

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 158/2016/EZ

SUBHASH DATTA

VS

**STATE OF WEST BENGAL & ORS**

**CORAM:** Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

**PRESENT:**

<b>Applicant</b>	: Mr. Subhas Datta in person
<b>Respondent No. 1</b>	: Mr. Bikas Kargupta, Advocate
<b>Respondents No.3 &amp;4</b>	: Mr. Sudip Kr. Dutta, Advocate
<b>Respondent No. 2</b>	: Mrs. Poushali Banerjee, Advocate
<b>Respondent No. 5</b>	: Mr. Dipanjan Ghosh, Advocate
<b>Respondent No. 6</b>	: Mr. Gora Chand Roy Chowdhury, Advocate Ms. S.Ray, Advocate
<b>Respondent No. 7</b>	: Mr. Deepan Kumar Sarkar, Advocate Ms. Sharmistha Ghosh, Advocate Mr. S. Bhattacharya, Advocate

Date & Remarks	Orders of the Tribunal
<p><b>Item No. 2</b> <b>03<sup>rd</sup> October,</b> <b>2017.</b></p>	<p style="text-align: center;">Vakalatnama filed by Mr. Bikas Kargupta, Id. Govt. Advocate on behalf of Respondent No.8, Transport Department, action taken report on behalf of the Respondent No.5, i.e., the State PCB by Mr. Dipanjan Ghosh, Advocate and affidavits filed on behalf of the Respondent No.7, i.e., WEBEL Media Electronics Ltd. and the Addl. Chief Secretary, Department of Transport, Govt. of West Bengal be taken on record.</p> <p style="text-align: center;">Since copies have been served on the applicant, let him file his response and suggestions, if any, before the next date.</p>

In the affidavit/action taken report filed on behalf of the State PCB, it is stated that all together 273 sound limiters and noise meters respectively have been distributed to the various police authorities, viz., Kolkata Police, Birbhum Police, North 24 Parganas District Police, Sundarban Police District, Diamond Harbour District Police, Nadia District Police, Howrah Police Commissionerate and Bidhannagar Police Commissionerate. It has also been stated in the affidavit that awareness programmes have been organized by the Board at various bus stops and tram depots on different dates in the months of August and September to sensitise the drivers plying commercial, private and Government vehicles on the health hazards caused by noise pollution.

Mr. Subhas Datta, the applicant submits that for effective implementation of the directions for reducing emission of sound, distribution of sound limiters to the police authorities would not be sufficient. It ought to be made mandatory for all

service providers letting out audio systems to fit the systems with sound limiters before being let out and, it should be inspected and verified by the police authorities and the State PCB as to whether the instruments are indeed being fitted and the sound emission level maintained as per law.

We find the suggestions to be reasonable and, therefore, direct the licensing authorities, viz., the Municipal Corporation, the municipality, Municipal Boards, different panchayats to ensure that one of the terms of the licences granted for letting out the audio systems shall include an additional condition that no audio system shall be let out without being fitted with sound limiter. The police authorities shall also include similar condition in the licences granted by them.

Apart from this, as maintenance of the limit of sound is a mandatory requirement under the law, no shop dealing with the sale of public audio systems anywhere in the state shall be permitted to sell such instruments without sound limiters as a compulsory

accessory and, this condition shall be strictly enforced by the licensing authorities with the assistance of the police. We make it clear that the condition for use of sound limiter shall be applicable also for all the government and political functions.

The above direction shall also be applicable to all the other states in the region. A copy of this order shall be transmitted to the Chief Secretaries of the State of Bihar, Jharkhand, Arunachal Pradesh, Assam, Meghalaya, Mizoram, Manipur, Nagaland, Tripura, Orissa, Sikkim and the Union Territory of A&N Islands who shall ensure strict compliance of the directions.

For effective implementation of the sound limit, the State Governments shall take up the matter with the manufacturers of audio systems, both within and outside the states, requiring them to evolve system in the PA systems limiting emission of sound to the permissible decibel. The State Governments may interact with the Respondent No.7, WEBEL Media and Electronics Ltd., which have the capacity and the

technology to manufacture sound limiters for immediate implementation of this direction. A copy of the affidavit filed on behalf of the Respondent No.7 be also transmitted to all the Chief Secretaries of the States for their convenience.

We would direct the Respondent No.7 to supply 13 extra copies of the affidavit. Affidavit of compliance shall be filed by the Respondents No. 3, 5 & 8, i.e., the Director General of Police, W.B. , the State PCB and the Principal Secretary, Transport Department, Govt. of West Bengal.

For convenient disposal of the matter, we deem it essential to implead the Chief Secretaries and Union Territory, the DG Police and the State PCB of the 11 other States and the U.T. of A&N Islands also as respondents. Let them be impleaded as Respondents No. 9 to 19.

Notices be issued upon the newly added respondents along with copies of this order and the affidavit of Respondent No.7 for compliance. Notices

shall be returnable before the next date.

Reports of compliance shall be filed also by these respondents before the next date.

**List on 08.11.2017.**

.....

Justice S.P.Wangdi, JM

03-10-2017

.....

Prof. (Dr.) P. C. Mishra, EM

03-10-2017



