

मुख्यालय पुलिस महानिदेशक उत्तर प्रदेश लखनऊ।

संख्या: डीजी-परिपत्र संख्या- 37/2013

दिनांक: जुलाई 18, 2013

सेवा में,

समस्त जोनल पुलिस महानिरीक्षक, 30प्र0।
समस्त परिक्षेत्रीय पुलिस उपमहानिरीक्षक, 30प्र0।
समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, जनपद प्रभारी,
30प्र0।

ध्वनि प्रदूषण(विनियमन और नियंत्रण) नियम 2000 एवं इनवायरमेंट प्रोटेक्शन रूल्स 1986 में दिये गये निर्देशों के अनुपालन में इस मुख्यालय से डीजी-परिपत्र सं0 19/09 तथा डीजी-टास्क आर्डर सं0-21/2008 जारी किये गये थे, जिसमें ध्वनि विस्तारक यंत्र के नियंत्रण तथा ध्वनि प्रदूषण को रोकने के लिए समस्त पुलिस अधिकारियों को निर्देश जारी किये गये थे।

ध्वनि नियंत्रण के सम्बन्ध में नियमों का पालन न करने से कावड़ यात्रा के दौरान दि0 22-07-2012 को जनपद बरेली के मोहल्ला शाहाबाद में वृहद साम्प्रदायिक दंगा हो गया था। कतिपय अन्य जनपदों में भी श्रावण माह के दौरान तेज आवाज में डीजे बजने के विरोध में साम्प्रदायिक घटनाएं हुई हैं।

मा0 उच्च न्यायालय इलाहाबाद द्वारा सिविल मिस रिट याचिका संख्या 26941/2013 अब्दुल कयूम बनाम स्टेट ऑफ यू0पी0 में ध्वनि विस्तारक यंत्रों के नियंत्रण के सम्बन्ध में कड़े निर्देश जारी किये हैं। अतः मा0 उच्च न्यायालय के आदेश के क्रम में व उपरोक्त वर्णित नियमों का कड़ाई से अनुपालन करने के लिए निम्नलिखित निर्देश दिये जाते हैं:-

1. ध्वनि प्रदूषण (विनियमन और नियंत्रण) नियम 2000 के अनुसार सक्षम अधिकारी द्वारा किसी भी एरिया को 04 क्षेत्रों में विभक्त करने की शक्तियां प्रदान की गई हैं। उक्त चारों क्षेत्रों के लिए ध्वनि का स्तर डेसिबल में दिन के समय एवं रात्रि के समय में निर्धारित किया गया है। उक्त नियम का शैड्यूल निम्नवत है:

क्षेत्र/परिक्षेत्र कोड	क्षेत्र/परिक्षेत्र का प्रवर्ग	डीबी(ए)लैक में सीमा	
		दिन का समय	रात का समय
(क)	औद्योगिक क्षेत्र	75	70
(ख)	वाणिज्यिक क्षेत्र	65	55
(ग)	आवासीय क्षेत्र	55	45
(घ)	शांत परिक्षेत्र	50	40

टिप्पणी:

- (क) दिन के समय से 6.00 बजे पूर्वान्ह से 10.00 बजे अपरान्ह तक अभिप्रेत है।
 (ख) रात्रि समय से 10.00 बजे अपरान्ह से 6.00 बजे पूर्वान्ह तक अभिप्रेत है।
 (ग) शांत परिक्षेत्र को ऐसे क्षेत्र के रूप में परिभाषित किया गया है जो अस्पतालों, शैक्षिक संस्थाओं और न्यायालयों के आस-पास कम से कम 100 मीटर में समाविष्ट है। शांत परिक्षेत्र ऐसे परिक्षेत्र है जो सक्षम अधिकारी द्वारा इस प्रकार घोषित किये जायें।
 (घ) मिश्रित प्रवर्गों के क्षेत्र सक्षम प्राधिकारी द्वारा ऊपर वर्णित चार प्रवर्गों में से एक घोषित किये जा सकते हैं।

2. ध्वनि प्रदूषण (विनियमन और नियंत्रण) नियम 2000 की धारा-5 के अन्तर्गत आप सभी को निर्देशित किया जाता है कि बिना सक्षम अधिकारी की लिखित अनुमति के कोई भी लाउडस्पीकर या पब्लिक एड्रेस सिस्टम प्रयोग नहीं किया जायेगा।

3. कोई भी लाउडस्पीकर या पब्लिक एड्रेस सिस्टम रात्रि के समय (10.00 बजे अपरान्ह से 6.00 बजे पूर्वान्ह) मंदिर, मस्जिद, चर्च, गुरुद्वारा या अन्य धार्मिक अथवा सार्वजनिक स्थान पर प्रयोग नहीं किया जायेगा।

4. पैरा-3 में दिया गया प्रतिबन्ध प्रातः 6.00 बजे से सायं 8.00 बजे तक प्रार्थना एवं नमाज पर लागू नहीं होगा। (सिविल मिस रिट याचिका संख्या 26941/2013 अब्दुल कयूम बनाम स्टेट ऑफ यू0पी0 में दिये गये निर्देश के अनुसार)
5. पैरा-3 में दिया गया प्रतिबन्ध, बन्द परिसरों में लाउडस्पीकर या लोक सम्बोधन प्रणाली के प्रयोग में जबकि वे भीतरी संसूचना के लिए प्रयोग किये जा रहे हों, जैसे सभाभवन, सम्मेलन कक्ष, समुदाय हाल और प्रीतिभोज हाल पर लागू नहीं होगा।
6. रात्रि के समय (10.00 बजे अपरान्ह से 6.00 बजे पूर्वान्ह) सांस्कृतिक या धार्मिक त्यौहारों के अवसर पर लाउडस्पीकर या पब्लिक एड्रेस सिस्टम की अधिकतम 15 दिवस के लिए विभिन्न शर्तों पर सक्षम अधिकारी द्वारा अनुमति प्रदान की जा सकती है।
7. सक्षम प्राधिकारी द्वारा परीक्षाओं के समय, मार्च तथा मई के मध्य, सामान्यतः ध्वनि विस्तारक यंत्रों के प्रयोग की अनुमति न दी जाये।
8. कतिपय स्थानों पर विभिन्न समुदायों के धार्मिक स्थल बहुत ही नजदीक होने के कारण दिन में किसी प्रकार का लाउडस्पीकर या पब्लिक एड्रेस सिस्टम का प्रयोग शांति व्यवस्था में बाधा उत्पन्न कर सकते हैं। इस सम्बन्ध में सक्षम अधिकारी सम्बन्धित जनपद के वरिष्ठ पुलिस अधीक्षक से राय लेकर ही लाउडस्पीकर या पब्लिक एड्रेस सिस्टम की अनुमति प्रदान करें।
9. विभिन्न स्थानों के धार्मिक स्थल अत्यन्त नजदीक होने के कारण परम्परागत रूप से कई स्थानों पर लाउडस्पीकर या पब्लिक एड्रेस सिस्टम का प्रयोग विभिन्न समुदायों द्वारा टाइम फेजिंग में किया जाता है। उक्त प्रचलन जिलाधिकारी एवं वरिष्ठ पुलिस अधीक्षक प्रचलित रख सकते हैं लेकिन वह सुनिश्चित कर लें कि चारों श्रेणी औद्योगिक क्षेत्र, वाणिज्यिक क्षेत्र, आवासीय क्षेत्र एवं शांत क्षेत्र के दिन एवं रात्रि के समय दिये गये ध्वनि के स्तर से उक्त का स्तर अधिक न हो।
10. कुछ स्थानों पर परम्परागत रूप से लाउडस्पीकर या पब्लिक एड्रेस सिस्टम के प्रयोग के कारण साम्प्रदायिक दंगे हुए हैं। विगत वर्ष दिनांक 22-7-2012 को जनपद बरेली के मोहल्ला शाहाबाद धाना प्रेम नगर में कावड़ियों द्वारा तेज आवाज में डी0जे0 बजाने पर मुस्लिम समुदाय के द्वारा आपत्ति किये जाने पर साम्प्रदायिक दंगा हुआ था। इस प्रकार की परिस्थितियां अन्य स्थानों पर यथा मेरठ, आगरा एवं अन्य मण्डलों में भी घटित हो सकती है। अतः निर्देशित किया जाता है कि आप सभी स्थानीय परिस्थितियों

को देखते हुए एवं अभिसूचना इकाई से रिपोर्ट लेकर धारा 144 में इस प्रकार के सभी लाउडस्पीकर या पब्लिक एड्रेस सिस्टम को प्रतिबन्धित कर सकते हैं। आपको यह भी निर्देशित किया जाता है कि बिना सक्षम अधिकारी की अनुमति के दिन में किसी भी लाउडस्पीकर या पब्लिक एड्रेस सिस्टम को प्रयोग करने की अनुमति न प्रदान करें। उपरोक्त सभी निर्देशों का कड़ाई से अनुपालन सुनिश्चित करें, इसमें किसी प्रकार की लापरवाही क्षम्य नहीं होगी।

18.7.13
(देवराज नागर)
पुलिस महानिदेशक,
उत्तर प्रदेश।

संलग्नक:

1. ध्वनि प्रदूषण (विनियमन और नियंत्रण) नियम 2000 की प्रति।
2. सिविल मिस रिट याचिका संख्या 26941/2013 अब्दुल कयूम बनाम स्टेट ऑफ यू0पी0 में मा0 उच्च न्यायालय इलाहाबाद द्वारा दिये गये निर्णय की प्रति।

प्रतिलिपि: निम्नलिखित को कृपया सूचनार्थ प्रेषित-

1. समस्त आयुक्तगण, उत्तर प्रदेश।
2. समस्त जिलाधिकारी, उ0प्र0 को कृपया सूचनार्थ।

Court No. - 29

Case :- WRIT - C No. - 26941 of 2013

Petitioner :- Abdul Kayyum

Respondent :- State Of U.P. Thru Secy. And 3 Others

Counsel for Petitioner :- Tahir Husaln

Counsel for Respondent :- C.S.C.

Hon'ble Sunil Ambwan,J.

Hon'ble Bharat Bhushan,J.

1. We have heard Sri Tahir Husaln for the petitioner. Learned standing represents all the respondents.

2. This writ petition raises an important question of establishment of religious places i.e. temples, mosques, churches, gurudwaras, etc by numerous communities or sects, and the use of microphone/loud speaker on these places on the ground of professing and propagating religion, for which Constitution gives guarantee of freedom of conscience and free profession, practice, and propagation of religion under Article 25 of the Constitution of India.

3. It is submitted that in small village named Kakoda, P.S. Kadar Chowk, Tehsil Sadar, District Budaun, majority of the population belongs to Hindu community. Out of 6,000 voters, in the voter list of 2009, there are about 600 voters of Muslim community of their population of about 800. The Hindus have set up three small temples - one of Lord Shiva and two of Devies. The Muslims have set up one Mosque, in which they offer 'namaz' (prayers) five times in a day. The temples and mosque in the village were established since long in which both the communities were peacefully offering their prayers and worships, until they (Hindu & Muslim communities) decided to use microphone and on loud speaker on the top of temples and on the top of a tree near mosque, for announcing their prayers. The petitioner has annexed photographs of temples and mosque situate in the village to show that on the top of temples, two loud speakers are fitted and that one loud speaker on a tree top, near the mosque, had been tied up.

4. In order to resolve the dispute on the use of microphone/loudspeaker making high-pitched noise, the district administration called a meeting of the members of

the village, and arrived at an agreement on the use of microphone/loudspeaker at Mosque to the effect that the Muslim community agreed that except for the month of Ramzan, during which period it becomes necessary to announce the time of *Roza, aftar and sahr*, announcements and morning *azam* will be made through microphone/loudspeaker, and that they will not use the microphone, for any other programme, and that the Hindu community had agreed to the said proposal.

5. It is submitted by the learned counsel for the petitioner that the agreement was entered into exercising coercion in violation of the fundamental right of the petitioners, whereas the other communities are using the loudspeakers throughout the year and during festivals by continuous chanting of religious prayers and music. It is submitted that the restriction have been placed only on one of the community, and thus this Court should interfere in issuing directions, to protect the petitioner's right guaranteed under Article 25 (1) of the Constitution of India, and to allow the petitioner's community in using microphone for *azam, namaz* and announcement and other programme from the mosque.

6. On 14.5.2013, we granted time to the learned standing counsel, to get instructions. He has produced a letter dated 18.5.2013 of the District Magistrate, in which it is stated that a request was made to the State Government, for providing policy decision in such matter, and as soon as the same is received from the State Government, he will produce the same before the Court, and for that purpose he wants one month time.

7. Learned counsel appearing for the petitioner has relied on judgments in **Church of God (Full Gospel) In India Vs. K.K.R. Majestic Colony Welfare Association and others** [2000 (7) SCC 282]; **M.S. Appa Rao Vs. The Govt of Tamil Nadu** [LAWS (MAD)-1995-2-128], **Om Birangana Religious Society Vs. State** [1996 (2) CalLT 474]; **Acharya Maharajshri Narendra Prasadji Anandprasadji Maharaj etc Vs. State of Gujarat and others** [1975] SCC 11], in which detailed directions have been given, with regard to use of loud speaker, with reference to Noise Pollution [Regulation and Control] Rules 2000, framed by the Central Government under the provisions of Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection)

Rules 1986. The Supreme Court in this case has given detailed directions, for maintaining limits in dB(A) Leq. at day time and night time, in industrial, commercial, residential areas, and silence zone, as specified in the schedule annexed to the Rules. The Rule of 2000, specifies the day time as 6.00 AM to 10.00 PM, and night time as 10.00 PM to 6.00 AM. The silence zone is defined as an area comprising not less than 100 meters around hospital, educational institutions and courts, and other areas, as declared by the competent authority as silence zone.

8. Church of God (Full Gospel) in India Vs. K.K.R. Majestic Colony Welfare Association and others (supra), the Supreme Court held in paras 12 and 13 as follows:

"12. In the present case, the contention with regard to the rights under Article 25 or Article 26 of the Constitution which are subject to public order, morality and health are not required to be dealt with in detail mainly because as stated earlier no religion prescribes or preaches that prayers are required to be performed through voice amplifiers or by beating of drums. In any case, if there is such practice, it should not adversely affect the rights of others including that of being not disturbed in their activities. We would only refer to some observations made by the Constitution Bench of this Court qua rights under Articles 25 and 26 of the Constitution in *Acharya Maharajshri Narendra Prasadji Anand Prasadji Maharaj and Others v. The State of Gujarat & Others* [(1975) 1 SCC 11]. After considering the various contentions, the Court observed that no rights in an organized society can be absolute. Enjoyment of one's rights must be consistent with the enjoyment of rights also by others. Where in a free play of social forces it is not possible to bring about a voluntary harmony, the State has to step in to set right the imbalance between competing interests. The Court also observed that a particular fundamental right cannot exist in isolation in a water-tight compartment. One Fundamental Right of a person may have to co-exist in harmony with the exercise of another Fundamental Right by others also with reasonable and valid exercise of power by the State in the light of the Directive Principles in the interests of social welfare as a whole.

13. Further, it is to be stated that because of urbanization or industrialization the noise pollution may in some area of a city/town might be exceeding permissible limits prescribed under the rules, but that would not be a ground for permitting others to increase the same by beating of drums or by use of voice amplifiers, loudspeakers or by such other musical instruments and, therefore, rules prescribing reasonable restrictions including the rules for the use of loudspeakers and voice amplifiers framed under the Madras Town Nuisance Act, 1889 and also the Noise Pollution (Regulation and Control) Rules, 2000 are required to be enforced. We would mention that even though the Rules are unambiguous, there is lack of awareness among the citizens as well as the Implementation Authorities about the Rules or

its duty to implement the same. Noise polluting activities which are rampant and yet for one reason or the other, the aforesaid Rules or the rules framed under various State Police Acts are not enforced. Hence, the High Court has rightly directed implementation of the same."

9. In **Om Birangana Religious Society Vs. State** [1996 (2) CalLT 474], the Calcutta High Court held in paras 24 and 25 as follows:-

"24. In a religious place or congregation, the use of microphones should be limited to the persons or the followers or the disciples who are there so that they may hear and know, they may follow and understand what is meant for them. No person and/or organization cannot be allowed to use microphone at a high noise level without any volume control.

25. So far as right of religious organization to use loudspeaker or amplifier is concerned that right is not an independent right under Article 25 of the Constitution of India. Article 25 (1) of the constitution of India provides that subject to public order, morality and health and to the other provisions of this part, all persons and equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

10. Learned standing counsel has also relied on the directions issued by the Supreme Court, directing the respective State Governments, to frame policy with regard to constructions of building used for religious purpose and the direction that no such building shall be allowed to be built on public streets, public parks or other public places. The State Government, after following the directions issued by the Supreme Court in **Union of India Vs. State of Gujarat** in SLP (Civil) No. 8519 of 2006, has issued directions to all the District Magistrates and other authorities to follow the orders of the Supreme Court dated 29.09.2009, 7.12.2009 and 4.2.2010 and 16.2.2010, directing that no constructions of building for religious purpose will be allowed on public road, lanes, public parks or any other public places, and that no new constructions will be allowed to be made on such places. The Government Order dated 12.10.2010, produced by the learned standing counsel, will be brought on record with the counter affidavit.

✓ 11. Taking into consideration of the aforesaid facts and circumstances, we direct that the respondents will ensure that in village Kakoda, P.S. Kadar Chowk, Tehsil Sadar, District Budaun both temples and mosque will be allowed to use microphone/loud speaker within permissible limit of

decibels i.e. at low noise levels within the prescribed decibels limit. Wherever exact decibel limit can not be measured by the administration, the noise should not be heard beyond 50 meters from the place where it is originating. The temple or mosque management will not be allowed to use amplifiers and any extension - speakers outside the premises

- ✓ 12. We also direct that during night time i.e. between 10.00 PM to 6.00 AM, as notified in schedule to Noise Pollution [Regulation and Control] Rules 2000, no microphone/loudspeaker will be permitted to be used and played, whether it is temple, mosque, church, gurudwara or any religious or public other place. This restriction will not be applicable to the prayers and 'namaz' during day time i.e. 6.00 AM to 8.00 PM.
- ✓ 13. We also find it appropriate to issue directions, in pursuance of the directions of Supreme Court as accepted by the State Government in its policy decision dated 12.10.2010, that no building for the religious purpose will be permitted to be constructed on public roads, streets, pavement, public parks and other public places.
14. Learned standing counsel is directed to place on record a positive policy decision taken by the State Government, with regard to use of microphones/loud speakers in tune with the decisions referred to as above, and Noise Pollution [Regulation and Control] Rules 2000, made under Environment (Protection) Rules 1986.
15. The policy with regard to use of microphones/loud speakers, to be framed by the State Government will also be made to cover the use of microphones, for all other purposes including meetings, marriage procession, religious festivities, elections etc. The State Government, in the policy to be framed, will also consider banning of the use of loud speaker/microphone during examination period i.e. between March to May every year.
16. Learned standing counsel will file counter affidavit of not below the rank of Principal Secretary within four weeks.
17. The directions issued in paragraphs 11, 12 and 13 shall strictly complied with by the respondents-authorities.

18. Since we have heard the parties at length, the matter will be listed before us on **19.07.2013 at 2.00 P.M.**

19. Let a copy of this order be made available to learned Chief Standing Counsel, for compliance by 31.05.2013.

Order Date :- 27.5.2013

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The Noise Pollution (Regulation and Control) Rules, 2000

WHEREAS the increasing ambient noise levels in public places from various sources, inter-alia, industrial activity, construction activity, construction activity, generator sets, loud speakers, public address systems, music systems, vehicular horns and other mechanical devices have deleterious effects on human health and the psychological well being of the people; It is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining of ambient air quality standards in respect of noise;

WHEREAS a draft of Noise Pollution (Control and Regulation) Rules, 1999 was published under the notification of the Government of India in the Ministry of Environment and forest vide number S.O. 528(E) dated the 28th June, 1999 inviting objection and suggestion from all the persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on the 1st day of July, 1999;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government.

Now, therefore, in exercise of the powers conferred by clause (ii) of sub-section (2) of section 3, sub-section (1) and clause (b) of sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the rules for the regulation and control of noise producing and generating sources, namely:-

The Noise Pollution (Regulation and Control) Rules, 2000.

1. Short-title and commencement :-

- (1) These rules may be called the Noise Pollution (Regulation and Control) Rules, 2000.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions : In these rules, unless the context otherwise requires :-

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "area/zone" means all areas which fall in either of the four categories given in the Schedule annexed to these rules;
- (c) "authority" means and includes any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in

force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force;

- (d) "court" means a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice and includes any court of law prescribed over by a judge, judges or a magistrate and acting as a tribunal in civil, taxation and criminal cases;
- (e) "educational institution" means a school, seminary, college, university, professional academies, training institutes or other educational establishment, not necessarily a chartered institution and includes not only buildings, but also all grounds necessary for the accomplishment of the full scope of educational instruction, including those things essential to mental, moral and physical development;
- (f) "hospital" means an institution for the reception and care of sick, wounded, infirm or aged persons, and includes government or private hospitals, nursing homes and clinics.
- (g) "person" shall include any company or association or body of individuals, whether incorporated or not.
- (h) "State Government" in relation to a Union Territory means the Administrator thereof appointed under article 239 of the Constitution.

3. Ambient air quality standards in respect of noise for different areas/zones:

- (1) The ambient air quality standards in respect of noise for different areas/zones shall be such as specified in the Schedule annexed to these rules.
- (2) The State Government shall categorize the areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards for different areas.
- (3) The State Government shall take measures for abatement of noise including noise emanating from vehicular movements and ensure that the existing noise levels do not exceed the ambient air quality standards specified under the rules.
- (4) All development authorities, local bodies and other concerned authorities while planning developmental activity or carrying out functions relating to town and country planning shall take into consideration all aspects of noise pollution as a parameter of quality of life to avoid noise menace and to achieve the objective of maintaining the ambient air quality standards in respect of noise.
- (5) An area comprising not less than 100 meters around hospitals, educational institutions and courts may be declared as silence area/zone for the purpose of these rules.

4. Responsibility as to enforcement of noise pollution control measures:

- (1) The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule.
- (2) The authority shall be responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

5. Restriction on the use of loud speakers/public address system:

- (1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.
- (2) A loud speaker or a public address system shall not be used at night (between 10.00 pm to 6.00 am) except in closed premises for communication within e.g. auditoria, conference rooms, community halls and banquet halls.
- (3) Notwithstanding any thing contained in sub-rule(2). The State Government may subject to such terms and conditions as are necessary to reduce noise pollution permit use of loud speakers or public address systems during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural or religious festive occasion of a limited duration not exceeding fifteen days in all during a calendar year.
(Added vide S.O. No. 1088(E) dated 11th October, 2002)

6. Consequences of any violation in silence zone/area:-

Whoever, in any place covered under the silence zone/area commits any of the following offence, he shall be liable for penalty under the provision of the Act:-

- (i) whoever, plays any music or uses any sound amplifiers,
- (ii) whoever, beats a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument, or
- (iii) whoever, exhibits any mimetic, musical or other performances of a nature to attract crowds.

7. Complaints to be made to the authority:-

- (1) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone, make a complaint to the authority.
- (2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.

8. Power to prohibit etc. continuance of music sound or noise:-

- (1) If the authority is satisfied from the report of an officer incharge of a police station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property in the vicinity, he may, by a written order issue such directions as he may

consider necessary to any person for preventing, prohibiting, controlling or regulating:-

- (a) the incidence or continuance in or upon any premises of -
 - (i) any vocal or instrumental music,
 - (ii) sounds caused by playing, beating, clasing, blowing or use in any manner whatsoever of any instrument including loudspeakers, public address systems, appliance or apparatus or contrivance which is capable of producing or re-producing sound, or
 - (b) the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.
- (2) The authority empowered under sub-rule(1) may, either on its own motion, or on the application of any person aggrieved by an order made under sub rule(1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by a person representing him and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.