



KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram - 695 004

PCB/HO/EE3/NGT/O.A.NO.681/2018/24/19

Date: 19/05/2021

**DIRECTION UNDER SECTION 5 OF ENVIRONMENT
(PROTECTION)ACT,1986 REGARDING IMPLEMENTATION OF
ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.**

WHEREAS under Sec17(1) of the Air (Prevention & Control of Pollution)Act 1981, one of the functions of the State Pollution Control Boards is to plan a comprehensive programme for the prevention and control or abatement of air pollution in the State and to secure the execution thereof;

WHEREAS under Sec 2(a) of theAir (Prevention & Control of Pollution)Act 1981, noise is defined as air pollutant;

WHEREAS as per Rule 4(2) of theNoise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of ambient air quality standards in respect of noise;

WHEREAS Sec 15(1) of the Environment (Protection) Act, 1986 states that "Whoever fails to comply with or contravenes any of the provisions of this Act, or the Rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which

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may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention”;

WHEREAS Sec 9(3) of Environment (Protection) Act, 1986 states that “The expenses if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Govt. May, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand”;

WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, the Hon’ble NGT directed Central Pollution Control Board on 1-8-2019 that, “CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 by the concerned Authority on the basis of “Polluter Pays” Principle. Though violation of the rules like Noise Pollution(Regulation and Control)Rules,2000 of Environment (Protection) Act, 1986 here, is a criminal offence punishable under Section 5 of the Environment (Protection) Act, 1986, with imprisonment up to 5 year and fine up to 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 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”;

WHEREAS in compliance to the directions of Hon’ble NGT, CPCB prepared scale of compensation for violation of the Noise Pollution(Regulation and Control)Rules,2000 as follows and submitted before the Hon’ble NGT (Copy attached as Annexure);



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Sl.No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulters		Action to be taken by designated Authorities
1	Use of loudspeakers/Public address system(1) (Clause 5(1)-5(2), 6(i,ii,iii and v) ⁽¹⁻³⁾	Rs. 10,000/-		Seizure
2	Violation with respect to Generator set Norms(Standards attached as Annexure)			
a)	D.G.sets more than 1000 KVA	Rs.1,00,000/-		Sealing of D.G.sets
b)	D.G.sets 62.5 KVA to 1000 KVA	Rs.25,000/-		
c)	D.G.sets upto 62.5 KVA	Rs.10,000/-		
3	Violation of use of sound emitting construction equipment ⁽⁶⁾	Rs.50,000/-		Seizure/Sealing of equipment
4	Bursting of firecrackers beyond the prescribed time limit (Hon'ble Supreme Court order & Clause 5A ⁽⁷⁾ &6(iv) ⁽⁷⁻⁸⁾			
4(1)	Violation by individuals/household	Residential/Commercial/Mixed Zone	Silence Zone	Fine to be paid by the individual
4(2)	Violation during possession	Rs.1000/-	Rs.3000/-	Fine to be paid by the Organizer
	a. Public Rallies	Rs.10,000/-	Rs.20,000/-	
	b. Barat during marriage c. Religious events			
4(3)	First violation within a fixed premises	Rs.20,000/-		Fine to be paid by organizer and owner of the place
	a. Function organized by RWA			
	b. Marriage function			
	c. Public function			
	d. Institution function			
	e. Banquet hall			
4(4)	f. Open ground functions	Rs.40,000/-		
4(4)	Second violation within a fixed premises			

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4(5)	a. Function organized by RWA	Rs.1,00,000/- and action under EP Act	Sealing of premises
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
	f. Open ground functions		
	More than two violations within a fixed premises		
	a. Function organized by RWA		
	b. Marriage function		
	c. Public function		
	d. Institution function		
	e. Banquet hall		
f. Open ground functions			

Note:

1. Clause 5(1): A loud speaker or a public address system shall not be used as 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 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(i): Playing any music or using any sound amplifiers in any place covered under the silence zone/area is 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 zones 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 - 10 PM
 - Gurupurb - 4 AM -5 AM and 9 PM - 10 PM
 - New Year and Christmas- 11.55 PM-12.30 PM
9. It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicles Rules, 2019.



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WHEREAS in the matter of O.A.No. 519/2016, 496/2018, 196/2018 and 197/2018, Hon'ble NGT further directed CPCB 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 within all the States;

WHEREAS CPCB vide letter no. A-14011/1/2021-MON dated 27.04.2021 directed the undersigned to direct the designated authorities of the State to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

ANDWHEREAS as per the Notification G.O. (P) No. 111/2002 (S.R.O.No.608/2002) dated 29.07.2002, Govt. Of Kerala designated the District Magistrates, the Commissioner of police/ the Superintendents of Police and the Deputy Superintendent of Police (Sub divisional officers) as the authorities under the Noise Pollution(Regulation and Control)Rules,2000 for the maintenance of ambient air quality standards in respect of noise pollution within their respective jurisdiction in the State;

NOW THEREFORE you are hereby directed to implement scale of compensation for violation of Noise Pollution(Regulation and Control)Rules,2000 as accepted by the Hon'ble NGT;

The status of the action plan and its implementation shall be submitted to the Board within 30 days of receipt of this notice for submitting to the Central Pollution Control Board.

FOR AND ON BEHALF OF
KERALA STATE POLLUTION CONTROL BOARD

Sd/-
CHAIRMAN



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To

The Inspector General of Police,
Social Policing and Traffic,
Police Head Quarters,
Vazhuthacaud, Thiruvananthapuram

- Copy to: 1. The Chairman, Central Pollution Control Board (with covering letter)
2. The Additional Chief Secretary, Environment Department, (with covering letter)
3. Chief Environmental Engineer, Regional Office, TVM/EKM/KKD
4. Environmental Engineer, AIIDOs
5. All Technical officers in HO

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