

...Implementation of Noise Rules

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Notification**New Delhi, the 14 February, 2000**

S.O. 123(E) - Whereas the increasing ambient noise levels in public places from various sources, inter-alia, industrial 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 the 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 Forests vide number S.O. 528 (E), dated the 28 th June, 1999 inviting objections and suggestions 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 1 st 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 following rules for the regulation and control of noise producing and generating sources, namely:-

The Noise Pollution (Regulation and Control) Rules, 2000**Short Title and commencement**

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

Definitions**In these rules, unless the context otherwise requires-**

- ▶ "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- ▶ "Area / Zone" means all areas which fall in either of the four categories given in the Schedule annexed to these rules;
- ▶ "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;
- ▶ "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 presided over by a judge, judges or a magistrate and acting as a tribunal in civil, taxation and criminal cases;
- ▶ "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;
- ▶ "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;
- ▶ "Person" shall include any company or association or body of individuals, whether incorporated or not;
- ▶ "State Government" in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution.

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

- ▶ 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.
- ▶ 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.
- ▶ 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 these rules.
- ▶ 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.
- ▶ An area comprising not less than 100 metres around hospitals, educational institutions and courts may be declared as silence area / zone for the purpose of these rules.

Responsibility as to enforcement of noise pollution control measures

- ▶ The noise levels in any area / zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule.
- ▶ 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.

Restrictions on the use of loud speakers / public address system

- ▶ A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.
- ▶ A loud speaker or a public address system shall not be used at night (between 10:00 p.m. to 6:00 a.m.) except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls.
- ▶ Notwithstanding anything 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.

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 provisions of the Act:-

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

Complaints to be made to the authority

- ▶ 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.
- ▶ 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.

Power to prohibit etc. continuance of music sound or noise

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 on 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:-

- ▶ The incidence or continuance in or upon any premises of-
 - ▶ any vocal or instrumental music,
 - ▶ sounds caused by playing, beating, clashing, 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
- ▶ the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

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.