

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदुशण नियंत्रण मंडळ

(An ISO 9001-2008 Certified Board)

Phone Nos : 91-832-2438567, 2438528
2438563, 2438550

Tel / Fax No. : 0832-2438528



Email id's :

Member Secretary, GSPCB - ms-gspcb.goa@nic.in
Environment Engineer, GSPCB - ee-gspcb.goa@nic.in
Scientist, GSPCB - scientist-gspcb.goa@nic.in
Asst. Env Engineer, GSPCB - aee-gspcb.goa@nic.in
Asst. Law Officer, GSPCB - alo-gspcb.goa@nic.in

No. 1/25/15-PCB/3276 FAX/HAND DELIVERY/REGD A.D.

16/07/2015

DIRECTIONS UNDER SECTION 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

WHEREAS, the Hon'ble National Green Tribunal (NGT) Western Zone Bench at Pune, vide its Order dated 27/03/2015 passed in Application no. 100/2014 (Devidas Simepuruskar V/s. State of Goa & Ors), (copy enclosed) had directed the Goa State Pollution Control Board, hereinafter referred to as 'the Board', to decide as to whether the directions contained in the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa, the Order bearing no. 7/2010 issued by the Police Commissionerate, Bhubaneswar-Cuttack, Orissa and Guidelines issued by Uttar Pradesh Pollution Control Board, (all copies enclosed) with regard to control of excessive noise decibels emitted during the club parties and other activities, can be followed/implemented in the State of Goa, and further, to decide the issue as a matter of policy.

WHEREAS, the Board has considered & accepted that the contents of the aforestated and enclosed directions as contained in, the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa, the Order bearing no. 7/2010 issued by the Police

Page 1 of 3

Collectorate of South Goa, Margao
Date: 17/07/15
Inward No. 192
Section: 19727

106k

Commissionerate, Bhubaneswar-Cuttack, Orissa and the Guidelines issued by Uttar Pradesh Pollution Control Board, with regard to control of excessive noise decibels emitted during the club parties and other activities. The Board has further decided that these directions and guidelines are required to be implemented in the State of Goa. As such it was decided by the Board to communicate the aforesaid decision to the State Government for notification of the aforesaid guideline

WHEREAS, the Hon'ble NGT, western zone bench, vide Order dated 29/04/2015, has opined that such notification can be issued by the GSPCB. It is further stated the notification may comprise of directions under the Air Act, Water Act and Environment Protection Act, 1986 as may be found necessary. (Copy of the Order dated 29/04/2015 of the NGT is enclosed).

WHEREAS, the Board vide letter no. 1/25/15-PCB/2182 dated 29/06/2015 requested Department of Environment, Government of Goa, to issue Comprehensive Guidelines and notification in the State of Goa, in terms of the guidelines issued by the Uttar Pradesh Pollution Control Board and in terms of the directions as contained in, the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa and the Order bearing no. 7/2010 issued by the Police Commissionerate, Bhubaneswar-Cuttack, Orissa.

WHEREAS, the Board is not in receipt of any Notification or Guidelines issued by the Department of Environment, Government of Goa, till date in this regard.

WHEREAS, you have been notified as authority under the Noise Rules 2000 by the Competent Authority.

NOW THEREFORE, in exercise of the powers vested with this Board under section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981, the

105/k

Collector & District Magistrate, (South Goa District), Collectorate Building, Margao - Goa, is hereby directed (to take immediate steps to ensure that guidelines issued by the Uttar Pradesh Pollution Control Board, the directions as contained in, the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa and the Order bearing no. 7/2010 issued by the Police Commissionerate, Bhubaneswar-Cuttack, Orissa, in respect of control of excessive noise decibels emitted during the club parties and other activities, are implemented in the State of Goa with immediate effect.)

Issued on this 11th day of July, 2015

h/r/c

Member Secretary
For Goa State Pollution Control Board

To,
The Collector & District Magistrate,
(South Goa District),
Collectorate Building,
Margao -Goa.

Copy to:-

1. Office file.
2. Guard file.
3. Legal Section file.

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदुशण नियंत्रण मंडळ

(An ISO 9001-2008 Certified Board)

Phone Nos : 91-832-2438567, 2438528
2438563, 2438550

Telex / Fax No. : 0832-2438528



Email id's :

Member Secretary, GSPCB - ms-gspcb.goa@nic.in
Environment Engineer, GSPCB - ee-gspcb.goa@nic.in
Scientist, GSPCB - scientist-gspcb.goa@nic.in
Asst. Env Engineer, GSPCB - aee-gspcb.goa@nic.in
Asst. Law Officer, GSPCB - alo-gspcb.goa@nic.in

No. 1/25/15-PCB/3277 FAX/HAND DELIVERY/REGD A.D.

16/07/2015

DIRECTIONS UNDER SECTION 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

WHEREAS, the Hon'ble National Green Tribunal (NGT) Western Zone Bench at Pune, vide its Order dated 27/03/2015 passed in Application no. 100/2014 (Devidas Simepuruskar V/s. State of Goa & Ors), (copy enclosed) had directed the Goa State Pollution Control Board, hereinafter referred to as 'the Board', to decide as to whether the directions contained in the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa, the Order bearing no. 7/2010 issued by the Police Commissionerate, Bhubaneswar-Cuttack, Orissa and Guidelines issued by Uttar Pradesh Pollution Control Board, (all copies enclosed) with regard to control of excessive noise decibels emitted during the club parties and other activities, can be followed/implemented in the State of Goa, and further, to decide the issue as a matter of policy.

WHEREAS, the Board has considered & accepted that the contents of the aforesaid and enclosed directions as contained in, the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa, the Order bearing no. 7/2010 issued by the Police

ISSUED
17/7/15

Commissionerate, Bhubaneswar-Cuttack, Orissa and the Guidelines issued by Uttar Pradesh Pollution Control Board, with regard to control of excessive noise decibels emitted during the club parties and other activities. The Board has further decided that these directions and guidelines are required to be implemented in the State of Goa. As such it was decided by the Board to communicate the aforesaid decision to the State Government for notification of the aforesaid guideline

WHEREAS, the Hon'ble NGT, western zone bench, vide Order dated 29/04/2015, has opined that such notification can be issued by the GSPCB. It is further stated the notification may comprise of directions under the Air Act, Water Act and Environment Protection Act, 1986 as may be found necessary. (Copy of the Order dated 29/04/2015 of the NGT is enclosed).

WHEREAS, the Board vide letter no. 1/25/15-PCB/2182 dated 29/06/2015 requested Department of Environment, Government of Goa, to issue Comprehensive Guidelines and notification in the State of Goa, in terms of the guidelines issued by the Uttar Pradesh Pollution Control Board and in terms of the directions as contained in, the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa and the Order bearing no. 7/2010 issued by the Police Commissionerate, Bhubaneswar-Cuttack, Orissa.

WHEREAS, the Board is not in receipt of any Notification or Guidelines issued by the Department of Environment, Government of Goa, till date in this regard.

WHEREAS, you have been notified as authority under the Noise Rules 2000 by the Competent Authority.

NOW THEREFORE, in exercise of the powers vested with this Board under section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981, the

epk

Collector & District Magistrate, (North Goa District), Collectorate Building, Panaji-Goa, is hereby directed to take immediate steps to ensure that guidelines issued by the Uttar Pradesh Pollution Control Board, the directions as contained in, the Order of the Hon'ble Division Bench of the High Court of Orissa passed in the case of Prasanta Kumar Das V/s. State of Orissa and the Order bearing no. 7/2010 issued by the Police Commissionerate, Bhubaneswar-Cuttack, Orissa, in respect of control of excessive noise decibels emitted during the club parties and other activities, are implemented in the State of Goa with immediate effect.

Issued on this 14th day of July, 2015

15/7/15

Member Secretary
For Goa State Pollution Control Board

To,
The Collector & District Magistrate,
(North Goa District),
Collectorate Building,
Panaji -Goa.

Copy to:-

1. Office file.
2. Guard file.
3. Legal Section file.

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE

BENCH, PUNE

M.A.No.180/2014

M.A.No.181/2014 in

APPLICATION NO.100/2014 (WZ)

Shri. Devidas Simepuruskar, Bardex- Goa vs The State of Goa, through its Chief Secretary & Ors

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/ Appellant : Mr Jitendra P. Supekar Adv
Respondent Nos.1 to 11 : F.M.Mesquita Adv
Respondent Nos.12,13 : Mr Shivam Dessai Adv
MA Nos.180,181/2014 : Mr Shivam Dessai Adv

Date and Remarks	Orders of the Tribunal
Item Nos. 4,5,10 March 27,2015 Order No.7	<p>Heard learned Counsel for the parties.</p> <p>Notwithstanding the fact that the Hon'ble High Court has allowed consideration of jurisdictional issue by this Tribunal and the Respondent No.12, in that Petition (Shri.Gregory D. Shah @ Daniel Shah) placed the jurisdictional issue before entertaining the Application on its validity. Yet, learned Advocates would submit that bone of contention, is regarding excessive noise decibels used in the club parties and other activities. Learned Advocate appearing for the Applicant, invited our attention to the order passed by the Hon'ble Division Bench of Orissa in <i>Prasanta Kumar Das Vs. State of Orissa</i>, similar issue and gave direction of substantial nature. One of the main direction is that the equipment like sound limiter connected to amplifier, shall be used. It appears that the Commissioner of Police, Bhubaneshwar, issued order accordingly. Learned advocate for the Applicant, also states that the U.P. Pollution Control Board, has also issued the guidelines.</p> <p>Learned Advocate F.M.Mesquita appearing for GSPCB, makes a statement that she will take instructions and will be able to give necessary information on affidavit, as to whether similar guidelines can be framed for all the Night-clubs/Hotels and other activities, which would create noise beyond the permissible limit. The PCB of Goa shall immediately take all information because it is available on the Internet and learned Advocate has already furnished a copy of the Judgment of Orissa along with office order issued by the Commissioner. In any case, the PCB of Goa, will not take much time to deal with the issue and decide the same as matter of policy. Affidavit shall be filed within three (3) weeks. Copies thereof be sent to other Advocates. No rejoinder is necessary. The preliminary objection also to be heard on the same date, if so required. S.O. to 29th April, 2015.</p> <p>....., JM (Justice V. R. Kingaonkar)</p> <p>....., EM (Dr.Ajay A. Deshpande)</p>

46

COMPREHENSIVE GUIDELINES ON THE USE OF LOUDSPEAKERS, FIREWORKS, PUBLIC ADDRESS SYSTEMS AND HORNS.

PREAMBLE :

In reference to the direction of Hon'ble High Court Lucknow Bench in the writ petition No. 4460 of 2000 (M/B) Jan Hitai versus The State of U.P. and others dated 01.09.2000, Hon'ble High Court has directed the U.P. Pollution Control Board to issue a comprehensive guideline, in respect of the use of loudspeakers, horns, sirens in the vehicles and fireworks, on the lines issued by the Pollution Control Board, West Bengal. Ministry of Environment and Forest, Govt. of India has issued a notification on 14.02.2000 framing the noise pollution (Control and Regulation) Rules 2000 which mandates the State to take necessary measures for abatement of noise including noise emanating from vehicular movements, use of loudspeakers/public address system. Ministry of Environment and Forest Govt. of India has also notified on 05.10.1999 the noise standards for fire-crackers.

AUTHORITY FOR ENFORCEMENT OF NOISE POLLUTION CONTROL

MEASURE :

The authority for enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise has been prescribed in the noise pollution (Regulation and Control) rules dated 14th Feb, 2000 as below:

"Authority means any authority of officer authorised by the Central Govt., 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 designed for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force."

For complying with the directions dated 01.09.2000 of the Hon'ble High Court Lucknow Bench and for implementation of Noise Pollution Control Act as per the notifications issued by Govt. of India on 14.02.2000 and 05.10.99 the following guidelines are being proposed for the use of loud speakers, fireworks, public address system and horns :-

A. GUIDELINES IN RESPECT OF USE OF LOUDSPEAKER FOR PUBLIC AT LARGE:

1. Loudspeaker should not be allowed to be operated after 10 PM and before 6 AM and all loudspeakers should be fitted with "SOUND LIMITER".
2. Loudspeaker should not be allowed to operate for any time in the silence zone i.e. 100 Mtrs. around the premises like Hospitals, Nursing Homes, Educational Institutions and Courts. (Restriction of use of loudspeaker should be operative so far as school, educational institution, college court and library are concerned upto the working hours.)
3. During the time of the use of loudspeaker, following ambient noise levels should be maintained as per the standard specified in notification dated 14th Feb. 2000 of Ministry of Environment & Forest, Govt. of India.

Area/Zone	Day Time	Night Time
Industrial Area	75 dB (A) Leq*	70 dB (A) Leq
Commercial Area	65 dB (A) Leq	55 dB (A) Leq
Residential Area	55 dB (A) Leq	45 dB (A) Leq

36

Silence Zone 50 dB (A) Leq 40 dB (A) Leq

4. * dB (A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.
 - (i) Day time reckoned in between 6.00 AM to 10.00 PM.
 - (ii) Night time is reckoned in between 10.00 PM to 6.00 AM
5. Loudspeaker in the permissible time should not be allowed to use without prior permission of the prescribed authority as mentioned in noise pollution (Regulation and Control) Rules dt. 14.02.2000
6. During the time of any function the barricating of streets should be restricted so as not to create any traffic jam.

B. GUIDELINES IN RESPECT OF USE OF LOUDSPEAKERS BY POLITICAL PARTIES:

1. Loudspeakers should not be allowed to operate after 10 PM and before 6 AM and all loudspeakers should be fitted with 'sound-limiters'.
2. During the permissible time of the use of loudspeakers, noise level should be maintained as per the standards in the Noise Pollution (Regulation & Control) Rules dated 14.02.2000 of Ministry of Environment & Forest, Govt. of India.
3. Loudspeaker should not be allowed to be used without prior permission of prescribed authority as mentioned in Noise Pollution (Regulation & Control) Rules 14.02.2000 of Ministry of Environment & Forest Govt. of India.
4. During the time of any meeting in the street, necessary passage should be kept free for passers by.

C. GUIDELINES/NORMS FOR FIXATION OF SOUND LIMITERS WITH LOUDSPEAKERS:

1. Loudspeakers should not be used or letout without Sound-limiter for the purpose of use in open air.
2. Sound-limiter will control the noise level of the loudspeakers as per the prescribed ambient noise standards fixed up in Noise Pollution (Regulation & Control) Rules dt. 14.02.2000.

D. GUIDELINES IN RESPECT OF USE OF LOUDSPEAKERS IN OPEN AIR CULTURAL FUNCTION:

1. Between 6.00 AM to 10.00 PM loudspeakers can be used in a cultural or any other function maintaining the stipulated noise level as per the notification dt. 14.02.2000 of Ministry of Environment & Forest, Govt. of India.
2. After 10.00 PM cultural functions can be arranged, within a temporarily covered area with sound absorbing materials, provided.
 - a. Maintaining the ambient noise level outside. The covered area as prescribed in notification dated 14.02.2000 of Ministry of Environment & Forest Govt. of India.
 - b. No loudspeaker should be fitted or operated outside such covered area and that only box type loudspeakers should be used inside the covered area.
 - c. Before organising any cultural function, permission should be obtained from the prescribed authority as mentioned in the notification dt. 14.02.2000 of Ministry of Environment & Forest, Govt. of India. During the time of any function in the street, necessary passage should be kept free for passers by.

E. RESTRICTIONS FOR OPEN AIR FUNCTION DURING EXAMINATION:

1. Three days before important examinations such as secondary examination or Higher Secondary Examination where interests of large number of

26

students are involved and till such examinations are over, no open air function should be performed.

F. RESTRICTION IN SALE AND USE OF FIRE WORKS:

1. Fire works, generating sound level exceeding 125 dB (AI) or 145 dB (C) pk noise from four metre distance from the point of bursting, should not be allowed for sale or use for any purpose. For individual fire cracker constituting the series (joined fire crackers) the above mentioned noise limit be reduced by $5 \log_{10} (N)$ dB, where N= number of crackers joined together as specified in notification dated 5th Oct, 1999 of Ministry of Environment & Forest, Govt. of India.
2. All fire cracker manufacturers should be directed to print the noise level in decibel on the carton/packet of the fire cracker.
3. Forest Deptt. and Airport Authority may use fire works generating noise level more than 125 dB (AI) for their official purpose with prior permission of U.P. Govt.

G. RESTRICTION IN USE OF HORNS/SIRENS IN THE VEHICLES:

1. No motor vehicle shall be fitted with any multitone horn or other sound producing devices as prescribed in Motor Vehicle Act, 1988.
2. Sirens/hooters are allowed for ambulance, fire fighting vehicles and other vehicles as specified in Motor Vehicle Act, 1988.



POLICE COMMISSIONERATE
BHUBANESWAR-CUTTACK
BHUBANESWAR

COMMISSIONER'S ORDER NO.07/2010

Sub: Regulation of band and music parties in marriage processions etc.

The Hon'ble High Court of Orissa vide their Order No.271 dt.27.03.08 in OJC No.6721 of 1999 had ordered that all band parties etc. using amplifiers along with boxes and various musical instruments as well as DJs shall install sound limiters, connected to the amplifiers, with prefixed decibels (dB) of out put of sound, so that the sound produced by such amplifiers does not exceed 65 dB.

In pursuance of the above order, Government in Home Department, Bhubaneswar vide their letter No.16669/H dtd.13.04.10 have requested to take immediate steps to ensure that all band and music parties, using amplifiers along with sound boxes etc. shall install prefixed sound limiters to the amplifiers in order to restrict the sound within the permissible level of 65 dB.

In the above background, it is expedient to order the following:

1. All band and music parties using amplifiers along with other musical instruments as well as DJs operating from within the Police Commissionerate area shall install sound limiters connected to the amplifiers, with prefixed output of 65 dB sound. IsIC of respective Police Stations in whose jurisdiction the band/music party has its office shall ensure this by physical inspection.
2. All band and music parties operating from within the Police Commissionerate jurisdiction after fixing sound limiters to their amplifiers shall register their names with the respective Deputy Commissioner of Police, who shall maintain a

register of such band parties in their Licensing Sections. IsIC of respective Police Stations shall ensure compliance of the above by contacting band parties in person and by issuing written advisories.

3. The Deputy Commissioners of Police, Cuttack & Bhubaneswar, who have already been delegated with the powers to regulate, display, use and play of loudspeakers and explosive fireworks in their territorial jurisdictions vide Commissioner's Order No.5/08, communicated vide Memo No.3850/CP dtd.07.06.08, shall issue licence only to such registered band and music parties.
4. While issuing licence, they will mention in the licence that the sound limiter fixed to the amplifier of the musical equipments limits the output of sound to 65 dB and for this purpose, it shall be certified that the output sound has been measured through a Sound Level Meter not less than 15 days ago by the Inspector-in-Charge of the respective police station under whose jurisdiction the band or music party has its office.
5. 65 dB output of sound shall be maintained by the band and music parties throughout the procession/performance and IsIC of Police Stations in whose jurisdiction such parties shall pass or perform, shall measure the intensity by Sound Level Meters at random intervals and in the event of detection of output greater than 65 dB, action as per the following legal provisions shall be initiated.
 - i. Compounding of offence to the extent by imposition of fine of maximum Rs.500/- by an officer of and above the rank of Inspector of Police on duty for violation of Regulation No.56 of the Bhubaneswar-Cuttack Police Commissionerate (Traffic & Public Order) Regulations, 2008, as notified vide Home Department Notification No.1833-PDA-II-11/2008-D&A dtd.15.01.2009, published in Extraordinary Orissa Gazette No.64 dtd.16.01.2009.

sh

- ii. Submission of Prosecution Report u/s 7 of the Orissa Fire-works and Loud Speakers (Regulations) Act, 1958 for contravention of section 3 or 3-A or section 4 of the Act, by an officer of and above the rank of ASI of Police, who can also seize the loud speakers including its accessories and arrest the contravener without warrant, in case of violation of 3 and 3-A of the Act.
6. Band or music party owners and members of the general public may please be made aware through announcements, personal contact and publications in print/electronic media about the aforesaid order of the Hon'ble Court/ Government for information and observance.

By order

(B.K.Sharma)
Commissioner of Police,
Bhubaneswar-Cuttack.

B6

MANU/OR/0130/2008

Equivalent Citation: 105(2008)CLT807, 2008(I)OLR976

IN THE HIGH COURT OF ORISSA

Decided On: 27.03.2008

Appellants: **Prasanta Kumar Das**
Vs.
Respondent: **State of Orissa**

Hon'ble Judges/Coram:

B.P. Das and M.M. Das, JJ.

Subject: Environment

Case Note:

MARRIAGE - Barat - Using of sound boxes - Guidelines framed - Detail stated.

ORDER

B.P. Das and M.M. Das, JJ.

1. This Misc. Case has been filed by the Executives of Cuttack Mahanagar Band Party Association for modification/ clarification of the Order Dated 7.12.2007.

By the said Order Dated 7.12.2007, it was directed that in marriage processions only one sound box shall be used. The applicant - association has pleaded that minimum requirement of sound box to play music is six in number, each being required for one type musical instrument, which are used in band party. It has been further stated that the cumulative sound effect of all six sound boxes will not exceed the sound limit as fixed by the Hon'ble Supreme Court. On this ground, it has been sought for that necessary directions should be issued in modification of the Order Dated 7.12.2007 for using at least six sound boxes.

2. The State Pollution Control Board was asked to give its reaction to this Misc. case, and, accordingly, an affidavit has been filed by the State Pollution Control Board annexing thereto the notification issued by the Forest and Environment Department, Government of Orissa, dated 12.2.2002. The said notification prescribes as follows:

No. ENV-1-10/2000-2849/F&E. In exercise of the powers conferred by Clause (c) of rule 2 of the Noise Pollution Regulation and Control Rules, 2000 the State Government do hereby designate the District Magistrates, the Additional District Magistrates, the Sub-divisional Magistrates, the Superintendent of Police, the Additional Superintendent of Police, the Deputy Superintendent of Police and the Sub-divisional Police Officers of the concerned districts and Subdivisions respectively as the "authority" for maintenance of ambient air quality standards in respect of noise.

By order of the Governor
A.S. Sarangi
Principal Secretary to Government.

Mr. Srimanta Das, Learned Counsel appearing for State Pollution Control Board submits before this Court that the number of Sound boxes used in producing a sound do not regulate the intensity of the sound, i.e. the decibels of sound produce and wattage of the sound boxes only indicate the power consumed by the sound boxes but not the intensity of the sound produced,

which is measured in decibels. He has further produced the literature showing that the amplifiers used the level of volume in an amplifier increases or decreases the decibels of the sound.

Upon instruction, Mr. Das submits that if SOUND LIMITERS are fixed to the amplifiers used by the band parties and such sound limiters have prefixed decibels of out put of sound, then even increasing volume in the amplifier will not produce sound of greater decibels than what is prefixed in the sound limiter. He has further contended that apparatus, such as, sound level meters are there, by which, the sound produced by any band party can be measured.

3. Considering the notification of the State Government, as quoted above and the submission of Mr. Srimanta Das, we frame the following guidelines in modification of our Order Dated 7.12.2007 with regard to marriage procession (BARAT Processions) in the State:

i) All band parties using amplifiers along with some boxes and various musical instruments as well as D.Js shall install SOUND LIMITERS connected to the amplifiers so that the decibels of sound produced by such amplifiers will not exceed 65 dB.

ii) All the Police Station should be provided with sound level meters and at the first instances the state should provide such sound level meters to all the Police Stations in the twin city of Cuttack and Bhubaneswar. This shall be done within a period of three months from today,

iii) The Sub-Collectors, to whom, applications for licence in a BARAT Party are made, will mention in the licence that the sound limiter fixed to the amplifier of the said and party limits the decibels of sound to 65 dB. and for this purpose, the output of the sound produced has been measured by the Inspector-in-charge/Officer-in-Charge of the respective police station under whose jurisdictions the procession shall start, by means of a sound level meter. Such intensity of sound, i.e. 65 dB. shall be maintained by the band party throughout the procession and in the event, it is detected in course of the procession that sound of a greater intensity than 65 dB. is being produced by the instruments of the band party all the musical instrument shall be seized by the concerned police authority and proceeding for violating the sound pollution norms shall be initiated against them.

iv) As a preliminary measure, since we are alive to the situation that it will take some time for the State Government to provide sound level meters to all the Police Station, the Pollution Control Board shall make random checks of any such processions, while in progress, for determining the intensity of sound which is being produced by the band party and for this purpose, the concerned police authority shall render all assistance to the officials of the Pollution Control Board. If on such determination by the authority of the Pollution Control Board, the sound produced is found to exceed the limit of 65 dB., the same action of seizure a mentioned above, shall be taken against the concerned band party.

v) All band parties, after fixing sound limiter with their amplifiers, shall register their respective names before the concerned Sub-Collectors, who shall maintain a register of the names of such band parties, who have already interfaced preset sound limiters with maximum out put level of sound of 65 dB. to the amplifiers and only such registered band parties will be granted licence for BARAT parties (marriage procession).

4. The Misc. Case is accordingly disposed of.