



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA

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HSPCB

No. HSPCB/Misc./2021/116)-1220

Dated: 24.05.2021

To

1. All Sub- Divisional Magistrates (Civil), through Deputy Commissioners of Haryana
2. All Deputy Superintendents of Police in Haryana, through Superintendents of Police / Police Heads of all Districts of Haryana.
3. All the Regional Officers of Haryana State Pollution Control Board

Sub: Directions of CPCB on Implementation of Environment Compensation Regime of Noise Pollution - Reg.

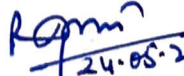
Ref : Lr No. A-14011/1/2021-MON of CPCB dated 27.04.2021

With reference to the above subject, please find herewith enclosed the directions of Central Pollution Control Board issued by Chairman, CPCB, under the provisions of Sec 5 of Environment (Protection) Act, 1986 regarding 'Implementation of Environment Compensation Regime of Noise Pollution' for information and strict compliance. A copy of the Notification of Govt. of Haryana (No. S. O. 109 / N.P. (R. and C.) R. 2000 / R. 2/ 2003 dated 05.09.2003) vide which the Government has designated authorities for implementation of the Noise Pollution (Regulation and Control) Rules, 2000 in different areas in the State, has also been enclosed along for your reference.

You are requested to ensure that the above directions of CPCB are strictly implemented under your jurisdiction.

**D/A : As above
Copy for information to:**

1. Chief Secretary, Govt. of Haryana
2. Additional Chief Secretary, Environment & Climate Change Department, Government of Haryana
3. Additional Chief Secretary, Home Department
4. Director General of Police, Haryana
5. Chairman, CPCB
6. All Divisional Commissioners, Haryana
7. All the Deputy Commissioners, Haryana
8. All Superintendents of Police / Heads of Police of all Haryana Districts.
9. PS to Chairman/PA to MS, HSPCB
10. All the Branch Incharges, HSPCB
11. IT Cell, HSPCB, You are requested to upload the same on the website of the Board.


24.05.2021
Sr.Scientist (HQ)
For Member Secretary



SPEED- POST

File No. A-14011/1/2021-MON

Date: 27/04/2021

To,

The Chairman
 Haryana State Pollution Control Board,
 C-11, Sector-6. Panchkula, Haryana-134109

DIRECTIONS UNDER SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.

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 programme for 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 of Environment (Protection) Act, 1986, following responsibilities are vested with CPCB and SPCBs:

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, and
2. 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, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, the designated authority is 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, under section 19 of The Environment (Protection) Act, 1986, No court shall take cognizance of any offence under this Act except on a complaint made by—

“(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid."

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, section 9(3) of The Environment (Protection) Act, 1986 states that:

"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

"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 upto Rs. 1 lakh, since 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 directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 14/11/2019 (copy attached); and

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

- a. *Compensation for bursting of crackers at serial no 4 needs to be suitably revised and 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 ensure that same is not restored to.

WHEREAS, in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020 (copy attached); and

WHEREAS, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 11/08/2020, Hon'ble NGT further directed CPCB as follows:

"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 for being complied with in all the States/UTs."

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 exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it is hereby directed that Chairman Haryana SPCB shall direct designated Authorities of the State to implement *Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000* as accepted by Hon'ble NGT.

The Chairman, SPCB shall acknowledge the receipt of this direction within 15 days and shall communicate the status on the action plan and its implementation.

[Shiv Das Meena]
Chairman