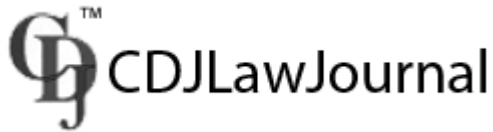


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Citation : CDJ 2026 BHC 2619

Court : High Court of Judicature at Bombay

Case No : Suo Motu Public Interest Litigation No. 01 of 2026

Judges : THE HONOURABLE MR. JUSTICE G.S. KULKARNI & THE HONOURABLE DR. JUSTICE NEELA GOKHALE

Parties : In Re: Noise and Environmental Pollution; Public Nuisance caused by unregulated use of Music Systems with Amplifiers & Firecrackers on Public Streets During Festivals Versus State of Maharashtra, through the Commissioner of Police (Traffic) & Others

Appearing Advocates : For the Petitioner: Vilas Tapkir, Vilas Deshmane a/w Ajay Deshmane (Through V.C.), Advocates. For the Respondents: Dr. Milind Sathe, Advocate General, Anjali Helekar, Neha S. Bhide, G.Ps., P.N. Diwan, AGP, Jyoti Chavan, Onkar A. Chandurkar, Addl. G. P.Addl. G. Ps., Aspi Chinoy, S.M. Gorwadkar, Anil Sakhare, Sr. Advs. a/w Anand Pai as Amici, Sujay H. Gangal, Dr. Mahesh Bedekar, R3, Jaya Bagwe, Manish Kelkar, Gauri Phadake, Jagrut Puneekar Kruti Samiti, Advocates.

Date of Judgment : 22-09-2026

Head Note :

Environment (Protection) Act, 1986 - Clause (ii) of Sub-Section (2) of Section 3 r/w Sub-Section (1) (b) -

Case Referred:

[Noise Pollution \(V\) in Re - \(\(2005\) 5 SCC 733\)](#)

Judgment :

1. We have initiated this suo motu proceedings being alarmed by the noise and the environmental pollution caused by unregulated use of music system with amplifiers accompanied with unregulated fire crackers on public street during the festivals. The noise pollution as generated by use of variety of devices have gathered different dimensions, in the recent times requires no elaboration.

2. The noise pollution being generated from such activities and the regulation thereof is governed by the Noise Pollution (Regulation and Control) Rules, 2000 framed in exercise of powers conferred on the Central Government under Clause (ii) of Sub-Section (2) of Section 3 read with Sub-Section (1) (b) of Section 6(2) and Section 25 of the Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection) Rules, 1986. In the definitions as prescribed under Rule 2 of the said Rules, Clause (c) defines ‘authority’, clause (i) defines ‘public place’. The said definitions read thus:

“2. Definitions – In these rules, unless the context otherwise requires,

(c) "authority" means and includes any authority or officer authorised 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.

.. . . .

(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."

3. The other rules, being Rule 3 providing for "Ambient air quality standards in respect of different areas/zones", Rule 4 providing for "Responsibility as to enforcement of noise pollution control measures", Rule 5 providing for "Restrictions on the use of loud speakers/public address system and sound producing instruments", Rule 5A which was inserted by amendment providing for "Restrictions on the use of horns, sound emitting construction equipments and bursting of firecrackers", Rule 6 providing for "Consequences of any violation in silence zone/area. The complaint mechanism is provided for in Rule 7. Further, Rule 8 provides for "Power to prohibit etc. continuance of music sound or noise." The Schedule to the said rules as framed under Rule 3(1) and Rule 4(1) provides for "Ambient Air Quality Standards in respect of noise". For convenience of reference, these rules are required to be noted, which read thus:-

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

(1) 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.

(2) 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.

(3) The State Government shall take measures for abatement of noise including noise emanating from vehicular movements, (blowing of horns, bursting of sound emitting fire crackers, use of loud speakers or public address system and sound producing instruments) and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.

(4) 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.

(5) An area comprising not less than 100 metres around hospitals, educational institutions and courts may be declared (by the State Government) as silence area/zone for the purpose of these rules. Provided that, an area shall not fall under silence area or zone category, unless notified by the State Government in accordance with sub-rule(2).

4. Responsibility as to enforcement of noise pollution control measures.

(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.

(2) 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.

(3) The respective State Pollution Control Boards or Pollution Control Committees 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.

5. Restrictions on the use of loud speakers/public address system (and sound producing instruments).

(1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

(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 rooms, community halls or during a public emergency.

(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 use of loud speakers or public address systems and the like during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural, religious or festive occasion of a limited duration not exceeding fifteen days in all during a calender year and the concerned State Government or District Authority in respect of its jurisdiction as authorized by the concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption should be operative.

Explanation.- For the purposes of this sub-rule, the expressions-

(i) "festive occasion" shall include any National function or State function as notified by the Central Government or State Government; and

(ii) "National function or State function" shall include"-

(A) Republic Day;

(B) Independence Day;

(C) State Day; or

(D) such other day as notified by the Central Government or the State Government.

(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 5dB (A) the ambient noise standards specified for the area on which it is used.

5A. Restrictions on the use of horns, sound emitting construction equipments and bursting of fire crackers.

(1) No horn shall be used in silence zones or during night time in residential areas except during a public emergency.

(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.

(3) Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones.

6. 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:

(i) whoever, plays any music or uses any sound amplifiers,

(ii) whoever, beats a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument, or

(iii) whoever, exhibits any mimetic, musical or other performances of a nature to attract crowds.

(iv) whoever, bursts sound emitting fire crackers; or

(v) whoever, uses a loud speaker or a public address system.

7. Complaints to be made to the authority.

(1) 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 (or, if there is a violation of any provision of these rules regarding restrictions imposed during night time,) make a complaint to the authority.

(2) 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.

8. Power to prohibit etc. continuance of music sound or noise.

(1) If the authority is satisfied from the report of an officer in-charge of a police station or other information received by him (including from the complainant) 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:

(a) the incidence or continuance in or upon any premises of -

(i) any vocal or instrumental music,

(ii) sounds caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument including loudspeakers, (public address systems, horn, construction equipment, appliance or apparatus)²² or contrivance which is capable of producing or re-producing sound, or

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

(b) the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

(2) 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 and to the original complainant, as the case may be 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.

... ..

SCHEDULE

[See rule 3(1) and 4(1)]

Ambient Air Quality Standards in Respect of Noise

Area Code	Category of Area/Zone	Limits in dB(A) Leq*	
		Day time	Night time
(A)	Industirla area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Note:- 1. Day time shall mean from 6.00 a.m. to 10.00 p.m.

2. Night time shall mean from 10.00 p.m. to 6.00 a.m.

3. ***

4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

*dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

A "decibel" is a unit in which noise is measured.

"A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq : It is an energy mean of the noise level, over a specified period.”

4. It is clear that the District Magistrate, the Police Commissioner and any other officer not below the rank of the Deputy Superintendent of Police, as designated for the maintenance of the ambient air quality standards in respect of noise are the designated authorities relevant for the purpose of the said rules. Further, it is the obligation of the designated authorities to maintain the ambient air quality standards of noise for different area zones as specified in the Schedule, which includes that the State Government shall take all measures for abatement of noise including noise emanating from vehicular movements, blowing of horns, bursting of sound emitting firecrackers, use of loud speakers, or public address systems and sound producing instruments, to ensure that the existing noise levels do not exceed the ambient air quality standards specified under the said Rules. The specific obligation on the development authorities, local bodies, and other concerned authorities to take into consideration all aspects of noise pollution as a parameter of quality of life, to avoid menace and to achieve the objective of maintaining the required standards in respect of noise, is clearly borne out by sub-rule (4) of Rule 3. Also, an area comprising of not less than 100 mtrs. around hospitals, educational institutions, courts, declared as silence zones, becomes a significant consideration in the context of the implementation of the said Rules during festivities in regard to the noise pollution as may be generated in the vicinity of the said zones. These are critical areas of regulation and control.

5. The most important provision is Rule 5 providing for “Restriction on the use of loud speakers/public address system and sound producing instruments” inter alia providing that none of such systems shall be used except with a prior written permission being granted by the authority. The systems shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms etc. or during a public emergency. Night time has been defined under the Schedule to mean the time period from 10 pm to 6 am There is an exception which is carved out in sub-rule (3) of Rule 5 to the effect that 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 pm to 12 midnight on or during any cultural, religious or festive occasion of a limited duration not exceeding fifteen days in all during a calendar year and the concerned State Government or District Authority in respect of its jurisdiction as authorized by the concerned State Government shall generally specify in advance, the number of the days on which such exemption should be operative.

6. Sub-rule (4) of Rule 5 prescribes the noise level at the boundary of the public place, where loud speaker 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. Sub-rule (5) further prescribes that 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.

7. Further, Rule 5A provides for “Restrictions on the use of horns, sound emitting construction equipments and bursting of firecrackers” inter alia providing that sound emitting fire crackers shall not be burst in silence zone or during night time and further that sound emitting constructions equipments shall not be used or operated during night time in residential areas and silence zones. Rule 6, 7 and 8 are the plenary provisions, providing for ‘consequences of any violation in silence zone area’, ‘the mechanism of complaints to be made to the authority’ and ‘power to prohibit etc. continuance of music, sound or noise’.

8. We find that the said rules have been a subject matter of consideration in several proceedings, which have reached the Court and orders/judgments passed. It would be imperative to note some of the relevant decisions in this regard.

In the case of Noise Pollution (V) in Re((2005) 5 SCC 733), the Supreme Court was considering the

issues of far-reaching implications in day-to-day life of the people of India relating to noise pollution vis-a-vis right to life enshrined in Article 21 of the Constitution as interpreted in its wide sweep by the Constitutional Courts of the country. It is in such context, the Supreme Court considered the concept of what would be meant by “noise” as defined under the statutory provisions which stands included in the definition of ‘air pollutant’ as defined in section 2(a) of the Air (Prevention and Control of Pollution) Act, 1981. The Court considered noise as nuisance and health hazard which included issues of hearing loss, disturbance of sleep, annoyance, effect on performance, psychological effects, the possible clinical manifestations of stress concomitant with noise, namely, galvanic skin response, increased activity related to ulcer formation, changes in intestinal motility, changes in skeletal muscle tension, subjective response irritability, perception of loudness, increased sugar, cholesterol and adrenaline, changes in heart rate, increased blood pressure, increased adrenal hormones, etc. It was also observed that investigations have revealed that the blood vessels which feed the brain, dilate in the presence of noise, this being the reason why headaches result from listening to persistent high noise. Further, prolonged chronic noise can also produce stomach ulcers etc. The Court also considered what sources of noise pollution and more specifically the noise pollution in the context of fire works, to observe that use of fireworks has led to air pollution in the form of noise and smoke. It was observed that their excessive use has started to be a public hazard and violation of their fundamental rights as enshrined in the Constitution. Reiterating the law as laid down by the Supreme Court that the citizen has a right to leisure, right to sleep, right not to hear and right to remain silent and that he has the right to read and speak with others. It was observed that because of the tremendous sound and noise, the citizens cannot exercise all these fundamental rights. Most significantly it was observed that firecracker noise is an “impulsive noise” and is “hazardous” and that bursting of firecrackers can lead to non-recoverable hearing loss. The observations and directions as made by the Supreme Court in the context of firecrackers and loudspeakers, which reads thus:

“IV. Noise pollution in the special context of fireworks

46. Fireworks are used all over the world to celebrate special occasions. In India, fireworks are burst on festivals like Dussehra, Diwali and on special occasions like social gatherings, marriages, Independence day, Republic day, New year day, etc. In other countries of the world, fireworks are generally burst either on the New Year day or on the birthday of their respective countries. However, bursting of firecrackers is a health hazard since it is responsible for both air pollution and noise pollution.

47. The use of fireworks has led to air pollution in the form of noise and smoke. Their excessive use has started to be a public hazard and violation of their fundamental rights as enshrined in the Constitution.

48. It has been held in the case of *Om Birangana Religious Society v. State* that the “Freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India includes, by necessary implication, freedom not to listen and/or to remain silent. A citizen has a right to leisure, right to sleep, right not to hear and right to remain silent. He also has the right to read and speak with others.”

Because of the tremendous sound and noise, the citizens cannot exercise all these fundamental rights.

49. It has been seen that firecracker noise is an impulsive noise and is hazardous. Bursting of a firecracker near the ear can lead sometimes to non-recoverable hearing loss.

50. Diwali is the most important festival of India. The bursting of firecrackers during this period is a widespread practice. The unpredictable, intermittent and impulsive noise produced by

bursting of crackers all around, turns the festival of lights into a cacophony of noise. [Ambient noise-level and Air-quality status in Delhi during Diwali Festival days 1999-2002, published by Central Pollution Control Board, October 2003.] People are unable to even sleep due to this excessive noise pollution. Several people are injured due to the noise produced by firecrackers every year.

51. Firecrackers not only increase the ambient noise level but also contribute significantly in increasing the air pollution by means of toxic gases and particles due to their blast wave resulting from a rapid release of energy.

52. In order to assess the situation of noise pollution caused by firecrackers at the time of Diwali the Central Pollution Control Board (CPCB) has been conducting ambient noise level monitoring during Diwali festival regularly at various locations in Delhi since 1993, to find increased ambient noise level caused by intensive burning of crackers. As in the past, the noise and air-quality monitoring have been carried out in the years 1999, 2000, 2001, and 2002. The noise monitoring locations have been selected to cover almost all areas of Delhi.

53. An analysis of the reports prepared in the years 1999, 2000, 2001, and 2002 reveals that the ambient noise level on Diwali day exceeded the limit at almost all the places during these years. The noise level was higher during Diwali-2000 as compared to the values recorded during Diwali festival in the years 1999, 2001, and 2002.

54. The percentage of violation in Leq [N.B. — Equivalent Continuous Sound Pressure Level, Leq is the level of that steady sound which over the same interval of time, contains the same total energy (or dose) as the fluctuating sound. Equivalent continuous sound-level has gained widespread acceptance as a scale for the measurement of long-term noise exposure.] noise level varied from 2 to 49% in the year 2002, 12 to 55% in the year 2001, 11 to 58% in the year 2000 and 22 to 47% in the year 1999 with respect to the daytime standards at all the areas.

55. The ambient noise level during the years 1999 to 2002 on Diwali festival, exceeded the limit at all places in every year and the percentage of violation varies from 2% to 58%. Thus, the study does reveal that the noise levels that have been measured on all these occasions have been more than the prescribed norms. This is a point of worry as it has been discussed that noise pollution does tend to have adverse effects on a person. Thus immediate steps in this direction need to be taken.

56. The problem of noise pollution due to firecrackers is not only limited to India. Similar problems are being experienced in other countries as well. In fact in the United Kingdom, in Nottingham the “Be Safe Not Sorry” campaign was launched after the post was inundated with letters from readers to the newspaper saying they were fed up with the noise, nuisance and the distress that fireworks cause.

XII. Directions

It is hereby directed as under:

(i) Firecrackers

174. 1. On a comparison of the two systems i.e. the present system of evaluating firecrackers on the basis of noise levels, and the other where the firecrackers shall be evaluated on the basis of chemical composition, we feel that the latter method is more practical and workable in Indian circumstances. It shall be followed unless and until replaced by a better system.

2. The Department of Explosives (DOE) shall undertake necessary research activity for the purpose and come out with the chemical formulae for each type or category or class of

firecrackers. DOE shall specify the proportion/composition as well as the maximum permissible weight of every chemical used in manufacturing firecrackers.

3. The Department of Explosives may divide the firecrackers into two categories— (i) sound-emitting firecrackers, and (ii) colour/light-emitting firecrackers.

4. There shall be a complete ban on bursting sound-emitting firecrackers between 10 p.m. and 6 a.m. It is not necessary to impose restrictions as to time on bursting of colour/light-emitting firecrackers.

5. Every manufacturer shall on the box of each firecracker mention details of its chemical contents and that it satisfies the requirement as laid down by DOE. In case of a failure on the part of the manufacturer to mention the details or in cases where the contents of the box do not match the chemical formulae as stated on the box, the manufacturer may be held liable.

6. Firecrackers for the purpose of export may be manufactured bearing higher noise levels subject to the following conditions: (i) the manufacturer should be permitted to do so only when he has an export order with him and not otherwise; (ii) the noise levels for these firecrackers should conform to the noise standards prescribed in the country to which they are intended to be exported as per the export order; (iii) these firecrackers should have a different colour packing, from those intended to be sold in India; (iv) they must carry a declaration printed thereon something like “not for sale in India” or “only for export to country AB” and so on.

(ii) Loudspeakers

175. 1. 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.

2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10.00 p.m. and 6 a.m.) except in public emergencies.

3. The peripheral noise level of privately-owned sound system shall not exceed by more than 5 dB(A) than the ambient air-quality standard specified for the area in which it is used, at the boundary of the private place.

.....

178. 1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipment as are found to be creating noise beyond the permissible limits.

2. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air-quality standards in respect of noise for different areas/zones, categorisation of the areas for the purpose of implementation of noise standards, authorising the authorities for enforcement and achievement of laid down standards. The Central Government/State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done.

9. A Division Bench of this Court (A.S. Oka and A.A. Sayed, JJ. as their Lordships then were) in Dr. Mahesh Vijay Bedekar vs. State of Maharashtra & Ors.(2016 SCC OnLine Bom 8864), considered the issues on noise pollutions generated in celebrating religious or other festivals. In such context, the Court considered the Noise Pollution (Regulation and Control) Rules, 2000 and their requirement of

law which would be required to be complied. Elaborate directions were issued, which are 37 in numbers, wherein the important directions being that the provisions of Noise Pollution (Regulation and Control) Rules, 2000 are mandatory in nature and therefore all concerned authorities are bound to implement the said rules. The other relevant directions issued by the Court are required to be noted, which reads thus:

101. Now we summarize our important/main conclusions as under:

(i) The provisions of Noise Pollution Rules are mandatory in nature and therefore, all concerned authorities are bound to implement the said provisions.

ii) In view of Sub-Rule(1) of Rule 5, a loud-speaker or a public address system shall not be used except after obtaining written permission from the authority as prescribed in clause(c) of Rule 2 of the said Rules. We clarify that if a license for use of loud-speaker or public address system is required under any other provision of law such as Maharashtra Police Act, 1951, or the Rules framed thereunder, a loudspeaker or public address system shall not be used without obtaining such a license as well. Even after grant of written permission, the person holding the permission is duty bound to maintain the noise level as prescribed by the Schedule and Sub-Rules(4) and (5) of Rule 5 of the Noise Pollution Rules.

(iii) Notwithstanding grant of permission to use the loud-speaker or public address system, such a loud-speaker or a public address system or any sound producing instrument or musical instrument or a sound amplifier shall not be used at night time (between 10 p.m. to 6 a.m.). Exception to this rule is Sub-Rule 3 of Rule 5 which permits the State Government to permit use of loud-speakers or public address systems during night hours between 10 p.m. to 12 midnight, during any cultural or religious occasions not exceeding in all 15 days during a calendar year. However, the said provision is not applicable to silence zones. The second exception is wherein a loud-speaker or a public address system or a sound producing instrument or a musical instrument or a sound amplifier is used in closed premises for communication in auditoria, conference rooms, community halls, bouquet halls, etc. The third exception is in case of public emergency. We clarify here that though Sub-Rule(2) of Rule of 5 carves out an exception to the prohibition on use of loudspeaker or public address system etc. in night time, in case of auditoria, conference rooms, conference halls, community halls, bouquet halls, the noise levels will have to be maintained as provided in Sub-Rule(4) and (5) of Rule 5. For example, if a loudspeaker or a public address system or any sound pollution instrument is used in a community hall, at the boundary of the community hall, in the night, the noise level shall not exceed 10dB(A) above the prescribed noise standard for the area or 75dB(A), whichever is lower. Hence, in case of a residential area, at the boundary of a community hall, the noise level in the night can be maximum 55dB(A).

(iv) We hold that Sub-Rule(3) of Rule 5 is valid. However, as held by the Apex Court, the power of fixing 15 days in a year as provided in Sub-Rule(3) will have to be exercised by the State Government. The Notification dated 31st July, 2013 issued by the Environment Ministry of the State Government fixes 13 days specified therein. The decision of two other days is left to the District Collector. This part of the Notification is completely illegal being contrary to the law laid down by the Apex Court. The power of the State Government under Sub-Rule(3) of Rule 5 cannot be delegated to any other authority. We may note here that in the Notification dated 31st July, 2013, it is provided that in Ganpati Utsav there is a relaxation for four days. Again the choice of these four days is left to the District Collectors. This choice shall be exercised by the State Government and not by the Collector. The 15 days cannot be different from district to district. Even to that extent, the notification dated 31st July, 2013 is illegal.

(v) We may note here that the said notification provides that the State Government has specified Shivjayanti, Ed-E-Milad, Dr. Ambedkar Jayanti, 1st May, Navrati Utsav (Ashtami and

Navami), Diwali (one day Laxmi Poojan), Christmas and 31st December, in addition to four days of Ganpati festival. We make it clear that extension of time granted on these 15 days to use loudspeakers up to midnight will not apply to silence zones.

...

(xiii) In view of the clause (v) of Rule 6 of the Noise Pollution Rules, using loud-speaker or public address system is an offence and therefore, a permission under Sub-Rule(1) of Rule 5 to use loud-speaker or public address system in the open spaces in silence zone cannot be granted. Apart from prohibition on grant of license to use loud-speakers or public address systems in silence zones, in except in completely covered and enclosed places in silence zone, there is a complete ban on beating a drum or tom-tom or on blowing a horn, either musical or pressure, or trumpet or beats or sounds any instrument playing of any music, using any sound amplifiers, holding of mimetic musical or other performances of a nature.

(xiv) On plain reading of clauses (i) to (v) of Rule 6, the prohibition provided therein is applicable to the open spaces in the silence zone. In view of the clause (iv) of Rule 6, there is a complete ban on blasting of sound on firecrackers in silence zone. There is a complete ban on bursting sound emitting crackers between 10.00 pm and 6.00 am.

102. Hence, we dispose of the Petitions by passing following directions in the light of the law laid down by us in the judgment:

i. ...

ii) All concerned authorities shall ensure that a loud-speaker or a public address system shall not be used except after obtaining written permission from the authority contemplated by the Noise Pollution Rules in accordance with Sub-Rule(1) of Rule 5 in addition to the license required to be obtained under the Rules, if any, framed under the Maharashtra Police Act of 1951;

iii) Appropriate redress mechanism shall be created by all concerned in all Municipal areas for receiving complaints in accordance with Rule 7 of the Noise Pollution Rules and also for reporting breach of other Rules in the Noise Pollution Rules. For the reasons which we have recorded above, the authority under the Noise Pollution Rules, the Police Officers and the licensing authorities under the said Act of 1951 are under an obligation to entertain every complaint alleging the breach of the Noise Pollution Rules including even anonymous complaints. Therefore, toll free number shall be provided by the State Government in every town or city having Municipal Corporation or Municipal Council to enable the authorities to receive complaints about the breaches of Rules in addition to usual and conventional modes. A facility shall be also made available to submit complaint by e-mail, by SMS and by Whats-app message. A register shall be maintained of the complaints received on toll free number as well as by all other modes and a complaint number shall be provided to the complainants. The complaints register shall also incorporate actions taken on the basis of the complaints. Moreover, action taken report shall be displayed on the website of the District Collector/Municipal Corporations. The complaints shall be also received on Telephone No.

100. The State government shall comply with these directions within two months from today;

iv) On receiving information as provided in Sub-Rule(1) of Rule 8 of the Noise Pollution Rules, the authority concerned shall immediately apply its mind on the question of passing an order under Sub-Rule(1) of Rule 8. The authority will have to also consider of immediately issuing an order of suspension of license/permission granted to use loudspeaker or public address system. Immediately, on receipt of a complaint in any form, Appropriate police officer shall be deputed to the

concerned site with a necessary machine/equipment to test whether noise level exceeds the ambient noise standards. Even if Police receive a complaint, such officer shall be accordingly deputed. The officer shall immediately report to the authority to enable the authority to take action. If the police officer notices that public address system or loud-speaker is being used without license/permission, he shall forthwith ensure that the use of the loud-speaker or public address system is stopped. If the officer finds that the loud-speaker or public address system is used by the license holder during night hours on any day which is not specified in Sub-Rule(3) of Rule 5 of Noise Pollution Rules, the officer concerned shall immediately ensure that the use of loud-speaker or public address system is stopped. The police officer shall forthwith stop use of loud-speakers and public address systems in silence zones;

...

ix) Well in advance before the commencement of festivals such as Ganesh Utsav, Navratri and Dahi Handi, the Police Commissioners/District Magistrates/Municipal Commissioners shall convene a meeting of all major organizations holding such functions and appraise them of the provisions of law and the consequences of breach of the provisions of law. Even the local political leaders shall be invited to attend the meetings along with members of Mohalla Committee, if any. The meetings shall be to impress upon everyone to abide by the Noise Pollution Rules and the relevant provisions of statutes concerning regulation of construction of temporary booths/pandals on streets;

x) We direct that the authorities under the Noise Pollution Rules and the authorities under the Rules relating to grant of licenses framed under the said Act of 1951 shall verify before the grant of license/permission to use loudspeakers or public address systems whether the applicant has made any breach of any Rules or license conditions when similar license/permission was earlier granted to such Applicant during particular festival at a particular place earlier. If it is found that the applicant has made any breach of any Rules or license conditions when license was granted earlier, the authority shall be entitled to refuse the license/permission;

xi) The State Government shall issue a direction to the authorities under the Noise Pollution Rules that they shall take all possible steps to ensure due compliance with the Noise Pollution Rules. The directions of this Court shall be communicated to all such authorities and all police stations within Municipal Corporation/Council limits. Compliance with these directions shall be made by the State Government within two months;

...

xvi) If any such illegal activities involve public nuisance covered by section 133 of the Code of Criminal Procedure, 1973, necessary action shall be taken in accordance with law by all the concerned authorities;

...

xviii) We direct the State Government to issue directions to all the District Collectors and Municipal Corporations in the light of the law laid down by this Court in this Judgment and Order. Compliance shall be made within a period of two months from today;

xix) In the event, the Municipal Commissioners or the Municipal Staff or the members of the team constituted by the Collectors need police help and protection for the implementation of this Judgment and Order or the implementation of the provisions of law, on an application being made by them, all concerned local police station shall forthwith provide adequate police protection to them;

xx) Before every major religious or cultural festivals, the State and the Municipal Corporations shall give adequate publicity to the grievance redress mechanism available for filing Complaints regarding the breach of the Noise Pollution Rules and illegal pandals and booths on streets and footways. Adequate publicity shall be given to the availability of the grievance redress mechanism with all the particulars in leading daily news papers as well as on television channels. Detailed notices shall be put up as regards availability of the said mechanism in all police stations within the Corporation limits and in Ward Offices of the Municipal Corporations and in the offices of the Revenue Officers such as Divisional Commissioner, Collector, Additional Collector, Deputy Collector, Tahasildar etc.;

xxi) Whenever a complaint is received by the authority as regards violation of the Noise Pollution Rules, the same shall be forwarded to the Commissioner and/or the Superintendent of Police as the case may be with a view to enable the said authority to take action under section 38 of the Maharashtra Police Act, 1951;

xxii) In case of any complaint received by the authority as regards non-compliance with the Noise Pollution Rules or breach of the Noise Pollution Rules, the concerned authority shall set criminal law in motion by taking recourse to clause (b) of Section 19 of the Environment Protection Act. If non-violation or breach is of a very serious nature, the authority shall bring the same to the notice of the District Collector or the Regional Officers of the Maharashtra Pollution Control Board who have been authorized by the Central Government under clause (a) of Section 19 of the Environment Protection Act so that criminal law can be set in motion by the said authorities. Needless to add that when such request is made by the authority under the Noise Pollution Rules, the Collector or the Regional Officers of the Maharashtra Pollution Control Board, as the case may be, shall take immediate steps to set criminal law in motion in accordance with law under clause(a) of Section 19 of the Environment Protection Act;

xxiii) As soon as a complaint is received by the Officer In-charge of Police Station regarding noncompliance of the violation of the Noise Pollution Rules, he shall immediately forward the same to the authority under the said Rules. On receiving a report from the Officer in-charge of Police Station or on receiving a complaint or receiving information in any other manner, if rule 8 is attracted, the authority shall ensure that immediate order is passed under Rule 8;

xxiv) We direct the State Government to take action against the authorities constituted under the Noise Pollution Rules in the event of their failure to take prompt action as contemplated by Sub-Rule(2) of Rule 7 and Rule 8 of the Noise Pollution Rules as the failure on their part results in to violation of fundamental rights under Article 21 of the Constitution of India. The Municipal Corporation shall take action against the officers who fail to take immediate action of demolition of illegal booths/pandals on streets. Allowing construction of illegal pandals/booths on streets also violates the fundamental right of the citizens under Article 21 of the Constitution of India;

xxv) We direct the State Government to issue a direction to all the Planning Authorities requiring compliance with Sub-Rule(4) of Rule 3 while preparing development plans under the provisions of the Maharashtra Regional and Town Planning Act, 1966. As held earlier, under Sub-Rule(4) of Rule 3, all the Development Authorities and local authorities while planning development activity such as preparation of development plan 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 standards in respect of noise. Needless to add that while sanctioning a development plan and sanctioning a regional plan, the State Government will have to comply with Sub-Rule(4) of Rule 3 of the Noise Pollution Rules;

xxvi) In the light of the mandatory requirement of Sub-Rule(4) of Rule 3, the State

Government shall consider of undertaking exercise of noise mapping in all major cities in the State as availability of data obtained by noise mapping will help all the concerned authorities to discharge their duties under Sub-Rule(4) of Rule 3. We direct the State Government to take appropriate decision on this aspect within a period of two months from the date on which an authenticated copy of the Judgment and Order is produced by the Petitioners or parties to the Petition in the office of the Principal Secretary of the Environment Department of the State Government. While considering this issue, the State Government shall consider the material placed in support of Public Interest Litigation No. 85 of 2007;

10. Having noted the position in law we now advert to the factual situation as brought to our notice by Dr. Sathe, learned Advocate General. Dr. Sathe states that insofar as Mumbai is concerned, the Deputy Commissioner of Police (Operations) and Executive Magistrate Greater Mumbai has issued an order in exercise of powers conferred under Section 37(3) read with Section 10(2) of the Maharashtra Police Act 1951 which inter alia prohibits the use of loudspeakers, amplifying instruments, musical bands, and bursting of fire crackers in any procession by the assembly, as also making provision for exemption which is only in respect of assemblies and the processions. Dr. Sathe has made a categorical submission that under such order there is no permission whatsoever granted for bursting of fire crackers on public streets. The said order issued by the Dy. Commissioner of Police (Operations) dated 4 September 2026 is required to be noted which reads thus:-

“04/09/2026

CP/XI (6)/(16)/A.P./37(3)/10(2)/2026

ORDER

WHEREAS, based on the information received from various sources, it is apprehended that there is likelihood of breach of peace and disturbance of public tranquility and also there is grave danger to human lives and loss of properties. On that account, it is considered expedient to issue prohibitory order for restricting movement and unlawful assembly of five or more persons for prevention of breach of peace, disturbance to public tranquility and danger to human lives and loss of properties and to prevent any kind of riot or affray in the areas under the control of Commissioner of Police, Brihanmumbai.

NOW, THEREFORE, I Akbar Pathan, Dy. Commissioner of Police (Operations), Brihanmumbai in exercise of the powers conferred upon me by sub section (3) of section 37 read with sub section (2), of section 10 of the Maharashtra Police Act, 1951 (Mah. Act XXII of 1951), do hereby prohibit, for the period commencing from 00.01hours on 09/09/2026 and ending at 24.00 hours on 23/09/2026 throughout the City of Brihanmumbai.

i) Any assembly of five or more persons,

ii) Any procession of any persons and

iii) Any use of loudspeakers, amplifying instruments, musical band and bursting of crackers in any procession by the assembly.

The prohibition contained in the order is exempted for ::

(a) Marriage ceremony and matrimonial functions etc.

(b) Funeral assemblies and procession on way to crematoriums/burial places.

(c) Statutory meeting of companies, clubs, co-operative societies, other societies and associations.

(d) Social gathering and meeting of clubs, co-operative societies, other societies and associations to transact their normal business.

(e) Assemblies in or around Cinema houses, theatres or any place of public amusement for the purpose of watching films, dramas or performances as the case may be.

(f) Assemblies in or around courts of law and offices of the Government and local bodies in discharge of Governmental or Semi-Governmental functions.

(g) Assemblies in or around schools, colleges and other educational institutions for academic activities.

(h) Assemblies in factories, shops, and establishments for normal trade, business and callings

(i) Such other assemb assemblies and the processions as may be permitted by Zonal Deputy Commissioners of Police, Brihanmumbai and their supervisory officers.

Notwithstanding the expiration of this order after the period here in above mentioned.

(a) Any investigation or legal proceeding may be instituted, continued or enforced.

(b) Any penalty, forfeiture of punishments incurred in respect of any contravention of this Order may be imposed as if this order had not expired.

I further direct that this order will be published and promulgated in Brihanmumbai by affixing copies thereof, in conspicuous part of public places, courts, Govt Offices and by proclaiming the same through loudspeakers or megaphones as well as publishing through media of whatever form available.”

11. Dr. Sathe has also brought to the attention of the Court an order issued by the Commissioner of Police, Nagpur dated 2 September 2026 inter alia in the context of requirement of the Noise Pollution (Regulation and Control) Rules 2000. The relevant extract of which is required to be noted which reads thus:

“However, from 24.00 hrs on 03/09/2026 to 23.59 hrs on 01/11/2026, the owners and holders of Dolby Sound (multispeaker such as top, mid, bass) systems, plasma sound systems and pressure mid sound systems and vehicles used for such systems, modified vehicles, as well as the organizers of Dahihandi, Pola, Tanha Pola programs, organizers of Tajudin Baba Chhabbisavi, office bearers of Ganesh and Durgadevi Mandals, organizers of Dhammachakra Pravartan Din programs, should keep the Dolby Sound (multispeaker such as top, mid, bass) systems, plasma sound systems and pressure mid sound systems and vehicles used for such systems, modified vehicles in their possession in a sealed condition and not in use/use. An order under Section 163 of the Indian Civil Security Code, 2023, must be passed to prevent this.

Accordingly, I, Vishwas Nangre Patil, Commissioner of Police, Nagpur City, by virtue of the powers vested in me under the provisions of Section 163 of the Indian Civil Security Code, 2023, the owner, holder of the Dolby Sound (Top, Mid, Base, Multispeaker) System, Plasma Sound System, Pressure Mid Sound System and vehicles used for such system vehicles, modified vehicles in the Nagpur City Police Commissionerate, as well as the organizers of Dahihandi, Pola, Tanhapola

programs, organizers of Tajuddin Baba Chhabbisavi, office bearers of Ganesh and Durgadevi Mandals, organizers of Dhammachakra Pravartan Din programs, have seized the Dolby Sound (Top, Mid, Base, Multispeaker) System, Plasma Sound System and Pressure Mid Sound System and vehicles used for such system vehicles, modified vehicles in their possession. To keep it sealed in one's possession and not to use/bring it into use, from 24.00 hrs on 03/09/2026 to 23.59 hrs on 01/11/2026, use is being prohibited as per Section 163 of the Indian Civil Security Code 2023.

However, the said notification will not apply to sound systems that do not violate the noise limits specified in the Noise Pollution (Regulation and Control) Rules, 2000.

The said order is issued under my signature today, 02/09/2026.”

12. It is a common grievance on behalf of the citizens who are represented in the present proceedings by Mr. Gorwadkar, learned Senior Counsel who has complained of the brazen violations in regard to decibel levels being totally breached at Thane. Mr. Gorwadkar represents Dr. Mahesh Bedekar, who has himself measured the decibel levels, which according to him, are at all relevant times were more than 90 dB(A) when the permissible limits are maximum 75 dB(A). Mr. Gorwadkar has also drawn the Court's attention to the nature of the instruments generating noise including use of cylinders which are used in the processions which are stated to be extremely dangerous to the ear drums, eminently causing health issues. Mr. Gorwadkar has also submitted that in such context the Commissioner of Police at Nagpur, Solapur and Dhule have taken proactive steps by issuing appropriate notifications banning such high intensity instruments being used in processions, as also the use of laser beams / bright lighting and prescribing other measures during such festivities. His contention is that when such steps are being taken by the other Commissionerates, as to why Mumbai, Thane, Pune and Nasik district have not adopted such robust measures and why all such activities are followed only in breach in Thane and the other cities.

13. Similar are the grievances of Mr. Sakhare, learned Senior Counsel, who represents the citizens from Pune who submits that these regulations are observed only to be breached.

14. It is also a common grievance that added to this is the noise and air pollution generated by bursting of fire crackers on public streets which by no rationale can be held to be a permissible activity and that too, to be undertaken on the roads, streets, lanes etc. and which according to them, is totally unregulated. As to which are these fire crackers, whether they generate smoke, what are the decibel levels of the noise generated by bursting of these firecrackers, what are the other hazards which are likely by the use of the firecrackers are issues of serious public concerns, when such bursting of fire crackers are permitted on public roads and streets. The bursting of fire crackers in private places and in the manner as understood by the Regulations would be something different from what is being complained, however, certainly, it would be within the restrictive ambit of decibel levels the use of firecrackers would generate.

15. Mr. Aspi Chinoy, learned Senior Counsel and Mr. Anand Pai, learned Counsel, the Amici have submitted that the norms of the noise pollution regulations which are required to be implemented in letter and spirit. He has made the following submissions:

3.1 The State Government needs to publicly declare and notify the 15 days under Rule 5(3) - so that all citizens are aware of the same.

3.2 The State Government needs to give adequate publicity as to who is the designated "authority" to whom complaints of violation are to be made: Tel Nos / Cell Nos / email. Such "authority" must have adequate staff resources to deal with such complaints.

3.3 Even during the said 15 notified days :

(a) Loudspeakers cannot be used during processions/ functions without the written permission of the Authority under Rule 5(1). Persons who use loudspeakers in public places must be required to prominently display such written permission. In the absence of such written permission being granted / displayed, police personnel should be required to stop the use of loudspeakers in public processions or at places.

(b) Even during the extended time period from 10.00 pm to 12.00 – noise emitting firecrackers cannot be burst: (Rule 5A(2)]. Police Personnel should prevent any noise emitting fireworks being burst post 10.00 PM.

(c) Even during the extended time period from 10.00 pm to 12.00 pm, the day time max noise levels stipulated under Rule 3 read with the Schedule have to be adhered to, ie Residential areas 55 dB and Commercial areas 65 dB , subject to an addl 10Db or max of 75dB at the boundary of the public place where loudspeakers are being used.

(d) Enforcement / compliance cannot depend only on complaints being made to the designated Authority or on written orders" being issued by the Authority under Rule 8. "

Designated Police personnel [sub inspectors and above] equipped with decibel meters should be required to accompany / be present alongwith processions travelling to and from immersion areas or at localities near immersions areas, and stop the use of loudspeakers and drums, if these noise levels are exceeded.

16. On the other hand, Dr. Sathe, the learned Advocate General who appears with Ms. Bhide and Mrs. Anjali Helekar, learned Government Pleaders have submitted that whenever complaints are received, actions are being taken. Ms. Bhide does not dispute that the measures adopted by the Commissioner of Nagpur are effective. She submits that all appropriate measures are bound to be taken by the concerned officers, and wherever violations are found, the actions as per the Rules which are already interpreted in several decisions are being taken. They would also not dispute the restrictions / restrains which are required to be adhered, are not being strictly adhered by persons.

17. On the aforesaid conspectus, the question which arises for consideration, and more particularly, considering the present deteriorating situation we face, is as to whether the authorities are at all implementing the requirements of Rules by taking appropriate measures or whether such Rules are followed in breach in the cities, with which we are concerned namely Mumbai, Thane, Pune and Nashik.

18. The complaints are of the severe and/or high levels of noise pollution exceeding the permissible decibel limits, generated by use of multiple high wattage speakers, musical instruments etc., accompanied with the loud noise being generated from the instruments like banjos, cylinders etc. The multiple speakers which are operated by use of generators and batteries, is a matter of serious concern. Mr. Chinoy has submitted that it is not permissible for any person to generate such noise pollution, and which, according to him, as the law would mandate, needs to be within the restrictive parameters. He submits that written permissions which are granted by the designated authority are required to be displayed by those who are using such systems. In the event such permissions are not granted, there would not be any authority to any such person or association of persons to undertake such procession, so as to use any musical instrument / speakers or loud speakers.

19. Further, we find much substance in the contention of Mr. Chinoy, learned Amicus Curiae that there needs to be an absolute ban on the bursting of fire crackers in such processions where already musical instruments are being used and more particularly, even in the private areas and silent zones. In regard to bursting of firecrackers during night time, the same is regulated by Rule 5A(2) the

following has been prescribed:

“Rule 5-A Restrictions on the use of horns, sound emitting construction equipments and bursting of fire crackers.

... ..

(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.”

20. We also find substance in Mr. Gorwadkar’s contention that there cannot be use of cylinders which generate severe noise pollution in such procession. This apart, any instrument and/or any device which generate noise pollution is required to be confined to permissible decibel limits. In such context, we are in agreement with the submissions of Mr. Chinoy when he submits that the regulations which prescribe confiscation of such devices / materials etc. in the event of such violation, need to be invoked. Apart from their confiscation, there needs to be the regulations of these activities and unless proper vigil and/or control on the use of such instruments is maintained, the violations will not stop.

21. We are of the clear opinion that these violations happen as those indulge in the noise violations are least bothered about the rights of the citizens in large and the effect of the noise pollution they create, which are harmful and hazardous to the senior citizens; to those who are ailing/sick; students preparing for examinations and children who cannot sustain the impact of such high level of noise pollution, as observed by us in our earlier order.

22. We are also seriously concerned with the level of air pollution that would be generated by the bursting of firecrackers on public streets, including other hazardous firecrackers, where pedestrians walk and two-wheelers and cars ply and the dangers of any accidents taking place by abrupt bursting of firecrackers. We are also concerned with the potential hazards caused by the bursting of firecrackers, including firecrackers generating noise pollution in excess of the prescribed decibel limits. This, more particularly, as none of the firecrackers which are openly available being used on the basis of any indication of the permissible decibel levels or the level of noise pollution, that would be generated, upon the bursting of such firecrackers. There also appears to be no norms being implemented qua the extent of toxicity of the smoke generated upon their bursting. This, prima facie, appears to be an unregulated area. The toxicity of pollution being generated by the firecrackers and the cumulative effect it has on the air quality is a serious health hazard, also harmful to every person who is participating in such events. These concern cannot be taken too lightly and stringent actions are required to be taken so as to prevent the pollution by fire crackers, this more particularly, as observed by us in the earlier order that the Municipal Corporation and other authorities are struggling to reduce such high levels of smoke and pollution, and more particularly, being caused from the months September-October (post monsoon), whereby persistent haze is noticed and to maintain ambient air quality in the city itself is challenge.

23. We find much substance in the contentions as urged by Mr. Chinoy and Mr. Pai learned Amici and the submissions of Mr. Sanjeev Gorwardkar and Mr. Sakhare and Mr. Deshmane, who have intervened in the present proceedings when they submit that although robust provisions are available in law, to control and regulate the levels of noise pollution being generated by the processions and venues in the festivities, mostly they have remained to be paper provisions much less being effectively implemented in letter and spirit. The reason being that no effective implementing agency, through the machinery of the Police Commissioner or the Municipal Commissioner or the Maharashtra Pollution Control Board and other designated authorities, appear to be taking steps, despite wealth of successive decisions rendered by the Supreme Court and this Court. This is the sad ground reality from which the authorities at the helm of affairs cannot run away. The casualty in the whole process are the innocent persons who are foisted with such noise pollution bringing about

serious health hazards as noted by the Supreme Court in Noise Pollution (V) IN RE. (supra).

24. Mr. Chinoy would be right in his contention that it cannot be a situation that merely because there are festivities, the mandate in regard to the implementation of the Noise Pollution (Regulation and Control) Rules 2000, is presumed to be non-existent and/or completely relaxed, as if there is no requirement to adhere to any noise pollution norms. Such impression, in our opinion, is certainly true as seen from the total laxity on the part of the enforcement machinery on which there cannot be two opinions, despite any rosy picture being painted by Dr. Sathe of an appropriate implementation of the Rules, when Dr. Sathe recites the mantra of “All is well”. We do not agree looking at the ground realities which has at all relevant times in the past been a matter of serious concern in successive proceedings and there is no change in such reality of brazen violations on this count.

25. We may observe that the provisions cannot remain paper provision. Similarly the decisions which are rendered by the Court on all these issues cannot fall to deaf ears. Also the permissions which are granted and the general orders which are issued by the authorities like Police Commissioners cannot remain to be routine formality and rendered ineffective by the inaction of the official machinery, permitting every kind of violation. Further, there cannot be an approach of actions being taken only after complaints are received and only then setting into motion any plenary mechanism. Mr. Chinoy would be right in his contention that the need of the hour, is of a robust preventive mechanism under which the violation of the noise pollution norms is required to be prevented rather than retribution. Thus, there is no warrant in having a mechanism that only after complaints of violation and breaches are made, and only then the official machinery would step in to set into motion to impose petty penalties. This would be a situation when already enormous damage has already been caused, by such violations and persons having already suffered the ill-effects of such violations. This is certainly not what is intended by the Noise Pollution (Regulation and Control) Rules 2000, nor the same would be permissible, if the Rules and the decisions of this Court are to be implemented effectively.

26. It is also quite significant to refer to a notification issued by the Government of Tripura under the Rule 5(3) of the Noise Pollution (Regulation and Control) Rules 2000, directing that no sound systems should be sold/purchased / supplied / installed etc. by any manufacturer / dealer / shopkeeper without having a sound meter in it. In fact, the authorities concerned, including the police authorities, municipal corporations, panchayat authorities, are directed to ensure that no audio system is to be let out or installed without being fitted with a “sound meter” in any Government or non-Government function. Similarly the West Bengal Pollution Control Board, in compliance with the order dated 7 August 2023 passed by the High Court of Calcutta in WPO(P)/5/2022, has issued a Circular containing SOPs dated 17 October 2023 for organizing domestic or community festivals / celebrations / pujas in the State of West Bengal. The said SOPs also include restrictions on microphones to be operated fixing ‘Sound Limiter’ with the amplifier system (for maintaining ambient noise standard specified as per relevant Rules), the noise levels to be maintained at the boundary of the public place and the stipulated decibel level, prohibition on use of devices generated noise above the stipulated dB (A) and other regulations.

27. It is also heartening to note the steps taken by Commissioner of Police, Nagpur, and similar steps by the Commissioner of Police at Solapur and Pune as informed to us in issuing appropriate prohibitions / restraints to be followed during the festive seasons. This more particularly, on the principle that if such actions and breaches cannot be controlled and/or regulated, which are affecting the fundamental rights of public at large, it is better that certain activities are restrained / banned to certain extent.

28. It is high time that in large cities having dense population like Mumbai, Thane, Pune, Nashik, where majority of the citizens are made to silently suffer such brazen violations, a regime of total restraint on the playing of loud music by use of high watt speakers, sound system, loud speakers, dhol tashas, use of cylinders etc. needs to be completely banned and a more dignified and civilized

way of having these processions and celebrations, is the imminent requirement of the contemporary times.

29. In such context, when the proceedings of similar nature had reached the National Green Tribunal in the case of Dr.Kalyani Mandke Vs. State of Maharashtra (O.A. No.474 of 2024 WZ decided on 30.8.2024) the National Green Tribunal has issued the following directions in the context of Ganesh festival celebrations at Pune.

“27. After having considered the submissions of the applicant and the directions of the Hon'ble High Court of Bombay in its Judgment delivered in PIL No. 173 of 2010 (supra), we are of the opinion that certain additional directions need to be issued by us and accordingly we issue the same as follows, which shall be immediately implemented/followed for Ganesh festival in Pune this year onwards:

(I) MPCB shall carry out real time noise monitoring at minimum 3 locations in/near each Ganapati Pandal. MPCB shall ensure that noise levels of previous day both in numbers as also in graph alongwith applicable noise level limit are prominently displayed with name of Ganesh Mandal in each pandal at minimum 2 locations clearly visible to public. The said display will also have warning message “Noise Levels More than Noise Limits Are Injurious to Health”. MPCB shall bear expenses of monitoring and display arrangements.

II) During Visarjan processions MPCB shall carry out real time noise monitoring at major traffic junctions in consultation with Police Department, and also install digital display system of appropriate size and at appropriate location displaying real time noise levels along with applicable noise level limit during Visarjan processions. The said display will also have warning message “Noise Levels More Than Noise Limits Are Injurious to Health”. MPCB shall bear expenses of monitoring and display arrangements.

(III) Police department in consultation with MPCB shall decide Total Capacity of loud speakers (say maximum 100 W) allowed in the case of each Ganesh Mandal based on location, considering nearness to school/hospital/residential complexes. Ganesh Mandal will state number and capacity of individual speakers proposed to be installed so as to remain within total permitted capacity while seeking permission from the authorities. Police department in consultation with MPCB will have discretion of relaxing the total capacity limit based on location and size of Ganesh Pandal.

(IV) Police department to ensure that the total number of Dhol+Tasha+Zanj members in each troupe during Visarjan Procession shall not exceed 30 in number.

(V) In the case of violation of above directions, Police shall seize loudspeakers/sound system/ Dhol/Tasha/Zanj units.

(VI) Police Department shall notify that use of Toll (metallic high noise making unit) & DJ in Visarjan procession is prohibited. In the case of violation, Police shall proceed in accordance with law against the defaulter/s.

(VII) In the case of violation of Noise Rules, Police shall set criminal law into motion.

(VIII) Within seven days of Visarjan day, MPCB shall publish the names of the violators of Noise Rules, 2000, in two local newspapers and also shall upload details of such cases on its website to ensure that such information is accessible to public use for 90 days.

(IX) It will be appropriate for respondent No. 2-MPCB to give wide publicity of these

directions as also harmful effect of high noise levels in advance before commencement of forthcoming Ganesh festival in Pune through newspaper/banners/posters etc so that the directions are adhered to by all concerned without pleading ignorance.”

30. The Supreme Court by its order passed in Civil Appeal Diary no. 41937 of 2021 by an order dated 12 September 2024 stayed direction in paragraph 27(4) (supra) issued by the National Green Tribunal and the other directions have continued to remain in operation.

31. In the light of the above discussion, it is in the interest of justice that the following directions, which are in addition to the orders which have passed and being required to be strictly implemented by the authorities:-

ORDER

(i) There shall be a total ban to the bursting of firecrackers during festivities on public streets, roads, etc. The authorities shall take all measures to implement the said direction and prevent air and noise pollution being generated by the use of firecrackers.

(ii) The authorities shall prohibit/ban the use of laser lights, high intensity lumen lights and beams in the festivities/processions.

(iii) The Police Authorities and the other concerned authorities shall take all necessary steps to measure the decibel levels of the noise pollution being generated by the persons who are granted permissions as also to take stringent actions as per the requirements of law to prohibit unlicensed/unauthorised and illegal activities in the use of sound systems etc.

(iv) On the breaches being noticed, the concerned authorities shall take all appropriate steps to seize the devices/instruments/materials etc. and confiscate such offending devices.

(v) At the time of application for grant of permission being obtained under the relevant rules for use of such devices in regard to the venue / processions etc. for the use of devices generating noise pollution, the organizers shall undertake to install “Decibel Measurement Meters”, at every venue/processions etc. to be displayed at a conspicuous place, visible to the regulating authorities and public at large. Also, the applicants seeking such permissions shall furnish an undertaking/affidavit that the sound systems employed at the venue/procession are fitted with internal sound limiters.

(vi) We also direct that at all relevant times, the decibel levels singularly and cumulatively shall be recorded by the designated officials and such record be maintained in respect of the different permissions, which may be granted and when the permissions are being utilized. This shall be recorded in the presence of the appropriate designated officials and in the presence of the representatives of the permission holders.

(vii) The respondents are directed to consider accepting substantial deposits which shall be an amount of not less than Rupees One Lakh in case of an association/group of persons and Rupees Fifty thousand, in case of an individual, as a condition for grant of permissions under the Noise Pollution (Regulation and Control) Rules, 2000, with a condition that in the event of breach of the decibel level either at the venue, in respect of which the permission is granted or in the processions, the deposit shall stand forfeited, in addition to the further action which the law would mandate to be taken against such offending persons.

(viii) The organizers of the festivities are directed to display the permissions granted to them under the Noise Pollution (Regulation and Control) Rules, 2000. The authorities shall ensure that all processions display the said permission granted to them. They shall also display the names

and addresses of the persons alongwith their mobile numbers of all such persons involved and responsible to undertake the festivities / processions etc., so that accountability on the violations, if any, can be identified and easily fixed.

(ix) The authorities shall take all necessary action at the point where such procession begins, so that persons undertaking such activities, including the use of musical instruments, loudspeakers, etc., during the festivities/procession, are sensitized to their corresponding obligations towards society at large and maintain the decibel levels as per the prescribed norms. This shall facilitate further action as may be required in accordance with law.

(x) The designated authorities shall consider the impact of multiple permissions being granted in one ward on the parameters of cumulative impact of noise pollution in the said area. Without such methodical and scientific assessment, permission cannot be granted, resulting in the breach of Noise Pollution (Regulation and Control) Rules, 2000.

(xi) We expect every citizen to take a responsible position and recognize his individual and collective responsibility to the fellow citizens and the Society at large, on matters relating to generation of noise and air pollution.

(xii) In case of violation of any of the directions given hereinabove, the violators shall be liable for penal actions under the Noise Pollution (Regulation and Control) Rules, 2000 read with the Environment (Protection) Act, 1986, in addition to the prosecution under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 including for public nuisance etc. as well as the Explosives Act, 1884 and other relevant statutes.

(xiii) The breach of the Noise Pollution (Regulation and Control) Rules, 2000 needs to be dealt strictly by the designated authorities, as any breach of these Rules amount to breach of the fundamental rights of the citizens. Thus, all the persons involved not only in the violation but also otherwise would be required to be proceeded as per the directions issued by this Court, the Supreme Court and the mandate of law.

(xiv) This order be circulated to all the concerned authorities in the State of Maharashtra, for necessary action and compliance to be adhered during the festivities.

31. With the aforesaid directions, the proceedings are adjourned to 15 October 2026 (H.O.B.).

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