

DELHI POLLUTION CONTROL COMMITTEE

5th Floor I.S.B.T. Building Kashmiri Gate Delhi-6

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F. No DPCC/ (12)(1)(316)/Air Lab/ 2021/184

Dated:- 25/06/2021

Subject:- Direction to designated authorities in compliance of the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986- Regarding Implementation of Compensation Regime for violation of Noise Rules, 2000.

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive program for the prevention, control or abatement of air pollution in the State and to secure the execution thereof; and

WHEREAS, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 notified under Environment (Protection) Act, 1986, the following responsibilities are vested with SPCB and PCCs (DPCC in case of Delhi):

1. *The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control, and abatement.*

Whereas, all Deputy Commissioners (Revenue), all Sub Divisional Magistrates, Asstt. Commissioners of Police control room, All Sub Divisional Police Officers including Railways & Airport, Chairman and Member Secretary, DPCC and Assistant Commissioners of Police (Traffic) are notified as "authority" under Rule (2) of the Noise Rules, by the Govt. of NCT of Delhi vide notification no. F:23(107I)/Env./2001/676 dated 10.12.2001 and F:12 (1)/N.P./ Env./2005/33 dated 05.04.2008.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000, the designated authorities are responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, section 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 thereunder, 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 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, in the matter of O.A NO 519/2016, 496/2018, 196/2018, and 197/2018 dated 01/08/2019, Hon'ble National Green Tribunal directed to CPCB:

"The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of 'Polluter Pays' principle. Though violation of the rules like the Noise Rules here is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine up to Rs. 1 lakh, since the 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"** and submitted a report to Hon'ble NGT on 14/11/2019; and

WHEREAS, Hon'ble NGT vide order dated 15.11.2019 directed to CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and the needs to be different for different class of defaulters and frequencies of default.*
- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored.*

WHEREAS, in compliance to directions of Hon'ble NGT, CPCB prepared a revised report on the scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted a report to Hon'ble NGT on 12/06/2020 (Enlistment of violation of noise rules and their respective scale of compensation is enclosed); and

WHEREAS, in the aforesaid matters Hon'ble NGT vide its order dated 11/08/2020, further directed to CPCB:

"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC, and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose of being complied with in all the States/UTs."

WHEREAS, CPCB vide directions dated 27.04.2021 directed to DPCC for issuance of direction and implementation of the compensation scale for violation of the Noise Rules to be implemented by designated authorities as notified by Government of NCT of Delhi from time to time.

NOW, THEREFORE, in view of the above-stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/ limit and in pursuance of the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, DPCC hereby direct the designated Authorities in NCT of Delhi to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble national Green Tribunal (copy enclosed as Annexure-1).

The compensation amount so collected shall be deposited in Delhi Pollution Control Committee having account no. 10166747672, IFSC Code SBIN0005715 in State Bank of India, ISBT. Kashmere Gate, Delhi.




Monthly action taken reports of inspections conducted, compensation imposed and compensation collected shall be submitted by the authorized officers to Delhi Pollution Control Committee, without fail (format of reporting is enclosed as Annexure-2).

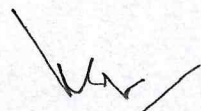

(Dr. K.S. Jayachandran)
Member Secretary

To.

1. All Deputy Commissioners, office of Divisional Commissioner, Govt. of N.C.T of Delhi.
2. Asstt. Commissioners of Police control room.
3. Assistant Commissioners of Police (Traffic)
4. All Sub Divisional Magistrates, office of Divisional Commissioner, Govt. of N.C.T of Delhi.
5. All Sub Divisional Police Officers including Railways & Airport.
6. All Branch in-charges of CMCs, EIA DPCC.

Copy for information and necessary action:

1. The Divisional Commissioner, 5 Sham Nath Marg, Delhi-1 10054.
2. Commissioner of Delhi Police. Jai Singh Road, near Bangla Sahib Gurdwara, New Delhi-1.
3. Nodal Officer, Noise Pollution, cum DCP/PCR, Delhi Police
4. Director (Env), GNCTD of Delhi
-  5. In-charge IT Section, DPCC for uploading on the website of DPCC.
6. Accounts Officer, DPCC to maintain separate heads on the issue.


(Dr. K.S. Jayachandran)
Member Secretary



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Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1.	USE OF LOUD SPEAKERS/PUBLIC ADDRESS SYSTEM ¹ (Clause 5(1)-5(2), 6(i,ii,iii and v) ¹⁻⁵	₹ 10,000	Seizure
2.	VIOLATION WRT GENERATOR SETS NORMS (standards attached as Annexure - IV to VI)		
d)	DG sets more than 1000 KVA	₹ 1,00,000/-	Sealing of DG sets
e)	DG sets 62.5 to 1000 KVA	₹ 25,000/-	
f)	DG sets upto 62.5 KVA	₹ 10,000/-	
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENT	₹ 50,000/-	Seizure/Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv) ⁷⁻⁸		
4(1)	Violation by Individual/Household	Residential / Commercial / Mixed Zone Silence Zone 1,000	Silence Zone 3,000
4(2)	Violation during Possession a. Public Rallies b. Bara during marriage Religious event	10,000	20,000
			Fine to be paid by Organizer

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4(3)	<p>First Violation within a fixed Premises:</p> <p>a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions</p>	20,000	Fine to be paid by Organizer and Owner of the place.
4(4)	<p>Second Violation within a fixed Premises:</p> <p>a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function</p>	40,000	
4(5)	<p>More than Two Violation within a fixed Premises:</p> <p>a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function</p>	1,00,000 and action under EP Act.	Sealing of Premises

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Format for compensation of Noise Pollution (Regulation and Control) Rules, 2000

S.No.	Violation of Noise Rules	Compensation in Rs. paid by defaulter		Action taken by designated authority
		Nos. of violation	Amount in Rs.	
1.	Use of loud speakers / public address system			
2.	Violation WRT Generator Sets Norms			
a	D.G.Sets more than 1000 KVA			
b	D.G.Sets 62.5 to 1000 KVA			
c	D.G.Sets up to 62.5 KVA			
3.	Violation of use of sound emitting construction equipment			
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed.			
4(1)	Violation by Individual/ household	Residential/commercial/ mixed zone Silence zone		
4(2)	Violation during possession a. Public Rallies b. Barat during marriage c. Religious event			
4(3)	First Violation within a fixed permission: a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions			
4(4)	Second Violation within a fixed permission a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions			
4(5)	More than two Violation within a fixed permission a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions			