

Subhash S (Ex-Air Force)
Gallery
Poundkadavu
Valiyaveli-PO
Trivandrum-695021
Ph: 8075303289
Email: art@art-artist.in

Sri. Biswanath Sinha IAS
Additional Chief Secretary
Home Department, Kerala
Ph: 0471-2333174, 2518455
Email: acs.home@kerala.gov.in

16.11.2024

Sir,

Sub:- Non Implementation of Hon. NGT Order by the Kerala Government Intentionally.

- Ref:
1. Direction under Sec-5 of EPA 1986 Regarding Implementation of Environment Compensation Regime of Noise Pollution dtd. 19.5.2021 of Kerala State Pollution Control Board upon CPCB vide letter No.A-14011/1/2021-MON dtd.27.04.2021 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(g)
 2. Authorities for the Implementation of Noise Pollution (Regulation and Control) Rules, 2000 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(h)
 3. Environment Protection Act. 1986, Sec-15 >> www.art-artist.in/np.htm >> Section-1 >> Link:4(a)
 4. Noise Pollution (Regulation and Control) Rules, 2000 >> www.art-artist.in/np.htm >> Link:4
 5. G.O.(P) No.64/02 dtd.20.4.2002 (S.R.O.No.289/2002) Categorizing different zones to implement Noise Pollution Rules, 2000 >> www.art-artist.in/np.htm >> Section-1 >> Link:8
 6. Kerala High Court Order W.A.No.235/1993 to implement NPR 2000 strictly without any Religious Discrimination >> www.art-artist.in/np.htm >> Link:12
 7. Statement of the State Police Chief >> www.art-artist.in/np.htm >> Link:38(c)
 8. Numerous complaints to Hon. CM >> www.art-artist.in/np.htm >> Section-4
 9. No. F1/11/2020/Home dtd.30.11.2020 >> www.art-artist.in/np.htm >> Section-1 >> Link:32 (b)

- 1) The State Government is adamant against implementing the Noise Pollution (Regulation and Control) Rules, 2000, even after the order of the Hon. National Green Tribunal and numerous complaints from the public.
- 2) It is against the interest of the peace-loving/health-conscious people of the state, and the state government and its machinery are working in tune with the noise pollution criminals.
- 3) The State is responsible for implementing Noise Pollution (Regulation and Control) Rules, 2000 strictly in accordance with Ref-1, and failure or negligence may attract paying compensation of Rs. 10 lakhs per month. *“37. There are huge gaps in execution of action plans for noise control, including procurement of equipments. Such*

gaps need to be addressed especially by Police and environment Departments who are entrusted with the responsibility of control of noise under the Noise Pollution (Regulation and Control) Rules, 2000. At least from 01.11.2021, the concerned State/head of police force must be held liable to pay compensation @ Rs. 10 lakhs per month on the same pattern as failure to enforce action plans for control of air pollution.” says the Order dtd. 3.2.2022 of the Hon. National Green Tribunal.

- 4) The Ref-6 of Hon. Kerala High Court Order W.A.No.235/1993 says the Noise Pollution (Regulation and Control) Rules, 2000 “*should be implemented uniformly and without discrimination in respect of all religious institutions irrespective of whether they are Hindu, Christian or Muslim.*” And 30 respondents in the case are State of Kerala, Home Secretary, All District Collectors and All Superintendents of Police. But the order has not been obeyed by these respondents, which is contempt of court.
- 5) In accordance with Ref-9, notices have been issued to remove horn-type loudspeakers, and in Ref-7, the State Police Chief stated that all horn-type loudspeakers have been removed. But it is a false statement, and the horn-type loudspeakers are still in use widely, and some are hidden in boxes to deceive the authorities/people. This is highly objectionable, and action should be taken against all the offenders by invoking Ref-1 and Section-223(b) of BNS immediately.
- 6) Noise Pollution Criminals are using their modern equipments including subwoofers, as weapons to blast/torture the poor innocent infants, patients, students, senior citizens, etc. Especially in the shield of festivals. This is Human Rights Violation. No one has the right under the Constitution to harm the public by infringing on the human right to live independently in their own homes.
- 7) Permitted dB level limit in Silence Zone is 40 (night) and 50 (day), and in Residential Zone it is 45 (night) and 55 (day). This is violated intentionally by the Noise Pollution Criminals. The dangerous Nashik Dhol has already been banned by the Travancore Devaswom Board. So an order may be passed with immediate effect banning all such equipments in Silence Zones and Residential Zones, where the maximum permitted dB level limit is 55, for stopping Noise Terrorism.
- 8) A Mobile Application similar to the C-Vigil Application of the Election Commission has been demanding since long for people to complain against the Noise Pollution criminals, but it has not been provided till date. People are afraid to complain as the Police share the details of the complainant with the Noise Pollution Criminals and the complainants are being attacked.
- 9) So, the Noise Pollution (Regulation and Control) Rules, 2000 to be implemented as per the direction on Ref-1, and instructions may be passed to all authorities in Ref-2 immediately. And requesting an action taken reply to me, a senior citizen and victim of noise pollution within 14 days; otherwise, I am left with no other option than approaching the Hon. National Green Tribunal for justice.

Yours truly,



(Subhash S)