

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Execution Application No. 19/2022
In
Original Application No. 496/2018

Akhand Bharat Morcha

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 14.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rahul Raj Malik, Advocate for Applicant in E.A 19/2022

ORDER

1. This application seeks execution of order of this Tribunal dated 03.02.2022 in OA No. 519/2016, *Hardeep Singh & Ors. vs. SDMC & Ors.* on the issue of compliance of the Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules).

2. In its order dated 3.2.2022, the Tribunal considered that the issue of compliance of the said Rules in the light of factual status reports and issued directions in continuation of earlier directions from time to time for compliance of the statutory Rules. The Tribunal directed monitoring and also preparation of an App for the purpose. Reference was also made

to the order dated 11.08.2020 in O.A. No. 681/2018, *In Re: News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"*, whereby directions to comply with the Rules were issued in respect of 102 (now 124) non attainment cities where air quality was not upto standards and action plans were prepared to take remedial steps. To effectuate the rules, directions were also issued to install noise limiters on potential noise polluting devices, apart from other directions. Relevant extracts from order dated 11.08.2020 in O.A. No. 681/2018 are reproduced below:

"23. Status with reference to each of the above questions was examined and following directions were issued:

I to X.....xx.....xx.....xx

XI. Noise Limiters need to be installed on potential noise polluting devices, including retrofitting the existing devices. Appropriate directions be issued by the States/UTs within three months in the same manner as directed by this Tribunal for Delhi vide order dated 01.08.2019 in O.A. No. 519/2016, Hardeep Singh & Ors. vs SDMC & Ors."

24 to 26.....xx.....xx.....xx

27. Separate report on the subject of control of noise pollution gives the gap analysis as follows:

"3.0 GAP ANALYSIS

As per Hon'ble NGT Directions dated 15.03.2019 and 15.11.2019, action Plan submitted by States/UTs are analysed on the basis of following points:

- i. Noise level monitoring in conjunction with the Police Department and take remedial action.***
- ii. Police Departments of all the States/UTs may obtain the Noise monitoring devices within a period of three months.***
- iii. Police Department of all the States/UTs may also train their staff regarding the use of such devices.***
- iv. Police Department of all the States/UTs may develop a robust protocol for taking appropriate action against the defaulters.***
- v. Use of Sound Limiter(s) in all sound system/public address system for effective control of Noise Pollution.***

Accordingly, action plans submitted by 30 States/UTs were assessed based on its adequacy in addressing above-mentioned points. Detailed assessment of action plan is attached as Annexure-XLVI.

Following are the major observations based on the assessment:

- i. 10 States/UTs (Delhi, Tripura, Bihar, West Bengal, Karnataka, Kerala, Gujarat, Jammu and Kashmir, Sikkim, Uttar Pradesh) have addressed all the five action points as listed above in their action plans.
- ii. 20 States/UTs (Andhra Pradesh, Andaman & Nicobar, Arunachal Pradesh, Assam, Chhattisgarh, Chandigarh, Goa, Daman & Diu & Dadra and Nagar Haveli, Himachal Pradesh, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Manipur, Mizoram, Odisha, Pondicherry, Tamil Nadu, Telangana, Uttarakhand) have partially addressed the above-listed action points in their action plans.
- iii. 05 States/UTs namely Haryana, Jharkhand, Nagaland, Punjab, Rajasthan have not submitted any action plan to CPCB.”

28to36.....XX.....XX.....XX

37. There are huge gaps in execution of action plans for noise control, including procurement of equipments. Such gaps need to be addressed especially by Police and environment Departments who are entrusted with the responsibility of control of noise under the Noise Pollution (Regulation and Control) Rules, 2000. Atleast from 01.11.2021, the concerned States/heads of police force must be held liable to pay compensation @ Rs. 10 lakhs per month on the same pattern as failure to enforce action plans for control of air pollution.

38to59.....XX.....XX.....XX

- “60. Our directions are summed up as follows:
- i&ii.....XX.....XX.....XX
 - iii. **Monitoring by NTF may be with reference to the action plans of 124 NACs. The components include installation of monitoring stations, completion of CC and SA studies, shifting, prohibiting and regulating activities beyond carrying capacity (such as shifting to cleaner fuel and declaring regulated/no vehicle zones so as to ensure that the air quality does not go beyond ‘poor’ for protection of health of the citizens), effectiveness of PGRPs, timelines for execution of the action plans and recovery of compensation for delay, addressing gap in control of noise pollution, afforestation drives utilizing CAMPA funds, effective implementation of ERS, revamping of PCBs/PCCs and other monitoring mechanism, remediation of legacy waste sites and effectives steps for management of other waste, including biomedical, plastic and e-waste, dust control, public awareness and**

community involvement programmes and setting up of data grids on all levels. NTF may also evolve and oversee parameters for interse ranking of success of remedial action for 124 NACs and other air polluted areas where air quality is poor and above. Further, accountability for failures and incentives for success also needs to be monitored. NTF is free to take up any other incidental issues.

iv.....xx.....xx.....xx

v. The Chief Secretaries of all States/UTs may continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers. **The issue of noise pollution also needs to be addressed, as earlier directed."**

3. Vide order dated 11.08.2020, the Tribunal also constituted a Committee headed by Justice S.P. Garg, former Judge of Delhi High Court to suggest further measures in the context of Delhi for enforcement of noise pollution control measures. In pursuance of the said order, a report has been filed on 29.04.2022 which has been taken on record by a separate order passed today and further directions have been issued in M.A. No. 41/2022 in OA No. 519/2016, *Hardeep Singh & Ors. vs. SDMC & Ors.*

4. In the light of above, we are unable to pass any further order in this execution application.

The application will accordingly stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 14, 2022
Execution Application No. 19/2022
In OA No. 496/2018
DV