

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 519/2016 (I.A. No. 139/2021)

Harpreet Singh & Ors.

... Applicants

Vs.

SDMC & Ors.

... Respondents

WITH

Original Application No. 496/2018

Akhand Bharat Morcha

Vs.

Union of India & Ors

WITH

Original Application No. 196/2018

Akhand Bharat Morcha

Vs.

Union of India & Ors

WITH

Original Application No. 197/2018

Akhand Bharat Morcha

Vs.

Union of India & Ors

PROGRESS REPORT REGARDING MITIGATION OF NOISE POLLUTION

Most respectfully showeth:

1. The instant Progress Report is being filed in pursuance of the orders dated 11.08.2020 and 03.02.2022 of Hon'ble National Green Tribunal in the captioned petitions/applications. Para 14 of the order dated 11.08.2020 reads as under:

“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 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 Rainwater 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 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...”

2. Vide order dated 03.02.2022, the Hon’ble NGT was pleased to grant time till 30.04.2022 to the Committee to complete its work and file report.
3. After the constitution of the Committee, in all seven (7) meetings were held with the stakeholders/Nodal Officers. In the meetings, various stakeholders were impressed to take effective steps for mitigation of noise pollution. The directions of the Hon’ble Supreme Court from time to time to curb noise pollution should be adhered to and implemented. A complete Public Redressal mechanism be devised for receiving complaints on SMS, telephones and emails. All the agencies should work in coordination with each other. Main issues deliberated in the meetings were:

Association of Experts and Research

4. In recent times, noise pollution has been well recognized as one of the major trepidations that affects the quality of life in urban areas. A UNEP report has ranked five Indian cities among 61 cities with severe noise pollution. High level of noise impair human health and well being by disrupting sleep etc. Hence, to reduce the detrimental consequences of noise pollution, a more stringent and impeccable set of decisions that could govern the issue coupled with technological advancements was considered to be the need of the hour.

There are different types of noise sources and a lot of issues are involved in the effective control of noise, which cannot be easily controlled without the association and active participation of experts, researchers, scientific bodies, policy makers and NGOs. Emphasis was to associate experts in the field to ascertain their views as to how noise pollution can be mitigated. On the suggestion of the Monitoring Committee, Mr. J.S. Kamyotra, former Member Secretary, CPCB; Dr. Naveen Garg, Principal Scientist and Head of Acoustics and Vibration Standards, CSIR National Physical Laboratory; Dr. Naseem Akhtar, Principal Scientist, CSIR, CRRI; Dr. Vishal Gandhi, Sr. Scientist CPCB and Dr. M.P. George, Sr. Scientist, DPCC were associated.

5. Sh. J.S. Kamyotra proposed the following suggestions to mitigate noise pollution:
 - a) Exposure to hazardous noise at the factories, workplaces and construction sites should be reduced by using quiet, silenced equipment, adopting quieter alternative techniques, using noise control measures like silencers, barriers, enclosures, erecting warning signs, using time restrictions and providing personal hearing protection equipment.
 - b) The noise exposure by traffic could be reduced by quieter vehicles, quieter tires, quieter road surfaces, traffic measures such as speed monitoring & reduction, erecting of noise barriers and home insulation etc.
 - c) A dedicated grievance redressal portal may be developed with specified timelines for disposal.
 - d) Specific guidelines for Indian scenarios be prepared and distributed to all stakeholders for compliance at vulnerable spots such as factories, construction sites and during celebrations and functions.
 - e) Hotspots should be identified and surveillance should be observed and kept at such places.
6. Dr. Naveen Garg, Head Acoustic & Vibration Standards, National Physical Laboratories informed he had already conducted a one day workshop on 17th

Deember 2022 on the subject, 'Mapping Noise Control'. He was regularly providing assistance to State Noise Pollution Control Boards, about the technical issues, concerning noise pollution. He suggested that proper identification of hotspots may be done and control measures may be adopted, to curb and control noise pollution.

7. Dr. Naseem Akhtar, expert from CRRI focused on the issues of complainces of existing guidelines and developing new standards on the basis of Indian scenario. He stressed that use of SLMs should be increased for noise standards; precautions to be observed at factories, construction sites and high traffic areas. He suggested that cities may be declared no honking areas and if allowed their frequency should be minimal. He drew attention of the Committee towards the existing DPCC monitoring stations and stated that they be stationed at prime hotspots and not away from noisy areas otherwise their measurements would not be accurate and reliable.
8. Vishal Gandhi, Sr. Scientist, CPCB presented a Power Point Presentation on the following issues for abatement of noise pollution :
 - a) *Concept of Noise*
 - b) *Control measures of source*
 - c) *Control at recipient end*
 - d) *Mitigation measures*
 - e) *Methodology*
9. All the experts were requested to conduct further research, provide suggestions and measures for effective control of noise pollution. Dr. Naveen Garg and Vishal Gandhi assured that they were already working on some projects concerning noise pollution and will submit their proposals. More experts were directed to be involved in the meetings. It was also decided that the experts should be paid reasonable honararium/remuneration for their contribution.

Development of Legal framework of noise pollution

10. The legal provisions prevalent in the states of Tripura & West Bengal were discussed in the meeting. *Sh. Vishal Gandhi, Sr. Scientist, CPCB* explained the main clauses of noise laws of these States and underlined the provisions, which need to be implemented in Delhi. In this reference, mentioning of the noise action plan of GNCT Delhi was also made and after detailed discussion on every aspect, three specific directions were given by this Committee to overcome practical difficulties of field staff.

a) ***Empowerment of Local Bodies*** - In Delhi, the local & Civic bodies viz. three MCDs, NDMC and Delhi Cantt. Board are not empowered to initiate legal action under Noise Pollution (Regulation & Control) Rules. Regarding violations, only option available to them is to report the violation to designated authorities. It was felt that without active participation of local bodies, the noise pollution cannot be effectively controlled & curbed in Delhi. For this purpose, the Legal Department, GNCT was requested to initiate a proposal for empowering the officials of local & civic bodies under Noise Pollution (control & regulation) Rules. The proposal is now pending with Hon'ble L.G Delhi.

b) ***Permission for Loudspeakers*** - In the meetings, it was highlighted that there was confusion among authorities on the procedure for granting permission for playing loudspeakers. The Committee directed Dept. of Env. & Forests, GNCT, to issue fresh notification w.r.t, Authority empowered to grant permission for loudspeakers. Though, the notification is yet to be issued, Delhi Police has been designated as an 'authority' and directions have been issued that compliance of Noise Rules should be made mandatory in the prior permission and an undertaking may also be obtained

from the organizers that they would use sound limiters and abide by the statutory rules of day and night time and permissible noise limits.

- c) ***Delegation of Authority*** – It was informed that Delhi Police has procured 244 Sound Level Meters and has distributed them among ACsP/Sub Divisions and SHOs on the directions of Hon’ble NGT. But on critical evaluation, very few actions were reported utilizing the sound level meters. The reason for inactions was that SHOs were not designated as an authority to prosecute under Noise pollution rules. The Committee noted that the procurement of SLMs by the concerned local bodies was highly unsatisfactory. Directions were given to the local bodies to procure more SLMs at the earliest.

Dept. of Environment GNCT was directed to prepare a proposal for delegation of authorities to all SHOs in Delhi which is presently pending with the Ministry of Environment & Forest, Govt. of India.

- d) ***Low action by prosecution agencies*** - Lack of specific law to prosecute the violations was mentioned as a reason for low actions by prosecuting agencies. In Delhi, the violators are often booked under DP Act, Cr.P.C., IPC and Environment Protection Act. But, the majority of actions are initiated under Delhi Police Act, in which fines & penalties are very meagre. Regarding the new Compensation Regime, only the SDMs and ACsP are designated authorities empowered to take actions against loudspeakers, generator sets, and firecrackers. Till now only one action has been reported from SDM Cantt. on the report of Delhi Cantt. Board.

It was observed that specific laws & rules may be enacted for control & curb of noise pollution and enforcement of noise rules. DPCC was also requested to prepare a draft about the actions expected to be taken by field staff and distribute it to all stakeholders.

Data Analysis and Identification of Hotspots

11. In pursuance to the directions of Hon'ble Tribunal and compliance of the action plan of GNCT, all the stakeholder Dept. were directed to procure more sound level meters and DPCC was directed to increase the number of monitoring stations proportionate to the area & population of Delhi. At present, the status is as follows:

Departments	No. of Sound Level Meters
Delhi Police	244
Revenue Department	NIL
North DMC	12
South DMC	4
East DMC	5
NDMC	0
Delhi Cantonment Board	1
DPCC	31 (Monitoring Stations)

12. It was informed that presently 31 ambient real time monitoring stations of DPCC & 10 stations of CPCB were functioning 24x7, whose data was also available online. The proposal of noise mapping is also in process by CPCB but it will take about 2-3 years to accomplish the project.

13. It was discussed that noise pollution in Delhi cannot be curbed & controlled in one instance, so proper strategy & methodology may be adopted in which DPCC should identify monitoring stations, which are highly vulnerable & susceptible on a random basis and share the monitoring data with local bodies, Transport Dept., Traffic Police, Police Stations etc. These departments should further take actions to curb & mitigate noise pollution and share the results with the Joint Committee & Monitoring Committee. It was also envisaged that

territory of Delhi may be divided police station wise or on the basis of the jurisdiction of municipal wards or any other criteria suitable to DPCC. After this exercise, the area may be selected on random basis and enforcement agencies like Transport Dept., Traffic Police, local bodies and other enforcement agencies should intensify action in that area. The data of action taken may be compiled on google sheets, so that online analysis can be done. DPCC should bear the responsibility and undertake the task in coordination with Nodal officers of GNCT and Delhi Police. Sh. Kuldeep Gangar suggested that if required, Civil Defense volunteers can also be engaged & utilized for this purpose.

Traffic Noise

14. Automobiles constitute the largest single group of noise menace. In a city, 60 to 70 percent of noise may come from road traffic. The level of highway traffic noise depends on: the volume of the traffic, the speed of the traffic and the number of vehicles in the flow of the traffic.
15. Generally, traffic noise is increased by heavier traffic volumes, higher speeds, and greater numbers of heavy vehicles. Vehicle noise is a combination of the noises produced by the engines, exhausts, and tires. The loudness of traffic noise can also be increased by defective mufflers or other faulty equipment on vehicles. Any condition (such as a steep incline) that causes heavy laboring of motor vehicle engines will also increase traffic noise levels. In addition, there are other more complicated factors that affect the intensity of traffic noise.
16. In Indian cities road lengths are much less than desired, being 7 percent of the total area instead of 20 to 30 percent, so the vehicle densities become alarmingly high, resulting in increased noise level. Further in Delhi, the incessant traffic noise accompanied by relentless honking, pressure-horns,

modified silencers is a major contributor of noise pollution. In terms of traffic noise, 90db is an acceptable limit, but it becomes unbearable in residential and silent zones. Delhi has got a vast network of roads and it is not feasible to erect sound barriers on such a long stretch.

17. The alternative measures such as planting of trees, awareness w.r.t. no-honking, quieter vehicles, quieter tires, speed reduction, home insulation, smooth road surface etc., could be adhered to reduce vehicular noise. The better option is to increase awareness just like in case of firecrackers and to increase prosecution. The zero-tolerance policy should be followed in case of unnecessary honking and use of modified silencers.
18. In this reference, officials of the Traffic unit and Transport Department were involved in the meetings, to create awareness campaigns, observe no honking weeks and to increase prosecution. It was also directed that the data of prosecution should be shared with the media, so that it serves as a deterrent for others. A drive/campaign against honking was also launched w.e.f. 28th Feb, 2022 to 05th March, 2022, in which 23,320 vehicles were checked at 44 locations in Delhi and people were sensitized regarding hazardous effects of noise pollution. In the period w.e.f. 01-01-2022 to 31-03-2022, 331 *challans* were issued against the use of pressure horns, 30 *against honking in silent zones*, 773 *against modified exhausts/ silencers* and 59 *against playing loud/high pitch music in vehicles* by Delhi traffic police. Transport department, which is presently taking actions against only pressure horns, was directed to take action against modified exhausts too. For effective control, it was decided that:

1. *Presence & vigilance of Traffic Police should be increased on roads and police patrolling & pickets should be routinely put around market places to check violations.*

2. *Enhanced prosecutions/fines and wide publicity to campaigns can discourage the motorists from installing the modified equipment in vehicles. As per the sections 190(2) of amended Motor Vehicle Act, which came into effect in Oct, 2021, causing air & noise pollution can now attract a fine up to Rs.10k instead of Rs. 1k earlier under the old Act. This aspect should also be given wide publicity and media coverage.*
3. *Besides the above, RWA and local people may be urged to share information about such vehicles to the Traffic Police helpline and Transport Department.*
4. *Further, officials of the Transport Department were directed to file a comprehensive report regarding the difficulties and requirement of enhanced manpower, resources and equipment for fulfilling the objective on ground. They should also specify the action plan for combating noise pollution by vehicles and retrofitting of silencers and pressure horns.*
5. *SDM/Hauz Khas, the Nodal Officer of noise pollution for GNCT, Delhi was requested to prepare and put up a proposal for control of illegal sale of modified silencers & pressure horns in markets, in coordination with trade & taxes departments and prepares a draft for circulation to all areas SDMs in Delhi for effective implementation on ground.*
6. *It is proposed that the horticulture department officials may also be involved to plant more trees around the roads.*

Construction sites

19. In India, urbanization is developing very fast and huge buildings are being constructed at the fastest speed. During demolition of old sites and construction of new buildings, huge machines which produce a lot of noise are being commissioned. A lot of noise is created during the construction or repair work of roads in cities.

20. In this reference, the Officials of DPCC and PWD departments were involved to prepare the guidelines for the construction sites & private contractors. It was informed by the PWD Officials that the ambient noise level at construction sites of PWD was within the prescribed limits because all plants and concrete production units are located away from residential areas of Delhi. Regarding private construction sites, some specific guidelines are required, so DPCC was directed to prepare them. After a detailed discussion on the issue, it was directed that:

1. *Proper sensitization and enforcement of rules may be carried out through field inspections and field staff*
2. *DPCC should frame the guidelines for construction sites on priority.*
3. *Local bodies and DPCC should launch campaigns for checking construction sites with the help of sound level meters and report the actions in the fortnightly meetings.*
4. *Special drives may be launched against marble & tile cutting machines and the contractors should be sensitized to keep them at a location where they cause optimal & less noise pollution.*

Religious Places

21. OA No. 196-197-496/2017 were specifically related to noise violations committed by use of amplifiers and loudspeakers at religious places. In this reference, the directions of the Hon'ble Apex court were pointed out, thus:

“The Union and state government to ensure that the noise level at the boundary of the public places, where loudspeakers and public addresses are used as per law, should not exceed 10 db (A) above the ambient noise standards for the area or of 75 db (A), whichever is lower”

22. Following directions were issued to local bodies & SHOs:

- *Regular meetings should be conducted by local bodies and SHOs concerned with office bearers of religious institutions for self-regulation of*

noise instruments. Sound from mics should be limited to its premises and should not cause inconvenience to others.

- Shall be pursued to install sound limiters and to abide by the noise rules.*
- Regular feedback may also be obtained from the local bodies and Police Stations regarding actions taken & result thereof.*

Awareness Measures

23. Awareness is one of the essential ingredients of developing belief. Awareness about the ill effects of noise pollution can lead to dramatic and positive effects resulting in making people more aware, proactive, responsible and conscious. If the people are aware & conscious Seventy-five percent work is accomplished. All the stake holder departments discussed ways and means to create awareness through following ways:

Department of Environment

- a) One lac pamphlets were distributed to 15 Police Stations, 11 DM Office & 12 Dy. Director Office @ 2500 each.*
- b) An advertisement was released in 19 dailies.*
- c) Annual calendar of monthly activities regarding noise pollution for Eco-Clubs was distributed among schools & colleges.*
- d) Dept. of Env. was directed to create awareness campaigns through FM Channels, print media, erecting electronic boards at prominent places, installation of complaint boxes and preparation of animation clips which will be shared on twitter handles, websites, WhatsApp group to sensitize people.*
- e) Dept. of Environment was also directed to incorporate noise awareness in information, education and communication (IEC) through online classes to all students.*

Directorate of Education, GNCT

- a) The Directorate of Education, GNCT informed the Committee that PDF material related to different types of pollution, reducing carbon footprint,*

cleanliness drives, tree plantation, global warming, healthy food and hygiene has already been uploaded on the Department of Environment website, so that all schools should comply with them. They were directed to pursue the efforts more vigorously.

Delhi Police

- a) District DCsP are being asked to use social media platforms like Facebook, Twitter and Whats-app groups to sensitize and motivate people to follow noise norms.*
- b) Sensitization meetings are being conducted at Police Station and their data is regularly discussed in the meetings.*
- c) Delhi Police has broadcasted awareness messages on eight FM channels w.e.f., 28.02.2021 to 08.03.2021 (10 days). The noise awareness messages were played on FM Channels in the slots of 50 seconds. They were directed to repeat the practice in 2022.*

Local Bodies

- a) The local & Civic bodies were also directed to spread awareness through social media platforms, jingle music in garbage collecting vans, pamphlets, posters and educational institutions.*

Transport Department

- a) In community taxis like Ola & Uber, a feedback form is provided to the passenger at the end of the journey. In this form feedback regarding unnecessary honking, using pressure horns can be inserted. Further Transport Dept. was directed to conduct campaigns for control of vehicular noise pollution in Delhi and to give it maximum publicity through media campaigns.*

DSLISA

- a) The DSLISA is organizing a lot of awareness initiatives through street plays, door to door campaigns etc. These services can also be utilized for spreading awareness. They can also be involved in the Joint Committee meetings.*

Actions by Delhi Police

24. On annual analysis of web portal data, it was observed that 642 grievances were received up to 17.04.2022. Out of 642, 04 legal actions taken, 118 untraced, 473 filed and 47 were found to be repeated.
25. On exclusive helpline 625 calls were received up to 17.04.2022 and 05 legal actions, 114 untraced, 461 filed and 45 calls were found to be repeated. On ERSS-112, total 11610 calls were received up to 17.04.2022, 129 legal actions, 2637 untraced and 7247 filed and 1597 found to be repeated. *The overall legal action percentage was found to be 1.66% excluding untraced and repeated calls.* On Sameer App, total 282 were received up to 17.04.2022 and 26 calls are pending. On Green Delhi App, 661 calls were received and 238 calls are pending with Delhi Police.

MISCELLANEOUS

26. DPCC, vide its letter dated 30.03.2022 has requested MoEFCC, Government of India to suitably amend the Notification No. S.O.394(E) dated 16.04.1987 and all SHOs of Delhi Police may be inserted in the said Notification as an authorized officer under Section 19 of the EPA, 1986, for the violation of the Noise Rules, 2000 at the earliest.
27. Dr. Naveen Garg has furnished details of the project “Silence (Spreading Information, Learning about Environmental Noise Control and Education). The said project proposal has been examined and found in order for submission by Head, PMA Group on 12.04.2022. The Finance and Accounts, NPL Delhi has concurred with expenses of Rs.24.90/- lacs towards the project proposal.
28. It was impressed that to curb noise pollution, spot inspections should be regularly conducted. A task force at appropriate level, most likely at police station level, should be constituted for effective enforcement of noise norms. Exclusive officers should be nominated as Nodal Officers of Noise Pollution. There should not be frequent shifting/transfers of the Nodal Officers to

maintain continuity. Compensation regime should be circulated and publicized properly through social media and advertisements.

29. “Intelligent Traffic Management System” be implemented at traffic bottlenecks, to ensure free flow of traffic, to reduce idling vehicular noise, strict enforcement of ‘no-honking’ zones/silence zones.
30. The draft guidelines for construction works on which DPCC is working on should be expedited and finalized.
31. Measures like noise tracking which are so adopted by the European countries can be used.
32. Proper monitoring and review of action taken in Delhi should be done at regular intervals. The feedback from the Enforcement Agencies should also be sought and redressal of practical problems may be done at ground level.
33. With respect to grant of permission for playing loudspeakers and DJs, DPCC is pursuing the matter with the Ministry of Environment. As an interim measure, it has been directed to Delhi Police to put mandatory condition for sound limited installation in audio system/public address system in permissions being given for functions.
34. Sound limiters are compulsory and mandatory for installation in Tripura and West Bengal. Hon’ble NGT has taken this aspect from the Action Taken Reports of Tripura and directed GNCTD to issue appropriate Gazette Notification for mandatory installation in sound systems. These directions should be acted upon and implemented at the earliest. An undertaking should be taken from the organizer as a pre-condition for giving permission of playing loudspeakers.

35. The government should take noise pollution at par with air pollution. Whenever there is any plan to curb air pollution, similar plans must be made to mitigate noise pollution.

36. There should be regular drive by traffic police to prosecute violators of noise norms like modified motorcycles, pressure horns etc. 'No Honking Week' can be organized.

Submitted please.

Dated: 29.04.2022

Justice (Retd.) S. P. Garg