

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 9th March, 2009

G.S.R. 158(E).—Whereas, the Central Government has notified the Noise Pollution (Regulation and Control) Rules, 2000 vide the notification number S.O. 1046 (E), dated 22nd November, 2000.

And, Whereas, the Central Government has received representations from Non-Government Organizations and individuals requesting for certain further amendments in view of various difficulties being faced due to noise pollution;

And, Whereas, the Central Government proposes to issue the following draft rules in exercise of the powers conferred by sub-section (2) of section 3 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 5 of the Environment (Protection) Rules, 1986, further to amend the Noise Pollution (Regulation and Control) Rules, 2000. These rules are hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration by the Central Government on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public;

Any person desirous of making any suggestion or objection in respect of the proposed draft rules may forward the same for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110510.

DRAFT RULES

1. (1) These rules may be called the Noise Pollution (Regulation and Control) (Amendment) Rules, 2009.

(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Noise Pollution (Regulation and Control) Rules, 2000, (hereinafter referred to as the said rules), in the opening portion, after the words "construction activity", the words "fire crackers, sound producing instruments" shall be inserted.
3. In the said rules, in rule 2, after clause (h), the following clauses shall be inserted, namely:-
 - (i) "public place" means any place to which the public have access, whether as of right or not, and includes auditorium, hotels, public waiting rooms, convention centres, public offices, shopping malls, cinema halls, educational institutions, libraries, open grounds and the like which are visited by general public; and
 - (j) "night time" means the period between 10.00 p.m. and 6.00 a.m.?

4. In the said rules, -

- (i) in rule 3, in sub-rule (3) after the words "noise emanating from vehicular movements", the words "blowing of horns, bursting of sound emitting fire crackers, use of loud speakers or public address system and sound producing instruments" shall be inserted;
- (ii) after rule 3, the following rule shall be inserted, namely:-

"(3A) The State Government shall take measures to stop the blowing of horns at night time in silence zones and residential areas except during a public emergency."

5. In the said rules, in rule 5,-

(i) in the heading, after the words "PUBLIC ADDRESS SYSTEM", the words "AND SOUND PRODUCING INSTRUMENTS" shall be inserted;

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference room, community halls, banquet halls or during a public emergency.";

(iii) in sub-rule (3), -

(a) for the words "public address systems during night hours", the words "public address system and the like during night hours" shall be substituted;

(b) after the words "a limited duration not exceeding fifteen days in all during a calender year", the words "the concerned Distract Magistrate shall generally specify in advance, the number and particulars of the days on which such exemption should be operative" shall be inserted;

(iv) after sub-rule 3 as so amended, the following sub-rules shall be inserted, namely:-

"(4) The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A) whichever is lower.

(5) The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB (A) the ambient noise standards specified for the area in which it is used."

6. In the said rules, after rule 5, the following rule shall be inserted, namely:-

“(5A) RESTRICTIONS ON THE USE OF HORNS AND BURSTING OF FIRE CRACKERS.- (1) No horn shall be used at night time in silence zones and residential areas except during a public emergency.

(2) Sound emitting fire crackers shall not be burst at night time.

(3) 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 bursting of sound emitting fire crackers 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. The concerned District Magistrate shall generally specify in advance, the number and particulars of the days on which such exemption should be operative.”

7. In the said rules,-

(i) in rule 6, after clause (iii), the following clauses shall be inserted, namely:-

“(iv) Whoever, bursts sound emitting fire crackers, or

(v) Whoever, uses a loud speaker or a public address system.”;

(ii) after rule 6, the following rule shall be inserted, namely:-

“6A. CONSEQUENCES OF ANY VIOLATION DURING NIGHT TIME - Whoever, violates any provision of these rules regarding restrictions imposed during night time, shall be liable for penalty under the provisions of the Act.”.

8. In the said rules, in rule 7, in sub-rule (1), after the words “in the corresponding columns against any area or zone”, the words “or, if there is a violation of any provision of these rules regarding restrictions imposed during night time,” shall be inserted.

9. In the said rules, in rule 8, in sub-rule (1), in clause (a), -

(i) in sub-clause (ii), for the words, "public address system, appliances or apparatus", the words "public address system, horn, appliances or apparatus" shall be substituted;

(ii) after sub-clause (ii), the following sub-clause shall be inserted, namely:-

"(iii) sound caused by bursting of sound emitting fire crackers, or,"

[F. No. Q-15022/02/08]

RAJNEESH DUBE, Jt. Secy.

Note :—The principal rules were published in the Gazette of India vide number S.O. 123 (E) 14th February, 2000 and subsequently amended vide S.O. 1046 (E) dated 22nd November, 2000, S.O. 1088 (E) dated 11th October, 2002 and S.O. 1569 (E) dated 19th September, 2006