

**Court No. - 1****Case :-** P.I.L. CIVIL No. - 24981 of 2017**Petitioner :-** Moti Lal Yadav**Respondent :-** State Of U.P.Through Its Chief Secy.Civil Sectt.Lko.& Ors.**Counsel for Petitioner :-** Moti Lal Yadav [Inperson]**Counsel for Respondent :-** C.S.C.,A.K.Verma,Amrendra Nath Tripathi,Neeraj Chaurasiya,Rajesh Verma**Hon'ble Vikram Nath,J.****Hon'ble Abdul Moin,J.**

1. Heard Sri Moti Lal Yadav in person, Sri Ramesh Kumar Singh, Additional Advocate General assisted by Sri H.P. Srivastava, Additional Chief Standing Counsel, Sri A.K. Verma, learned counsel for the U.P. Pollution Control Board and Sri Amrendra Nath Tripathi, Advocate.
2. In pursuance to the order dated 6.2.2018, Sri Arvind Kumar, Principal Secretary (Home) is present in the Court. An affidavit for exemption from personal appearance of the Chairperson, U.P. Pollution Control Board has been filed, which is taken on the record and her personal appearance is exempted for today.
3. The matter in issue is of a very serious nature pertaining to the immense noise pollution on account of rampant use, rather misuse and abuse, of loudspeakers installed over the religious places and being used rampantly by the Disc Jockey's in marriage processions and other processions which are taken out night and day throughout the State of U.P. This Court by a detailed order dated 20.12.2017 had indicated the entire law on the subject including the health consequences of community noise pollution as per the research article published in the Indian Journal of

Community Medicine. Despite the said order and the Government having issued an order dated 4.1.2018 as contained in Annexure-1 to the personal affidavit filed by the Principal Secretary, Home Department, Government of U.P., which appears to be a feeble and weak attempt to control the menace of noise pollution, nothing much appears to have been done on the ground, apart from indicating that almost all the loudspeakers belling out noise throughout the day and night, now have the permission to do so, the permission having been granted by the competent authority. Needless to mention that despite issue of the said order the things have not changed even an iota, rather persons indulging in noise pollution have now become even more brazen about it. The contradictions in the personal affidavit filed by the Principal Secretary, Home Department were explained in the Court to the Principal Secretary and Sri Ramesh Kumar Singh, learned Additional Advocate General assisted by Sri H.P. Srivastava, learned Additional Chief Standing Counsel to which Sri Ramesh Kumar Singh, learned Advocate General has stated in his usual fair manner that they would be filing a better affidavit in this regard addressing the questions raised by this Court in the order dated 20.12.2017 and also in this order.

4. Upon a pointed query raised by the Court to the Principal Secretary as to how the menace of loudspeakers is sought to be curbed, Sri Arvind Kumar, Principal Secretary, Department of Home stated that the order issued by the State Government dated 4.1.2018 emphasizes all the issues and some more time be granted to the Government to control the said menace. However, we feel that the order dated 4.1.2018 issued by the State Government does not cover the entire mechanism for proper implementation and compliance of the directions contained in the order dated 20.12.2017, inasmuch as there is neither any

provision for controlling noise emanating from the loudspeakers day and night including the bands/DJ's accompanying the marriage processions and other processions taken out in the streets day and night. The order dated 4.1.2018 appears to give a blanket permission without any check or control to the persons seeking to install loudspeakers or who have already installed loudspeakers. Such blanket permission, in our considered opinion and that too without having any checking mechanism, is simply an attempt for a sham compliance of the Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter referred to as the 2000 Rules).

5. Sri Arvind Kumar further stated that the Government is planning to purchase machines in order to measure the noise emanating from such loudspeakers but then again upon a query from this Court as to how in case the machine reaches the place emanating the noise which is beyond the permissible limit and the person, upon seeing the said machine and squad, reduces the noise then what would be the purpose of the said machine, to which Sri Arvind Kumar did not have any reply and stated that he would revert back to this Court with other and better suggestions. He also stated that UPDESCO a State Government undertaking has been approached for developing comprehensive software and providing technical knowledge in this regard.

6. The reason why we have reproduced the aforesaid proceedings in the Court is to indicate that the order dated 4.1.2018 issued by the Government in order to control the menace of noise pollution is simply toothless and appears to be of little use unless and until check mechanisms are put in places. A better option could be, as suggested by Sri Moti Lal Yadav, that any person seeking permission for a loudspeaker is also

mandatorily required to install a machine in the nature of noise governor so that the noise emanating from the loudspeaker does not go beyond the permissible limit and in the absence of any such purchase receipt accompanying the application seeking permission for installation of the loudspeakers no such permission be granted. Likewise all the persons having installed loudspeakers should also be required to purchase the said noise governor machine within a specified time failing which the loudspeakers should be removed. However, said being a suggestion by Sri Moti Lal Yadav, Advocate, may be examined by the State and action/implementation in this regard be informed to this Court on the next date fixed.

7. Sri Arvind Kumar is also accompanied by the Technical Officer who states that the noise emanating from the loudspeakers and other sound producing instruments are measured from a distance of four meters. We find it strange inasmuch as as per the material available on the Yale University website namely <https://ehs.yale.edu/sites/default/files/decibel-level-chart.pdf>, a decibel level (dBA) of 60-70 is comparable to a normal conversation. The same is supplemented by the City Redding California Project chart which also indicates the noise level in dBA of 70 which is comparable to a normal speech at 3 feet. Accordingly on the basis of information available on the website of both the Yale University and City of Redding California it appears that even the measurement being done through the instruments by the State Government is at variance to the international sound management comparison chart. Incidentally 70 dBA is more than the maximum limit which is specified during day time for a commercial and residential area which is 65 dBA and 55 dBA respectively. For the sake of convenience, copies of the said charts are made part of this order.

8. Another suggestion which has been given by Sri Moti Lal Yadav is that once the authorities are finding them helpless in curbing the menace of noise pollution apart from the fact that authorities have themselves adopted their own practice of measuring the noise from a distance of four meters despite the text book practice as indicated on the website of Yale University and the City Redding California Project indicating the noise level in dBA measured at 3 feet itself indicates the helplessness of the authorities in this regard. He thus suggests that instead of the State Government purchasing noise measurement machine for crores of rupees which eventually would not result in any effective control and checks in the noise pollution which despite the rules being in force can be heard for hundreds of meters away, the Government may adopt the same procedure of a complete ban on the loudspeakers as have been done in the case of removal of the red and blue beacon lights by making necessary amendments in the Environment Protection Act itself. In this regard he has invited our attention to the Central Motor Vehicle (Amendment) Rules, 2017 by which the use of red, white or blue lights has been completely omitted from the rule book in view of the Central Motor Vehicle (Amendment) Rules, 2017. However, the same being a legislative function we cannot issue any direction at this stage but leave it to the collective wisdom of the Government more particularly seeing the rampant noise pollution prevailing throughout the State of U.P.

9. Keeping in view the aforesaid facts and the ground realities that we have incorporated in our order and the arguments advanced by Sri Moti Lal Yadav, Advocate (in person) and Sri Arvind Kumar, Principal Secretary, Department of Home, Government of U.P., we grant four weeks time to the State-respondents to file a better affidavit in pursuance to the order

dated 20.12.2017 and also file an affidavit in view of the suggestions that have been made and as indicated above in our order.

10. We expect that serious endeavor will be made by the State Government so as to tackle the menace of noise pollution.

11. Connect this petition with Writ Petition (M/B) No.2214 of 2014 and list on 12<sup>th</sup> March, 2018. On the said date, the Principal Secretary, Department of Home, Government of U.P. and the Chairperson, U.P. Pollution Control Board would again remain present to assist the Court.

**Order Date :- 13.2.2018**

Rakesh

(Abdul Moin) (Vikram Nath)

<https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>

### Decibel Level Comparison Chart

Environmental Noise	dBA
Jet engine at 100'	140
<b>Pain Begins</b>	125
Pneumatic chipper at ear	120
Chain saw at 3'	110
Power mower	107
Subway train at 200'	95
Walkman on 5/10	94
<i>Level at which sustained exposure may result in hearing loss</i>	80-90
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0

Note: dBA = Decibels, A weighted



## LOUDNESS COMPARISON CHART (dBA)

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Jet Fly-over at 1000 ft	110	Rock Band
Gas Lawn Mower at 3 ft	100	
	90	Food Blender at 3 ft
Diesel Truck at 50 ft at 50 mph	80	Garbage Disposal at 3 ft
Noisy Urban Area, Daytime	70	Vacuum Cleaner at 10 ft
Gas Lawn Mower at 100 ft	60	Normal Speech at 3 ft
Commercial Area	50	Large Business Office
Heavy Traffic at 300 ft	40	Dishwasher Next Room
Quiet Urban, Daytime	30	Theater, Large Conference Room (Background)
Quiet Urban, Nighttime	20	Library
Quiet Suburban, Nighttime	10	Bedroom at Night, Concert Hall (Background)
	0	Broadcast/Recording Studio
Quiet Rural, Nighttime		
Lowest Threshold of Human Hearing		Lowest Threshold of Human Hearing

An increase of 3 dBA is barely perceptible to the human ear.

