

Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 158/2016 (EZ)

Subhash Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 04.09.2020

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

For Applicant (s):

Mr. Subhas Datta, Applicant in person

For Respondent(s):

Mr. Bikas Kargupta, Advocate for Respondent

Nos. 1,3,4&8,

Ms. Paushali Banerjee, Advocate for Respondent No.2,

Mr. Dipanjan Ghosh, Advocate for Respondent No.5,

Mr. Gora Chand Roy Choudhury, Advocate for Respondent No. 6,

Ms. Amrita Pandey, Advocate for Respondent No.11

Mrs. Aishwarya Rajyashree, Advocate for Respondent No. 12 &13,

Mrs. Papiya Banerjee Bihani, Advocate for Respondent No. 38,

Mr. Arnab Ray, Advocate for Respondent No. 35,

Mr. Surendra kumar, Advocate for Respondent No. 10,11,14,42,43 & 44,

Mr. Swarbhanu Bhattacharya, Advocate alongwith Ms. Sharmistha Ghosh, Advocate for Respondent No. 7

Mr. Siddhesh Kotwal, Advocate for State of Mizoram

Mr. S.K. Nayak, AGA, for Respondent Nos. 36&37,

Mr. S. Majumdar, Advocate alongwith Mr. S. Deb, Advocate for Respondent No. 20,  
Mr. Vinayak Gupta, Advocate for State of Assam,

## **ORDER**

1. This case was disposed off vide order dated 13.11.2019 with the following directions:

*“i. The Chief Secretary, Government of West Bengal, the Director General of Police, Government of West Bengal and The State Pollution Control Board shall be responsible for enforcement of the directions of the Hon’ble Supreme Court referred to above and the Tribunal and to comply with the Statutory Rules and Regulations and instructions on the subject. They shall take effective steps in the matter;*

*ii. The Director General of Police may nominate a Superintendent of Police/ Deputy Commissioner of Police for the Kolkata and Howrah exclusively for dealing with the issue of noise pollution. Other police authorities for Kolkata and Howrah must co-operate and report to the SP/DCP (Noise Pollution) with regard to the issue of noise pollution;*

*iii. The Superintendent of Police/Deputy Commissioner of Police must have regular joint meetings with all the Police authorities within different jurisdictions to deal with issue of Noise Pollution. The situation shall be reviewed periodically by the Superintendent of Police/Deputy Commissioner of Police atleast once in a week;*

*iv. They shall develop exclusive website for receiving and disseminating information to the public. A dedicated helpline 24 x 7 may be made operative which may be jointly monitored by the Superintendent of Police/Deputy Commissioner of Police.*

*v. A complete public redressal mechanism system should be devised for receiving complaints by SMS, telephones or e-mails.*

*vi. The Superintendent of Police/Deputy Commissioner of Police shall co-ordinate with the statutory authorities to ensure seizure of equipments used, cancellation of license of the person using such equipment, initiation of prosecution, recovery of fines etc.*

*vii. The statutory authorities may suitably enhance the amount of fine so as to act as deterrent.*

*viii. The amount of fine collected may be credited to a separate fund and utilised in the process of creating awareness, including by way of awareness programmes in educational institutions by instituting prizes and awards for the participants.*

*ix. The Committee shall ensure effective implementation of West Bengal State Pollution Control Board order no. 1853-4K-5/2004 dated 27<sup>th</sup> August, 2004.*

*x. The Committee shall also explore as to whether the manufacturers can be directed to produce audio systems fitted with noise control device.*

*This mechanism will be in addition to and not in substitution of the existing statutory mechanism under the rules.*

*21. A quarterly report of the action taken may be sent to this Tribunal. First of such report shall be sent by 10.01.2020 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

2. In compliance with the above directions, a report which had been filed was taken up on 10.02.2020 against which comments was called for from the applicant. The applicant has accordingly filed a supplementary affidavit pointing out that the compliance report contain action taken report by which only different notifications are stated to have been issued to deal with the sound pollution in the State of West Bengal which have remained only in paper as in the case of earlier notifications dated 2004 and 2009 with no action having been taken for its implementation.
3. Secondly, it is contended that the Rules pertaining to sound pollution are being rampantly violated unabatedly against

which action taken by the State Police is inadequate. Use of microphones continues to be used with no restrictions on the sound pollution. Removal of non-compliant motor vehicle horns is urgently required which the Transport Department needs to look into.

4. We direct the Government of West Bengal and the State Police to look into these issues to ensure that the directions passed by the Tribunal and the Sound Rules are scrupulously followed to ensure mitigation of the problem which is being stalking the State with all its deleteriousness.
5. The applicant shall hand over to the Transport Department and the Department of Police copies of the supplementary affidavit and this order which shall be looked into and considered by the appropriate authority while implementing the Rules and the orders.
6. The State may not file further reports but ensure that the directions are complied with strictly within reasonable time while doing so the State Government shall take into consideration the directions contained in the order dated 11.08.2020 in *Original Application No. 519/2016* in the

matter of *Hardeep Singh & Ors. V/s. S.D.M.C. & Ors.* along with a batch of other cases.

7. The application stands disposed off.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

4<sup>th</sup> September, 2020  
Original Application No. 158/2016 (EZ)  
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