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The Respondent  
W.A.No.235 of 1993 in the High Court of Kerala

21.8.2019

Sir,

- Sub: W.A.No.235 of 1993 ഉത്തരവ് അനുസരിച്ച് Noise Pollution (Regulation and Control) Rules, 2000 കർശനമായി നടപ്പാക്കുന്നത് സംബന്ധിച്ച്.
- Ref: 1. [www.art-artist.in/np.htm](http://www.art-artist.in/np.htm) >> Link-12 (Order of the Hon. HC in W.A.No.235/1993) [Attached]
2. [www.art-artist.in/np.htm](http://www.art-artist.in/np.htm) >> Link-8 (GO Categorizing Different Zones) [Attached]
3. File No. HOME-F1/220/2018/HOME No.2184930/2018 dtd. 30.1.2018
4. Noise Pollution (Regulation and Control) Rules, 2000 of the Hon. Supreme Court. ([www.art-artist.in/np.htm](http://www.art-artist.in/np.htm) >> Link-4 >> 2005)
5. E.ptn4982/2018 to The Hon. Chief Minister dtd. 16.7.2018 ([www.art-artist.in/rti/20180716cm.pdf](http://www.art-artist.in/rti/20180716cm.pdf))
6. Letter No. K11-110550/2018/PHQ dtd.29.9.2018.

ബഹു. ഹൈകോടതി ഉത്തരവിൽ “*Thereafter respondents 1 to 30 will strictly implement the Noise Pollution (Regulation and Control) Rules, 2000 as amended.*” എന്ന പറഞ്ഞിട്ടുള്ളത് കർശനമായി നടപ്പാക്കാൻ Respondent ആയ താങ്കൾ ബാധ്യസ്ഥനും, അപേക്ഷാദാത്തപക്ഷം കോടതി അലക്ഷ്യവുമാകുന്നു.

Ref-2 പ്രകാരം Noise Pollution (Regulation and Control) Rules, 2000 നടപ്പാക്കുന്ന തിനായി സോണുകൾ തിരിച്ചുകൊണ്ടുള്ള Extra Ordinary Kerala Gazette പുറപ്പെടുവിച്ചിട്ടുള്ളതുമാകുന്നു.

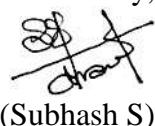
### **Noise Pollution (Regulation and Control) Rules, 2000**

**5(1)** A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

എന്നത് പ്രകാരം അനുവാദമില്ലാതെ സ്ഥിരമായി വച്ചിട്ടുള്ള മുഴുവൻ ഉച്ചലാഷിണികളും നിയമവിരുദ്ധവും ഇളക്കിമാറ്റാൻ നോട്ടീസ് നൽകേണ്ടതുമാകുന്നു.

ആധികാരിയിൽ W.A.No.235 of 1993 ഉത്തരവ് അനുസരിച്ച് Noise Pollution (Regulation and Control) Rules, 2000 മത വ്യത്യാസമില്ലാതെ കർശനമായി നടപ്പാക്കാൻ വേണ്ട നടപടികൾ Respondent ആയ താങ്കൾ അടിയന്തിരമായി സ്വീകരിക്കണമെന്ന് അപേക്ഷിക്കുന്നു.

Yours truly,



(Subhash S)

EXHIBIT

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

The Hon'ble Mr. Justice P. V. Balasubramanian &

The Hon'ble Mr. Justice C. H. Ramachandran *Karthika*

Tuesday, the 23rd October, 2001/1st ~~Assizes~~, 1923

C.A. No. 235 of 1993  
C.P. No. 9360 of 1988

APPELLANT:

Sreekumar Varma Raju P., Charkkila Palace,  
Kazhakkadavu P.O., Neyyattinkara 690 164.

By Adv. Sri. P. Vilayathum

RESPONDENTS:

1. State of Kerala
2. Home Secretary, Kerala State
3. District Collector, Malabar
4. District Collector, Cannanore
5. District Collector, Pathanamthitta
6. District Collector, Alappuzha
7. District Collector, Rottayara
8. District Collector, Tirur
9. District Collector, Thrissur
10. District Collector, Kozhikode
11. District Collector, Malappuram
12. District Collector, Calicut
13. District Collector, Wayanad
14. District Collector, Kannur
15. District Collector, Kasargod

5/

: 2 :

17. Superintendent of Police, Trivandrum
18. Superintendent of Police, Quilon
19. Superintendent of Police, Pathanamthitta
20. Superintendent of Police, Alappuzha
21. Superintendent of Police, Kottayam.
22. Superintendent of Police, Idukki
23. Superintendent of Police, Ernakulam
24. Superintendent of Police, Thrissur
25. Superintendent of Police, Palakkad
26. Superintendent of Police, Malappuram
27. Superintendent of Police, Calicut
28. Superintendent of Police, Wayanad
29. Superintendent of Police, Cannanore
30. Superintendent of Police, Kasargod

\*Addl.R31: Ramanan Unnikrishnan, General Convenor,  
hindu Aikya Vedhi, Central Office, Kochi 17

\*ia impleaded as per the order dt. 25-10-94 in CHP  
3536/94 in W.A.No.235/93.

\*Addl.R32. R.R.Hanou, President,  
Sound Service Association of Kerala,  
Ernakulam District Committee,  
48/1152, Ashoka Road, Elamakkara P.O.,  
Kochi 682 026

\*Addl.R32. T.T.Sushit Lal, General Secretary,  
Sound Service Association of Kerala,  
Ernakulam District Committee,  
48/1152, Ashoka Road, Elamakkara P.O.,  
Kochi 682 026

\*Addl. respondents 32 and 33 are impleaded as per the  
order dt. 29/7/96 in CHP 569/95.

R1 to R30 by Govt.Pleader Adv.C.K.Abdul Rahim  
Addl.R31 by Adv.Sri.T.A.Danikrishnan  
Addl.R32 & R33 by Adv.Sri.S.P.Aravindakshan  
Pillai

This writ appeal having been finally heard on  
23-10-2001, the court on the same day delivered the

D. H. BALASUBRAMANYAN & C. N. RAMACHANDRAN NAIR, J.J.

V. A. No. 295 of 1993

Dated this the 23rd October, 2001

JUDGMENT

BALASUBRAMANYAN, J.

Heard counsel on all sides.

2. The challenge in this writ appeal is to the directions issued by the learned single Judge in the matter of control of noise pollution and use of loud speakers to the extent an exemption was sought to be made regarding the call for prayers in mosques. We find that it is not necessary to decide the matters in controversy in view of the bringing into force of the Noise Pollution (Regulation and Control) Rules 2000. We also notice that an amendment has also been brought about to those Rules by the Noise Pollution (Regulation and Control) (Amendment) Rules, 2000. In our judgment in W.A.No.3125 of 2001 and O.P.W.P.12997 of 2001 we have directed the State Government to strictly implement the Noise Pollution (Regulation and Control) Rules.

: 2 :

2000, now ofcourse, as amended. In the light of this, all that is required is to direct respondents 1 to 30 to strictly enforce the Noise Pollution (Regulation and Control) Rules 2000 as amended by the Amendment Rules of 2000 with particular reference to the substitution made to Note 3 of the Schedule to the Rules describing what is a silence zone.

3. Until the various zones are identified by the Government pursuant to our direction issued in our judgment in W.A.No.3125 of 2001 and O.P.No.16197 of 2001, we think that it would be proper and just to direct that the directions issued by the learned single Judge should be implemented uniformly and without discrimination in respect of all religious institutions irrespective of whether they are Hindu, Christian or Muslim. Direction No.2 issued by the single Judge to that extent will stand modified. The directions including Direction No.2 will be implemented uniformly and without discrimination. It is made clear that the directions will have efficacy only until the zones are identified in terms of the Noise Pollution

c/

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EXHIBIT: P 7(5)

: 3 :

(Regulation and Control) Rules, 2000. Thereafter respondents 1 to 30 will strictly implement the Noise Pollution (Regulation and Control) Rules 2000 as amended.

The writ appeal is allowed in the above manner. There will be no order as to costs.

Sd/-

(P.K. BALABURAMANIAN)  
Judge

Sd/-

(C.N. RAMACHANDRAN NATH)  
Judge

ahg

(True copy)

S  
p.s. to Judge

True Copy,

Omb  
Examined

This is the true copy of the document referred as Exhibit P-7 in the Writ Petition.

Government of Kerala  
Extra Ordinary  
2002

Reg. No. KL/TV/(N)/12/2002



## KERALA GAZETTE

കേരള ഗസറ്റ്

## EXTRA ORDINARY

സാമ്പത്തികമാര്യം

PUBLISHED BY AUTHORITY

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|            |                                  |  |     |
|------------|----------------------------------|--|-----|
| Vol. XLVII | Thiruvananthapuram,<br>Saturday, | 20th April 2002                          | No. |
| വാർഷികം 47 | മലപ്പറമ്പ്,<br>കേരള              | 2002 ഏപ്രിൽ 20                           | 512 |
|            |                                  | 30th Chaitra 1924<br>1924 ഓപ്പ് (നം. 30) | മുൻ |

### GOVERNMENT OF KERALA

Local Self Government (G) Department

#### NOTIFICATION

G.O.(P) No. 64/02., Dated, Thiruvananthapuram 20th April, 2002.

S. R. O. No. 289/2002.—WHEREAS, in exercise of the powers conferred under sub-rule (2) of Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 the Government of Kerala shall categorise the areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards for different areas.

Now, THEREFORE, in exercise of the powers conferred under sub-rule(2)of rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 and in consultation with the State Pollution Control Board, the Government of Kerala hereby notify the entire State into two categories, namely:—

#### I. Areas covered under Town Planning Schemes

The Town Planning Schemes prepared under statutory acts and rules divide part or whole of areas under different local bodies into different land use zones. The use zones under Town Planning Schemes which can be brought under different Noise Pollution Control & Regulation Area/Zones for Enforcement of Noise Pollution (Regulation and Control) Rules, 2000 are given below in Table I:

SS/1111/2002/MQ.

TABLE I

| Sl. No. | Category of Area/Zone under Noise Pollution (Regulation and Control) Rules, 2000 | Land use Zones Stipulated in Town Planning Schemes which shall be brought under Noise Pollution (Regulation and Control) Rules, 2000 |
|---------|--|--|
| (1)     | (2)  | (3)  |
|         | Area Code  | Area/Zone  |
| 1       | A  | Industrial Areas   |
| 2       | B  | Commercial Area  |
| 3       | C  | Residential Area   |
| 4       | D  | Silence Zone   |

Parts & Open Spaces Agricultural Paddy Field/Dry Cultivation(Green Strip Zone Restricted Use Zones (Defence Areas/Cantons etc.) Public and Semi-public zones and all other Use Zones not covered under the four categories mentioned here.

Areas comprising upto one hundred metre around the following recognised/approved Institutions and establishments irrespective of the land use zoning in the Statutory Town Planning Schemes.

Hospitals, Educational Institutions and Courts as defined in the Noise Pollution (Regulation and Control) Rules, 2000 Religious places.

### II. Areas not covered under Town Planning Schemes

The areas where the following land uses predominantly exist, shall be categorised under respective categories of area/zones prescribed in the Noise Pollution (Regulation and Control) Rules, 2000 as in Table II given below:

TABLE II

Sl. No. Category of Area/Zone under Noise Pollution (Regulation and Control) Rules, 2000 Areas with the following land uses predominantly existing which shall be brought under Noise Pollution (Regulation and Control) Rules, 2000.

| (1)       | (2)             | (3)   |
|-----------|-----------------|---|
| Area Code | Area/Zone       |   |
| 1 A       | Industrial Area | Industrial activities where products or materials of all kinds and properties are fabricated, assembled or processed which include: Workshops, Assembly Plants, Laboratories, Dry Cleaning Plants, Power Plants, Pumping Stations, Smoke Houses, Gas Plants, Refineries, Dairies, Saw mills and other small industrial units/area. Industrial Growth Centres, Industrial Development Areas, Small Scale Industrial Estates, Industrial Development Areas, Industrial Parks etc.   |
| 2 B       | Commercial Area | Areas and buildings which is used for display and sale of merchandise such as: Shops, Stores, Markets either wholesale or retail. Banking & Financial Institutions, Public and Private Business Houses. Professional establishments of Doctors, Dentists, Engineers, Architects, Lawyers, Pathological Laboratories, Tailor Shops, Audio-Video Shops, Barber Shops, Beauty Parlour, News Stands, Milk Booths, Restaurants. Non-nuisance types of Small Scale Industrial Establishments such as Armature Winding Shops using motor or machine capacity not exceeding 3 Hp, Lodges Rooming Houses, Tourist Home, Dormitories, Hotels, Hostels. Buildings or parts of Buildings used exclusively for Parking of Vehicles (Parking Buildings), Parking Plazas. All Transportation uses. |

| (1) | (2)                | (3)  |
|-----|--------------------|--|
| 3   | C Residential Area | <p>Areas and buildings which is used for sleeping accommodation is provided for normal residential purposes with or without cooking or dining facilities and shall also consist of one or multi-family apartments, residential flats.</p> <p>Ancillary uses to residential activity such as small professional offices (for Advocates, Doctors, Engineers, Architects, Chartered Accountants, Beauticians, Tailors, Electrical &amp; Electronic equipment Service Professionals, Photographers, Videographers, Telephone booth operators), Creche, Day-care Centres, Children's Nursery, Reading Rooms, Libraries, Minor Educational Buildings.</p> <p>All other uses not covered under the four categories.</p> |
| 4   | D Silence Zone     | <p>Areas comprising one hundred metre around:</p> <p>Hospitals, Educational Institutions and Courts as defined in the Noise Pollution (Regulation and Control) Rules, 2000.</p> <p>Religious Places</p> <p>Reserve forests, Wild life sanctuaries</p> <p>Any other areas notified by Government of Kerala from time to time.</p>   |

All Town Planning Schemes prepared or modified or revoked in future may also categorise areas into Industrial Area/Commercial Area, Residential Area or silence zone for the purpose of implementation of Noise Standards for different areas as prescribed in the Noise Pollution (Regulation and Control) Rules, 2000.

In case any dispute arises in the categorisation of areas, the matter shall be referred to the District Collector of the concerned district for appropriate decision.

By order of the Governor,

ELIAS GEORGE,  
Secretary to Government.

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

The purpose of the Noise Pollution (Regulation and Control) Rules, 2000 notified by the Ministry of Environment and Forests, Government of India is to regulate and control noise producing and generating sources. Different noise standards are prescribed in these rules based on land uses. As per sub-rule (2) of rule 3, the State Government shall take necessary steps for identification of the zones/areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards applicable to different areas. Further the Hon'ble High Court of Kerala also, in W.A. No. 3125 of 2001 and O.P. No. 18197/2001 have directed the Government to take necessary steps to identify the zones as required by the said Rule. The Chief Town Planner, in consultation with Kerala State Pollution Control Board, has furnished proposals in this regard. Government have examined the proposal and decided to accept the same.

This notification is intended to achieve the above object.

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33/1111/2002/MC