

**BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH)
NEW DELHI**

APPLICATION NO. 36 OF 2011

IN THE MATTER OF

Dileep B. Nevatia

Shashi Deep, 5-A, Worli Sea Face
Mumbai-400030

.... Applicant

Versus

- 1. State of Maharashtra,**
Through its Chief Secretary, Mantralaya,
Mumbai-400023.
- 2. Maharashtra Pollution Control Board**
Through its Member Secretary
Kalpatru Point, 3rd& 4th Floor,
Sion Matunga Road, No.8
Sion Circle, Sion (East), Mumbai-400026.
- 3. The Transport Commissioner**
Government of Maharashtra
Administrative Building, 4th Floor,
Bandra East, Mumbai-400 051
- 4. Director General of Police**
Maharashtra Police Headquarters
Opposite Museum
Mumbai-400001.
- 5. Union of India**
Through the Secretary,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110002.

.....Respondent

Counsel for Applicant

1. Mr. Ritwick Dutta
2. Mr. Rahul Choudhary for Applicant
3. Ms. Parul Gupta

Counsel for Respondent(s):

1. Mr. Mukesh Verma for R 1 & 2.
2. Mr. M.P. Desai for R-3 & R-4
3. Ms. Neelam Rathore for R-5

JUDGMENT

PRESENT:

Justice A.S. Naidu (Judicial Member)

Dr. G.K. Pandey (Expert Member)

Dated: 09th January, 2013

This application has been filed by a Senior Citizen of Worli Sea face, commonly known as Khan Addul Gaffar Khan Road, Mumbai under Section 18 read with Section 14 of the NGT Act, 2010, alleging, inter-alia, violation of the Noise Pollution (Regulation & Control) Rules, 2000 made under the provisions of the Environment (Protection) Act, 1986 by vehicles using multi-tone horns and sirens. It is alleged that the vehicles fitted with

multi-tone horns are emitting sounds in far excess of the levels affecting the ambient noise, which goes beyond the prescribed standards as provided under the Noise Pollution (Regulation & Control) Rules, 2000. The main prayer made pertains to specifying standards for sirens and multi-tone horns fitted in the vehicles and to ban vehicles fitted with such sirens / multi-tone horns with excess of the stipulated standards to ply on the road. Initially the D.G. Police of the State was not impleaded as party to the application but then in course of hearing on the basis of an Applicant for the impleadment of Director General of Police, State of Maharashtra as Respondent No. 4, the said Respondent was allowed to be impleaded on 14th March, 2012.

The Hon'ble SC in the case of Noise Pollution (V) INRE reported in (2005) 5 SC-733.

“None can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Noise is more than just a nuisance. It constitutes a real and present danger to people’s health. Day and night, at home, at work, and at play, noise can produce serious physical and psychological

stress. No one is immune to this stress. Though we seem to adjust to noise by ignoring it, the ear, in fact, never closes and the body still responds – sometimes with extreme tension, as to a strange sound in the night. In the modern day, noise has become one of the major pollutants and it has serious effect on human health. Effects of noise depend upon the sound's pitch, its frequency, and time pattern and length of exposure. Noise has both auditory and non-auditory effects depending upon the intensity and the duration of the noise level. It affects sleep, hearing, communication, mental and physical health. It may even lead to madness in people. Noise can disturb our work, rest, sleep and communication. It can damage our hearing and evoke other psychological, and possibly pathological reactions. However, because of the complexity, variability and the interaction of noise with other environmental factors, the adverse health effects of noise do not lend themselves to a straightforward analysis”.

2. The main grievance of the Applicant in this case is the unregulated use of sirens by government vehicles including that of the police department. It is alleged that about 4164 (four thousand one hundred sixty four) Police Vehicles in Greater Mumbai alone indiscriminately use sirens without any standards taking advantage of the fact that sound signals are not notified so far under the Central Motor Vehicle Rules, 1989. The said use of vehicles fitted with sirens having un-specified standards it is alleged, poses significant noise pollution problems to the residents and violates their right to life. A large number of public are also exposed to high levels of noise which has adverse impacts on their health and wellbeing and violates their right to a healthy environment, guaranteed under Article 21 of the Indian Constitution. According to the Applicant the health hazards caused by the noise pollution includes high blood pressure, hearing loss, sleep disruption, speech interference and loss of productivity. Noise Pollution it is added even disturbs cardiovascular system, digestive system, sleep and the factors associated with insomnia and other disorders. If the noise level goes beyond 140 dB peak sound pressure, then there is every

possibility of the ear drum being ruptured and also may be caused irreversible damages to the hearing system.

3. In course of hearing, it was brought to our notice that number of cases pertaining to the Noise pollution due to use of loud speakers and other sources were filed and decided by various Hon'ble High Courts and also by the Hon'ble Supreme Court.

In the case of **JAN Hit Vs State of Uttar Pradesh and Ors 2000(4) AWC3083**. The Hon'ble Apex Court directed the State and D.G.P., U.P. to ensure that all vehicles under their charge are to be fitted only with normal, prescribed horns and sirens in conformity with the Motor Vehicles Rules and no person should be allowed to move his vehicles fitted with siren, except the authorities who have been provided such a facility in accordance with the law.

In the case of **Appa Rao, M.S. vs. Govt. of T.N., (1995) 1 LW 319 (Mad)**. The Hon'ble Madras High Court directed Director General of Police to impose total ban on use of horns type loudspeakers and amplifiers and air horns of automobiles as also

directed the State Government to impose strict conditions for issue of license for the use of amplifiers and the loudspeakers.

In the case of ***P.A. Jacob vs. the Superintendent of Police, AIR (1993) Kerala 1***. Directions were issued for regulating noise problems caused by use of loudspeakers.

In the case of **Noise Pollution (V), in Re Forum, Prevention of Environmental & Sound Pollution versus Union of India and Ors. [(2005)5 SCC 733]**.

State of Rajasthan versus G. Chawla and Anr. [AIR 1959 SC 544].

Robin Mukherjee and Ors versus State of West Bengal and Ors [AIR 1985 Calcutta 222].

Farhd K. Wadia versus Union of India and Ors. [(2009)2 SCC 442].

Inspite of specific directions, no effective steps have been taken to restrict the nuisance by enacting suitable Rules.

4. Under the provisions of the Noise Pollution (Regulation & Control) Rules, 2000, the ambient air quality standards in respect of noise have been prescribed as under:

Table: Ambient Air Quality Standards in respect of Noise

Area Code	Category of Area / Zone	Limits in DB(A) Leg	
		Day Time	Night Time
A.	Industrial area	75	70
B.	Commercial area	65	55
C.	Residential area	55	45
D.	Silence Zone	50	40

Note:

- a. Day time shall mean from 6.00 a.m. to 10.00 p.m.
- b. Night time shall mean from 10.00 p.m. to 6.00 a.m.
- c. Silence zone is defined as an area comprising not less than 100 metres around hospitals, educational institutions and courts. The silence zones are zones which are declared as such by the competent authority.

5. In the case in hand it has been alleged by the Applicant that the Maharashtra State Government Authorities are not implementing the provisions of the Noise Pollution (Regulation & Control) Rules, 2000. It is alleged that the Government

Authorities and private individuals all over the State of Maharashtra are fitting sirens and / or multi tone horns emitting sound in excess of 120 DB(A) on their vehicles having red/amber/blue lights, indiscriminately, though the use of the same is prohibited under law.

Even though Sub-Rule 2 and Sub-Rule 3 of Rule 119 of the Central Motor Vehicles Rules, 1989 provides exemption to the vehicles used as ambulance, fire fighting or by Police Officers or officers of the Motor Vehicle Department in course of their duties, to use special horns, the said Rules mandatorily require that only such sound signals as may be approved by the Registering Authority in whose jurisdiction such vehicles are kept should be used. Further, Sub-Rule (1) of Rule 119 of the Central Motor Vehicle Rule, 1989, specifies the horns to be fitted to Motor Vehicles. As per Sub Rule 3 of the Said Rule, the registering authorities are empowered to approve sound signals for use on certain categories of vehicles, but then it appears no standards for such sound signals have been prescribed in the said Rules.

6. The power to prescribe standards for sound signals is vested in the Government of India (Ministry of Road Transport & Highways). It was brought to our notice in course of the hearing that Respondent No.3 (State Transport Department, Maharashtra) had sent a proposal to the Govt. of India for suitable amendment of the said Sub-Rule (3) of Rule 11 (a) of the Central Motor Vehicle Rule 1989 by fixation of standards of sound signals. The Transport Commissioner, Maharashtra State, as it appears, had sent the said proposal to the Jt. Secretary, Ministry of Shipping, Road Transport & Highways, New Delhi on 10th March, 2011 with a request to amend Sub Rule (3) of the Central Motor Vehicles Rules 1989 by fixation of standards of sound signals for different vehicles. However, it appears that the Ministry of Road Transport & Highways has informed the Applicant on 11th July, 2011, that they have not received any such proposal said to have been sent by Respondent No. 3. The said information was communicated to the Applicant under the RTI Act, 2005.

7. The discussions made above thus reveals that no standards so far have been specified for use of sirens and multi-tone horns

under the Motor Vehicles Act, 1989. The Government of India through the Ministry of Environment & Forests have already notified ambient noise standards under the provisions of the Noise Pollution (Regulation & Control) Rules, 2000 for different areas which include industrial areas, commercial areas, residential areas and silence zone. The ambient air quality is influenced by various sound producing sources such as loudspeakers, musical systems, sirens and horns fitted to vehicles, air compressors, high speed industrial machines, D.G. Sets, etc. In order to control ambient noise pollution, it is essential to control emanating noise at the source itself for which source specific standards are required to be formulated. Source specific standards have already been evolved by the MoEF and CPCB for the D.G. Sets, Industries, etc. However, so far no source specific standards have been evolved/specified for sirens and multi-tone horns by the Union Government. It is an important area as the number of vehicles fitted with sirens and multi-tone horns are increasing day by day and absence of specification of any standards applicable to such vehicles leads to deterioration of the ambient noise levels in the metropolitan cities where the noise levels have already

reached to the critical levels. The controversy before us is pertaining to vehicular noise caused by unrestricted use of sirens and multi-tone horns having un-specified standards, being fitted in the ambulances, Government and Police vehicles.

8. It is needless to say that there is urgent requirement to evolve source specific standards for sirens and multi-tone vehicles. Therefore in order to comply with the ambient air quality standards already stipulated by MoEF, Government of India under the Noise Pollution (Regulation & Control) Rules, 2000, we direct the Ministry of Road Transport & Highways to notify the standards for sirens and multi-tone horns within a period of three months hence. Based on the Standards prescribed by the Ministry of Road Transport & Highways, Government of India, State of Maharashtra and Transport Commissioner, Government of Maharashtra Respondent No. 1 and 3 respectively, will take immediate steps to notify the standards for sirens and multi-tone horns within a one month.

9. After hearing Learned Counsels appearing for parties at length and after perusing the materials produced before us meticulously, we find that the controversy in issue is with regard to noise caused by un-restricted use of sirens and multi-tone horns fitted to different vehicles. No standard is also specified with regard to use of horns and sirens in the ambulances and Police vehicles. Constant use of sirens and multi-tone horns much above noise standard under the provisions of the Noise Pollution (Regulation & Control) Rules, 2000 causes the immense hardship to common people and also poses serious affects on human health and as such there is urgent necessity to evolve source specific standards for sirens and multi-tone sirens used in different vehicles. Therefore, this Tribunal has no hesitation to pass the following directions:

(i) We direct the Ministry of Road Transport & Highways to notify the standards for sirens and multi-tone horns used by different vehicles either under Government duty or otherwise within a period of 3 months hence.

(ii) Based upon the standards to be prescribed by the Ministry of Road Transport and Highways, Government of India, the State of Maharashtra and the Transport Commissioner, Government of India, Maharashtra, Respondent Nos. 1 and 3 respectively will take adequate step to notify the standards for sirens and multi-tone horns for different zone, within a period of one month from the date of the notification.

(iii) The Transport Commissioner, Government of India of Maharashtra, is also directed to ensure the number of vehicles installed sirens and multi-tone sirens are limited to the bare minimum so as to comply with ambient air quality standards as specified in the Noise Pollution (Regulation & Control) Rules, 2000.

(iv) The Police Commissioner of Maharashtra is also directed to ensure that no private vehicle should be allowed to use sirens or multi-tone horns in residential and silent zones and in the vicinity of educational institutions, hospitals and other sensitive areas and also during night except emergencies and under exceptional

circumstances. The Police Commissioner shall further ensure and take precaution to the effect that the residents and residential areas are not affected by indiscriminate use of loud speaker during night time in other words the use of loud speaker should be strictly restricted to the prevailing Rules and Regulations.

10. With the aforesaid observations and directions the Application is dispose of.

Parties to bear their own cost.

(Dr. G.K. Pandey)
Expert Member

(Justice A.S. Naidu)
Acting Chairperson

Anju
(Court Master)
09th January, 2013