silence zone restrictions.

7. *That, in compliance to the directions of the Hon'ble Tribunal, awareness programme has been undertaken by Delhi Police. An advertisement on 'Noise Pollution' publishing dedicated helpline No.155271 and website <http://ngms.delhi.gov.in> has been released in 30 newspapers (English, Hindi, Urdu and Punjabi) on 19.02.2020. Beside the above, an FM radio spot on 'Noise Pollution' of 35 seconds duration was allotted w.e.f. 28.02.2020 to 08.03.2020 (10 days) on 08 FM Channels. (Annexure-E)*
8. *That, in compliance to the orders of Hon'ble NGT, Delhi Police has taken proactive steps at district level too. During the period 01-01-2020 to 15-03-2020, 992 meetings were conducted with RWAs, Volunteers and NGOs and 281 sensitization programmes in educational institutions were organized at Police Station and District level."*

12. While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, **further steps are required to**

ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. **The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs.**

13. We find that while some regulatory framework is said to have been made operational, there is no effective centralized mechanism for monitoring. **Representatives of the Chief Secretary (SDM) and the Police Commissioner(DCP) ought to jointly take stock of the situation on weekly basis. Suitable officers of the rank of the DCP in Delhi Police and SDM in Delhi Government need to be spared for undertaking the assigned responsibility, as already directed.** As noticed earlier, though the DCP and the SDM were nominated, on being summoned by this Tribunal, they were found to be non-functional and thereafter, we are informed that even today they are not functional. **This state of affairs must be forthwith remedied by the Police Commissioner and the Chief Secretary respectively.** They may ensure that their representatives are duly and jointly functional and conduct weekly meetings and maintain the minutes of meetings and the website. They may work in tandem with all other regulatory bodies including the DPCC and the Municipal Corporations. **The entire data collected on the noise monitoring equipments may be centralized and placed on their exclusive websites. They may also coordinate and follow-up the corrective measures with all other agencies and may also monitor functioning of the eco-clubs. The DPCC/other authorities may get prepared an appropriate App(like Sameer) to facilitate receiving and addressing complaints. If Delhi becomes a model of compliance for**

enforcement of pollution norms, it may help all other States/UTs to follow the same.

14. Having regard to the repeated failures, in the last several years, **we find it necessary to constitute a monitoring committee to be headed by a former Judge of the High Court to ascertain the status of compliance in the light of the present order and suggest further measures in the context of Delhi for enforcement of noise pollution control measures.** The Tribunal has earlier constituted a committee headed by Justice S.P Garg, former Judge of Delhi High Court, to monitor compliance of directions with regard to restoration of water bodies and installation of Rain Water Harvesting Systems, use of treated water and allied issues. Instead of constituting another committee, we request Justice S.P Garg to head the proposed Committee. Justice S.P Garg may be assisted by nominees of the DPCC, Delhi Police and the Chief Secretary, Delhi. The Committee may take assistance of any other experts/institution and associate such members of public/educational institutions/social organizations as may be found useful. The Committee may give its report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of the report to be submitted to this Tribunal may also be furnished to the Chief Secretary, Delhi, Police Commissioner, Delhi, CPCB, DPCC, New Delhi Municipal Council, East Delhi Municipal Corporation, South Delhi Municipal Corporation, North Delhi Municipal Corporation, Delhi Cantonment Board and the Municipal Corporations for their response, if any.

A copy of this order be forwarded for compliance to the Chief Secretary, Delhi, Police Commissioner, Delhi, CPCB, DPCC, New Delhi Municipal Council, East Delhi Municipal Corporation, South Delhi Municipal Corporation, North Delhi Municipal Corporation and Delhi Cantonment Board by email.

A copy of this order be also forwarded to Justice S.P. Garg, former Judge, Delhi High Court by email.

List for further consideration on 15.04.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 11, 2020
Original Application No. 519/2016 & connected matters
AK