

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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16.12.2024

Sir,

Sub:- Non Implementation of Hon. NGT Order by the Kerala Government Intentionally.

- Ref:
1. Direction under Sec-5 of EPA 1986 Regarding Implementation of Environment Compensation Regime of Noise Pollution dtd. 19.5.2021 of Kerala State Pollution Control Board upon CPCB vide letter No.A-14011/1/2021-MON dtd.27.04.2021 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(g)
 2. Authorities for the Implementation of Noise Pollution (Regulation and Control) Rules, 2000 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(h)
 3. Environment Protection Act. 1986, Sec-15 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(a)
 4. Noise Pollution (Regulation and Control) Rules, 2000 >> www.art-artist.in/np.htm >> Link:4
 5. G.O.(P) No.64/02 dtd.20.4.2002 (S.R.O.No.289/2002) Categorizing different zones to implement Noise Pollution Rules, 2000 >> www.art-artist.in/np.htm >> Section-1 >> Link:8
 6. Kerala High Court Order W.A.No.235/1993 to implement NPR 2000 strictly without any Religious Discrimination >> www.art-artist.in/np.htm >> Link:12
 7. Letter for implementation of Hon. NGT order to the Chief Secretary, Kerala State dtd.15.11.2024. (Attached)
 8. No. F1/11/2020/Home dtd.30.11.2020 >> www.art-artist.in/np.htm >> Section-1 >> Link:32 (b)
 9. Video clips of Noise Terrorism using children >> www.art-artist.in/vdo.htm

- 1) The Order of the Honorable National Green Tribunal to implement the Environment Compensation Regime of Noise Pollution has been totally neglected by the Kerala State Government intentionally.
- 2) The Kerala State Government is adamant in not implementing the Noise Pollution (Regulation and Control) Rules, 2000, even after the order of the Hon. National Green Tribunal and numerous complaints from the public submitted to the authorities including Chief Minister, but implementation of NPR, 2000 has been totally neglected by the State Government and its machineries intentionally.
- 3) It is against the interest of the peace-loving/health-conscious people of the state, and the state government and its machineries are working in tune with the noise pollution criminals is also against the interest of the Hon. National Green Tribunal.

- 4) The Ref-7 Letter was sent to the Chief Secretary and expecting a reply within 14 days, but was not considered and no reply provided till date even though it is more than a month now.
- 5) People including infants, patients, students, senior citizens etc. are the victims of the organised Noise Pollution by criminals.
- 6) The Kerala State Government, State Home Department, Kerala State Pollution Control Board, and Kerala Police are total failures in maintaining the Ambient Air quality standards in respect of noise in Residential Area 55 dB (Day), 45 dB (Night), and Silence Zone 50 dB (Day) 40 dB (Night) as per the Noise Pollution (Regulation and Control) Rules, 2000.
- 7) Whenever any complaints or RTI Applications submitted in connection with the Noise Pollution, authorities including Chief Minister, State Police Chief, or other Police Officials, the culprits are protected by the Police, by giving false reports by saying that “it could not be found, it was not noticed, no such incident took place” shamelessly to fool the public.
- 8) All Station House Officers are given instructions to remove all Horn Type Loudspeakers from all places of worship as per the Ref-8 of Home Department, but was not obeyed by SHOs and no action taken against the offenders till date.
- 9) The Kerala State Pollution Control Board also acts in tune with the State Government to prevent implementation of the Noise Pollution (Regulation and Control) Rules, 2000.
- 10) The Ref-1 order of the Kerala State Pollution Control Board dtd. 19.5.2021 upon CPCB vide letter No.A-14011/1/2021-MON dtd.27.04.2021 has been sent to The Inspector General of Police, Social Policing and Traffic, Police Head Quarters, Vazhuthacaud, Thiruvananthapuram. This mistake, intentionally committed by KSPCB, is to be taken very seriously because the intention of sending this important order of the Hon. NGT to the IGP Traffic, who has no much role in this subject, is to keep the actual authorities responsible for implementing the order in the dark.
- 11) The Order was intentionally not sent to the Chief Secretary, District Magistrates, the commissioners of Police / the Superintendents of Police and the Deputy Superintendents of Police (Sub Divisional Officers), who are responsible authorities to implement the order as per the Ref-2.
- 12) This tactics was also applied by the State Government in the Ref-6, the Hon. Kerala High Court Order W.A.No.235/1993. Which says the Noise Pollution (Regulation and Control) Rules, 2000 “*should be implemented uniformly and without discrimination in respect of all religious institutions irrespective of whether they are Hindu, Christian or Muslim.*” And 30 respondents listed in the order are State of Kerala, Home Secretary, All District Collectors and All Superintendents of Police. But the order has not been obeyed by these respondents, which is contempt of court. When I sought information about the Order W.A.No.235/1993 through an RTI Application, they cleverly provided an information that “*the order could not be found in the office*”.

- 13) The State is responsible for implementing Noise Pollution (Regulation and Control) Rules, 2000 strictly in accordance with Ref-1. The Order of the Hon. National Green Tribunal dtd. 3.2.2022 says “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. At least from 01.11.2021, the concerned State/head 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.*” and the State of Kerala failed to implement the order of the Hon. NGT and liable to pay compensation of Rs. 10 lakhs per month, till the NPR, 2000 is implemented strictly and all the loudspeakers including the banned horn type loudspeakers, fixed permanently in places of worship in violation of NPR, 2000 5(1) and 5(2) are removed.
- 14) In my letter to the Chief Secretary on Ref-7, I have mentioned that, I shall approach the Hon. National Green Tribunal for justice if the order of the Hon. NGT is not implemented. That was totally neglected by the Chief Secretary and no reply was given till date.
- 15) So, action shall be taken against the State Government for neglecting the order of the Hon. National Green Tribunal, and compensation @ Rs. 10 lakhs per month may be levied from the State Government / Head of Police Force till the Noise Pollution (Regulation and Control) Rules, 2000 is implemented strictly in letter and spirit.

Yours truly,



(Subhash S)

Encl:-

1. Ref-7, Letter to the Chief Secretary, Kerala State dtd.15.11.2024
2. Ref-1, Implementation of Environment Compensation Regime of Noise Pollution of KSPCB dtd. 19.5.2021.
3. Ref-2, Authorities for the Implementation of Noise Pollution (Regulation and Control) Rules, 2000.
4. Ref-6, Kerala High Court Order W.A.No.235/1993 to implement NPR 2000 strictly without any Religious Discrimination.

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15.11.2024

Madam,

Sub:- Non Implementation of Hon. NGT Order by the Kerala Government Intentionally.

- Ref:
1. Direction under Sec-5 of EPA 1986 Regarding Implementation of Environment Compensation Regime of Noise Pollution dtd. 19.5.2021 of Kerala State Pollution Control Board upon CPCB vide letter No.A-14011/1/2021-MON dtd.27.04.2021 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(g)
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 6. Kerala High Court Order W.A.No.235/1993 to implement NPR 2000 strictly without any Religious Discrimination >> www.art-artist.in/np.htm >> Link:12
 7. Statement of the State Police Chief >> www.art-artist.in/np.htm >> Link:38(c)
 8. Numerous complaints to Hon. CM >> www.art-artist.in/np.htm >> Section-4
 9. No. F1/11/2020/Home dtd.30.11.2020 >> www.art-artist.in/np.htm >> Section-1 >> Link:32 (b)

- 1) The State Government is adamant against implementing the Noise Pollution (Regulation and Control) Rules, 2000, even after the order of the Hon. National Green Tribunal and numerous complaints from the public.
- 2) It is against the interest of the peace-loving/health-conscious people of the state, and the state government and its machinery are working in tune with the noise pollution criminals.
- 3) The State is responsible for implementing Noise Pollution (Regulation and Control) Rules, 2000 strictly in accordance with Ref-1, and failure or negligence may attract paying compensation of Rs. 10 lakhs per month. *“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. At least from 01.11.2021, the concerned State/head 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.” says the Order dtd. 3.2.2022 of the Hon. National Green Tribunal.

- 4) The Ref-6 of Hon. Kerala High Court Order W.A.No.235/1993 says the Noise Pollution (Regulation and Control) Rules, 2000 “*should be implemented uniformly and without discrimination in respect of all religious institutions irrespective of whether they are Hindu, Christian or Muslim.*” And 30 respondents in the case are State of Kerala, Home Secretary, All District Collectors and All Superintendents of Police. But the order has not been obeyed by these respondents, which is contempt of court.
- 5) In accordance with Ref-9, notices have been issued to remove horn-type loudspeakers, and in Ref-7, the State Police Chief stated that all horn-type loudspeakers have been removed. But it is a false statement, and the horn-type loudspeakers are still in use widely, and some are hidden in boxes to deceive the authorities/people. This is highly objectionable, and action should be taken against all the offenders by invoking Ref-1 and Section-223(b) of BNS immediately.
- 6) Noise Pollution Criminals are using their modern equipments including subwoofers, as weapons to blast/torture the poor innocent infants, patients, students, senior citizens, etc. Especially in the shield of festivals. This is Human Rights Violation. No one has the right under the Constitution to harm the public by infringing on the human right to live independently in their own homes.
- 7) Permitted dB level limit in Silence Zone is 40 (night) and 50 (day), and in Residential Zone it is 45 (night) and 55 (day). This is violated intentionally by the Noise Pollution Criminals. The dangerous Nashik Dhol has already been banned by the Travancore Devaswom Board. So an order may be passed with immediate effect banning all such equipments in Silence Zones and Residential Zones, where the maximum permitted dB level limit is 55, for stopping Noise Terrorism.
- 8) A Mobile Application similar to the C-Vigil Application of the Election Commission has been demanding since long for people to complain against the Noise Pollution criminals, but it has not been provided till date. People are afraid to complain as the Police share the details of the complainant with the Noise Pollution Criminals and the complainants are being attacked.
- 9) So, the Noise Pollution (Regulation and Control) Rules, 2000 to be implemented as per the direction on Ref-1, and instructions may be passed to all authorities in Ref-2 immediately. And requesting an action taken reply to me, a senior citizen and victim of noise pollution within 14 days; otherwise, I am left with no other option than approaching the Hon. National Green Tribunal for justice.

Yours truly,



(Subhash S)