

AFR
Reserved

Case :- WRIT - C No. - 1216 of 2019

Petitioner :- Sushil Chandra Srivastava and Another

Respondent :- State Of U P And Others

Counsel for Petitioner :- Arpan Srivastava

Counsel for Respondent :- C.S.C., Devi Prasad Mishra

Hon'ble Pradeep Kumar Singh Baghel, J.
Hon'ble Pankaj Bhatia, J.

(Delivered by Hon.Pradeep Kumar Singh Baghel, J.)

This writ proceedings has been instituted by two petitioners who are aggrieved by indiscriminate use of Loudspeaker in a residential area regardless of time.

The grievance of the petitioners is that the District administration has installed huge L.C.Ds. equipped with amplifiers in the residential area. They are resident of Hashimpur Road, Prayagraj, which is a densely populated area. The L.C.D. starts from 4.00 A.M. till midnight regularly without any break with full sound. The L.C.D. creates sound problem as well as public nuisance in the residential area. It is stated that the mother of petitioner no.1 is aged about 85 years and she is suffering from multiple age related diseases and the high noise pollution is causing serious problem in her ears and heart. It is further stated that the son of petitioner no.2 is studying in Class 12th and due to sound pollution he is unable to prepare for the examination. It is stated that in the area there are three hospitals/ nursing homes, namely, Yashlok Hospital, Alka Hospital and Astha Clinic. A large number of patients are admitted in these hospital, some of them are suffering from heart and other serious ailments. They are also affected by high noise pollution.

Learned counsel for the petitioners submitted that authorities have failed to enforce the law and directions issued by the Supreme Court in a series of the decisions. It is stated that similar L.C.Ds. and speakers have been installed all over the city which have raised the noise pollution level to an impermissible limit under the Law. It is

stated that in spite of the law laid down in the case of **NOISE POLLUTION (V), IN RE, 2005 (5) SCC 733** and the statutory rules framed by the Central Government, on account of the inaction on the part of the concerned authority most of the citizens are feeling inconvenience and their health is affected by the noise pollution.

On 22.01.2019, time was granted to the State functionaries to file a counter affidavit and mention the fact that what action has been taken against the offenders of the Noise Pollution (Regulation and Control) Rules, 2000 and various directions issued by the Supreme Court from time to time, in the last five years. The relevant part of the order reads as under:

“Sri Ajit Kumar Singh, learned Additional Advocate General appears for State respondents and Sri J.N. Maurya, learned Advocate has accepted notices on behalf of newly impleaded respondent - U.P. Pollution Control Board.

As prayed, respondents are granted time to file counter affidavit. The State respondents shall mention in their counter affidavit that in how many cases the action has been taken against the offenders of the Noise Pollution (Regulation and Control) Rules, 2000 and various directions issued by the Supreme Court from time to time, in the last five years (1.1.2014 to 31.12.2018).

Put up this case on 13th February, 2019 in the additional cause list for further hearing. Learned Additional Advocate General assures the Court that in the meantime the administration shall make endeavor to comply with the directions of the Supreme Court in the matter of noise pollution.”

On 29.03.2019, when no response was filed by the respondents, the Court passed the following order:

“On 22.01.2019, we had directed the learned counsel for the respondents to file a counter affidavit mentioning therein that in how many cases the action has been taken against the offenders of the Noise Pollution (Regulation and

Control) Rules, 2000 and the various directions issued by the Supreme Court from time to time, in the last five years (1.1.2014 to 31.12.2018).

The said order has not been complied with as yet.

We direct the respondent no.3 to furnish the said information by 05.04.2019.

Put up this case for further hearing in the additional cause list on 05.04.2019.”

In a companion **Writ Petition No. 41684 of 2018, Sanjay Sharma vs. State of U.P.** , the Additional Advocate General has received the instruction. A Xerox copy of the said instruction has also been taken on the record of this case. The said instruction is signed by the District Magistrate, Prayagraj.

We have perused the instruction. It is stated that in compliance of the earlier direction issued by this Court at Lucknow Bench in the case of **PIL (Civil) No. 24981 of 2017 , Motilal Yadav vs. State of U. P.** , the District Magistrate has issued a direction on 10.01.2019 for the compliance of the directions of the Court. He has also constituted a team of the revenue and police officials to make regular inspection by visiting various religious places and other public places where the loudspeakers / public address system are used on permanent basis. This team will keep a strict vigil over these places.

It is worthwhile to mention that along with the instruction two charts have been furnished. Chart No. 1 deals with the illegal use of loudspeakers in religious places and Chart No.2 shows violation of Rules, 2000 at public places. These charts indicate that in Allahabad total 1860 loud speakers were found without any license. In all such cases the notices were issued but no action has been taken against any of the offender. A perusal of column nos.8 and 9 clearly shows that no action under Rules, 2000 or any other relevant law has been taken against offenders and eventually licenses were granted to all the 1860 loud speakers without taking any action under the Rules. The said chart is extracted below:

मा० उच्च न्यायालय, खण्डपीठ लखनऊ द्वारा जनहित रिट याचिक (सिविल) सं० – 24981/ 2017 मोती लाल यादव बनाम स्टेट आफ यू० पी० के संबंध में सूचना।

प्रपत्र सं० – 1 **धार्मिक स्थलों** पर ध्वनि यंत्रों के प्रयोग के अनुमति के संबंध में सूचना जनपद प्रयागराज

क्र० सं०	जनपद	धार्मिक स्थलों की संख्या जिनमें लाउडस्पीकर/ ध्वनि यंत्र प्रयोग में लाये जा रहे हैं।	धार्मिक स्थलों की संख्या जिनमें लाउडस्पीकर/ ध्वनि यंत्र प्रयोग में लाये जा रहे हैं परन्तु नियत प्राधिकारी से अनुज्ञा प्राप्त नहीं की गयी है।	कालम 04 में उल्लिखित धार्मिक स्थलों में से			कालम 4 में उल्लिखित धार्मिक स्थलों के संबंध में कितने कर्मचारियों/ अधिकारियों के विरुद्ध कार्यवाही की गयी।	अभियुक्ति / अन्य कार्यवाही का विवरण।
				कितनी को नोटिस दी गयी	नोटिस के उपरान्त कितनी ने अनुज्ञा प्राप्त की	नोटिस के उपरान्त भी अनुज्ञा न प्राप्त करने के कारण कितने धार्मिक स्थल से लाउडस्पीकर/ ध्वनि यंत्र उतरवाये गये।		
1	2	3	4	5	6	7	8	9
1	नगर मजिस्ट्रेट	230	230	230	230	0	0	0
2	ए० सी० एम० – 1	87	87	87	87	0	0	0
3	ए० सी० एम० – 2	131	131	131	131	0	0	0
4	ए० सी० एम० – 3	152	152	152	152	0	0	0
5	सदर	66	66	66	66	0	0	0
6	सोरांव	226	226	226	226	0	0	0
7	फूलपुर	292	292	292	292	0	0	0
8	हण्डिया	349	349	349	349	0	0	0
9	करछना	194	194	194	194	0	0	0
10	बारा	30	30	30	30	0	0	0
11	मेजा	77	77	77	77	0	0	0
12	कोरांव	26	26	26	26	0	0	0
	इलाहाबाद	1860	1860	1860	1860	0	0	0

ह० अप०
अपर जिला मजिस्ट्रेट (नगर)
प्रयागराज

Another chart shows that in public places also several violations of the Rules, 2000 have been found but in those cases also no action has been taken. The chart is extracted below:

यादव बनाम स्टेट ऑफ यू पी के संबंध में सूचना।

प्रपत्र सं० – 2 सार्वजनिक स्थलों पर ध्वनि यंत्रों के अनुमति के संबंध में सूचना जनपद इलाहाबाद।

क्र० सं०	जनपद	सार्वजनिक स्थलों की संख्या जिनमें लाउडस्पीकर / ध्वनि यंत्र प्रयोग में लाये जा रहे हैं।	सार्वजनिक स्थलों की संख्या जिनमें लाउडस्पीकर/ ध्वनि यंत्र प्रयोग में लाये जा रहे हैं परन्तु नियत प्राधिकारी से अनुज्ञा प्राप्त नहीं की गयी है।	कालम 04 में उल्लिखित सार्वजनिक स्थलों में से			कालम 4 में उल्लिखित सार्वजनिक स्थलों के संबंध में कितने कर्मचारियों / अधिकारियों के विरुद्ध कार्यवाही की गयी।	अभियुक्ति / अन्य कार्यवाही का विवरण।
				कितनों को नोटिस दी गयी	नोटिस के उपरान्त कितनों ने अनुज्ञा प्राप्त की	नोटिस के उपरान्त भी अनुज्ञा न प्राप्त करने के कारण कितने सार्वजनिक स्थल से लाउडस्पीकर / ध्वनि यंत्र उतरवाये गये		
1	2	4	4	5	6	7	8	9
	नगर मजिस्ट्रेट	11	11	11	0	11	0	0
	ए० सी० एम० – 1	0	0	0	0	0	0	0
	ए० सी० एम० – 2	35	35	35	35	0	0	0
	ए० सी० एम० – 3	0	0	0	0	0	0	0
	सदर	0	0	0	0	0	0	0
	सोरांव	0	0	0	0	0	0	0
	फूलपुर	0	0	0	0	0	0	0
	हण्डिया	2	0	2	0	0	0	0
	करछना	0	0	0	0	0	0	0
	बारा	0	0	0	0	0	0	0
	मेजा	0	0	0	0	0	0	0
	कोरांव	0	0	0	0	0	0	0
	इलाहाबाद	48	46	48	35	11	0	0

ह० अप०

अपर जिला मजिस्ट्रेट (नगर)

प्रयागराज

From a perusal of the said chart it is evident that 1860 loudspeakers are used in the religious places. None of the loudspeakers were granted permission under the Rules, 2000. Column no. 5 of the chart shows that they were issued notices. Column nos. 8 and 9 show that no action has been taken against the persons who were illegally using the loudspeakers/public address systems. The Column nos. 8 and 9 clearly indicate that the Rules, 2000 and the direction of the Supreme Court has not been complied with. Similar position is in respect of the public places where the loudspeakers are in use. This chart also shows that no action has been taken against the person who are using the loudspeakers

indiscriminately.

In the instruction it is recorded that the District Magistrate in compliance with the direction of the Principal Secretary (Home) dated 04.01.2018 has issued certain directions on 10.01.2018 for strict compliance of the Noise Pollution Rules. He has constituted separate teams for City and Tehsils. The Additional District Magistrate (City) is the Nodal Magistrate, S.P. (city) is the Nodal Police Officer, City Magistrate and Circle officer (I) are members of the team. Similar teams have been constituted for the different parts of city and Tehsils, i.e., Phulpur, Soraon, Handia, Karchhana, Meja, Koraon and Bara. These teams are required to visit all the religious and public places during any cultural, religious, or festive occasion.

The above chart shows that the State Government and its functionaries have miserably failed to perform their duties cast upon them under the Rules, 2000. They have equally failed to enforce the direction of the Supreme Court issued from time to time. The details of which has been mentioned in the forthcoming paras of this judgment.

It is pity that administration is not serious in taking any action against those who breach the law and directions of the Supreme Court.

In India the people generally do not consider the noise as sort of pollution, hence, most of the people are not fully conscious about the effect of the noise pollution on their health.

The Central Government in exercise of its powers conferred by clause (ii) of sub-section (2) of Section 3, sub-section (1) and clause (b) of sub-section (2) of Section 6 and Section 25 of the Environment (Protection) Act, 1986 has made the Noise Pollution (Regulation and Control) Rules, 2000 (for short Noise Pollution Rules) to control of noise producing and generating source.

To appreciate the contentions raised by the parties and the important issue of public importance raised in this proceedings, it would be convenient first of all to advert to the provisions of Rules,

2000. Rule 2 (c) (d), (e) and (f) of the Rules, 2000 define the authority, educational institution and hospital respectively. They are extracted below:

“(c) “authority” means and includes any authority or officer authorized 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 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;

“(d) “court” means a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice and includes any court of law presided over by a judge, judges or a magistrate and acting as a tribunal in civil, taxation and criminal cases;

(e) “educational institution” means a school, seminary, college, university, professional academies, training institutes or other educational establishment, not necessarily a chartered institution and includes not only buildings, but also all grounds necessary for the accomplishment of the full scope of educational instruction, including those things essential to mental, moral and physical development;

(f) “hospital” means an institution for the reception and care of sick, wounded infirm or aged persons, and includes government or private hospitals, nursing homes and clinics.”

The Rule 5 deals with the restrictions on the use of loudspeakers/public address system and sound producing instruments. This Rule was inserted by Rule 5(1) of the Noise Pollution (Regulation And Control) Rules, 2000, which was notified on 11.01.2010. The said Rule reads as under:

“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, banquet 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 system and the like during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural or religious 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 authorised by the 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 5 dB (A) the

ambient noise standards specified for the area in 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 equipment shall not be used or operated during night time in residential areas and silence zones.”

Rule 6 deals with the consequences of any violation in silence zone/area. It provides as under:

“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.*
- (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.”*

Rule 7 deals with complaints to be made to the authority. It provides as under:

“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.”

Rule 8 deals with power to prohibit etc. continuance of music sound or noise. It provides as under:

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

(1) If the authority is satisfied from the report of an officer incharge 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 or contrivance which is capable of producing or re-producing sound,

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

(b) The carrying on in or upon, any premises of any trade, a vocation 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 reason for such rejection.”

On a plain reading of these Rules clearly shows that they are mandatory.

From the instruction it transpires that the district authorities have classified different areas/zones of this city in industrial area, commercial area, residential area and silence zone in terms of the Schedule under **the Rules, 2000** . In the City the following places have been declared silence zone:

- (a) High Court
- (b) District Court
- (c) Beli Hospital
- (d) Children Hospital
- (e) Allahabad University

We find that the silence zones have been declared without adverting to the Rules, 2000.

Rule 2 (f) defines the hospitals. It indicates that an institution for the reception and care of sick, wounded, infirm or aged persons, and includes Government or private hospitals, nursing homes and clinics. In Prayagraj, there are about 200 hospitals, clinics and nursing homes which are registered. However, only two hospitals namely Beli Hospital and Children Hospital have been declared silence zone. Surprisingly, Swoop Rani Nehru Hospital (Medical College) and Kamla Nehru Hospital, who are amongst the prominent hospitals of the city have not been included in the silence zone. Both the hospitals are in the heart of city.

Rule 2 (e) defines the educational institutions. It covers a school, seminary, college, university, professional academies, training institutes or other educational establishment. A large number of colleges in district Prayagraj, such as, Chaudhary Mahadev Degree College, Allahabad Degree College, Government Inter College, St. Joseph College, St. Mary College, Boys High School, Maharshi Pantanjali, MaryWanamaker Girls Inter College, Jagat Taran Girls Inter College and Jagat Taran Girls Degree College etc. have not been included in the silence zone, which is contrary to the definition of the education institution.

In view of the above discussion, we direct the State Government / appropriate authority to undertake fresh exercise to declare the silence zone category in the light of the definition of Rule 2 (e) and Rule 2 (f) afresh.

The Rule 3 (2) cast an obligation on the State Government to categorize the area in industrial, commercial, residential and silence zone for the purpose of implementation of noise standards for different areas.

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. The Rule also enjoins the State Government to take steps 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 system and sound producing instruments and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.* An area comprising not less than 100 meters from hospitals, educational institutions and courts may be declared as silence area/zone for the purpose of these rules.

Rule 4 lays down the responsibility of the authorities for the enforcement of noise pollution control measures and due compliance of ambient air quality in terms of the Schedule. A person found guilty in violating the Rules shall be liable to be punished under the

provisions of these Rules and other law in force.

Rule 7 confers right to any person to make a complaint if he finds that there is violation of law by a sound which is caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument which is producing a noise exceeding the prescribed noise level in any part of the city, he can make a complaint to the authority. A perusal of the Rule further shows that any person can make a complaint oral or in writing to the authority regarding violation of the Rules, 2000. Sub-section (2) of Rule 7 says that the authority shall act on the complaint. The use of the word “shall” makes it imperative that duty is cast on the authority to act on the complaint immediately.

The Rule 8 is preventive in nature, it provides that if the authority is satisfied from the report of the concerned officer of police station or complaint from a person or an information received by him that it is necessary to prevent annoyance, disturbance, discomfort or injury to public or any person who resides in the vicinity, he may issue direction in writing to any person for preventing, prohibiting any instrumental music, loudspeaker, any instrument capable of producing, reproducing sound. The Rule 8 requires furnishing opportunity of hearing to the wrong doer. But no such requirement is necessary under the Rule 7. One of the object of Rule 7 seems to stop the sound emitting equipment immediately and not to insist to follow long drawn procedure to file a written complaint and to give opportunity to offender. Since noise pollution affects human health, it needs to be stopped immediately.

Having due regard to the materials on the record, we are constrained to observe that the administration either, appears to be totally oblivious of the law and directions issued by the Supreme Court or there is gross inaction on its part to enforce the statutory rules and the directions of the Supreme Court which are binding upon all the authorities under Article 141 of the Constitution. No valid reasons have been furnished by the authorities for not complying the law.

It needs no emphasis that in a democracy the rule of the law is the basic rule of governance of any civilized society. The Constitution has entrusted the onerous task upon the Superior Courts to uphold the Constitution and the law. The following passage of the judgement of Supreme Court in **Supreme Court Advocates- on- Record Assn. v. Union of India, (1993) 4 SCC 441 , at page 602** is apposite:

“Under our constitutional scheme, the judiciary has been assigned the onerous task of safeguarding the fundamental rights of our citizens and of upholding the rule of law. Since the Courts are entrusted the duty to uphold the Constitution and the laws, it very often comes in conflict with the State when it tries to enforce its orders by exacting obedience from recalcitrant or indifferent State agencies.”

In **N. Kannadasan v. Ajoy Khose, (2009) 7 SCC 1 : (2009) 3 SCC (Civ) 1 , at page 31** the Supreme Court observed thus:

“... 48. It is the majesty of the institution that has to be maintained and preserved in the larger interest of the rule of law by which we are governed. It is the obligation of each organ of the State to support this important institution. Judiciary holds a central stage in promoting and strengthening democracy, human rights and the rule of law. People’s faith is the very foundation of any judiciary. Injustice anywhere is a threat to justice everywhere and therefore the People’s faith in the judiciary cannot be afforded to be eroded.”

There are a large number of the judgments of the Supreme Court, this Court and the other High Courts dealing with menace of the noise pollution. Before advertng to the Judgements of the Supreme Court we deem it appropriate to firstly refer to a recent order of a Division Bench of this Court wherein after affording the opportunity to State, several directions have been issued to the

functionaries of the State Government for its compliance.

In **PIL (Civil) No. 24981 of 2017, Motilal Yadav Vs. State of U. P.** , this Court at Lucknow Bench has issued several directions to control the noise pollution in the State and for enforcement of Rules, 2000 and directions of the Supreme Court.

This Court directed the Principal Secretary, Department of Home, Civil Secretariat, Lucknow and the Chairman U.P. Pollution Control Board, U.P., Lucknow to file their separate personal affidavit specifying therein (a) what steps have been taken to ensure the strict compliance of the Rules, 2000; (b) whether all the loudspeakers installed over the religious structures, namely, mosques, temples, gurudwaras and other public places have been set up after obtaining written permission from the authority and if not what action has been taken for removal of the same; (c) if the said loudspeakers or public address systems were allowed to come over the temples, mosques, gurudwaras and other public places without any written permission from the authority then what action has been taken against such officials who were required to ensure that no such loudspeakers or public address system shall be used except after obtaining written permission from the authority; (d) what accountability has been fixed/sought to be fixed over such officials who have not strictly enforced provisions of Rules, 2000; (e) how many loudspeakers and public address system have been dismantled and removed from temples, mosques, gurudwaras and other buildings which are being used without written permission; (f) what action has been initiated against the processions which are taken out day and night with loud music including marriage processions and (g) whether a suitable enforcement machinery by means of an identified website has been set up or is in the process of being set up as directed by this Court in one of its judgment in Writ Petition (M/B) No. 11473 of 2014.

The Court expressed its dissatisfaction with the measures taken by the authorities to control the noise pollution, hence, they were directed to be personally present. The State functionaries in their affidavits have informed the Court regarding some of the measures

which the State Government propose to take. One of the proposed measures was that the State Government is planning to purchase machine to measure the noise emanating from the loudspeakers/ public address system, music instruments, horns and other instruments capable of producing or reproducing sound. In this regard a Government Order dated 04.01.2018 was issued.

The Court again expressed its dissatisfaction over the measures provided in the Government Order dated 04.01.2018 to prevent and check the noise pollution and termed the Government Order to be a little use in absence of any check mechanism which needs to control noise pollution.

On 30.04.2018, the Division Bench further considered the better affidavits filed by the State functionaries, wherein it was mentioned that the notices have been issued (i) to approximately one lac religious places for the use of loudspeakers/noise machine of which permission has been sought by approximately 84,000 religious places; (ii) flying squads have been constituted to check the complaints pertaining to noise pollution; (iii) *a proposal to Finance Department for sanction of Rs. 5.0 crores for purchase of noise measuring instrument has been sent;* (iv) *the Chairman of the U.P. Pollution Control Board had mentioned in his affidavit that a request has been made to the Uttar Pradesh Development Systems Corporation Ltd. (UPDESCO) to develop mobile application for measurement of noise levels for making it available to the prescribed authorities and the public which would be useful for filing of complaints and for taking action by the authorities and* (v) *the IIT, Kanpur was also requested to provide technical advice for the use of sound governors in the loudspeakers and other noise sources and for developing standard operating procedure for monitoring of noise from different sources.*

The Court was also informed that about 20,000 complaints were received pertaining to the noise pollution. On 12.03.2018 the

Principal Secretary, Department of Home and the Chairperson, U.P. Pollution Control Board were present in the Court and informed that the State Government has sought guidelines/opinion from the Secretary, Environment and Forest Department, New Delhi for the best practice or Standard Operating Procedure (for short SOP) in order to control the noise pollution. The Ministry of Environment and Forest Department, New Delhi vide its communication dated 26.04.2018 informed that the proposal of the State is under consideration. The Court was also informed that the ambient noise level has shown reduction in the month of April, 2018 in 15 cities out of the 21 cities, which were monitored after the order passed in the aforesaid PIL. It was also informed that the mobile application is under trial run and a project has been awarded to the IIT, Kanpur for carrying out feasibility study on implementation of measures for measurement and mitigation of noise pollution.

The issue with regard to the noise pollution has been considered in the long line of the judgments of the Supreme Court and the other High Courts. For the first time the Supreme Court had occasion to deal with the case of **Churches of God (Full Gospel) In Vs. K. K. R. Magestice Colony Welfare , 2000 (7) SCC 282 .**

In **NOISE POLLUTION (V), IN RE (Supra)** and **Farhd Wadia Vs. Union of India and Ors., 2005 (8) SCC 796** , the Supreme Court elaborately considered the implication of the noise pollution in day to day life of people of India as enshrined under Article 21 of the Constitution of India. During the course of hearing in the said case the Court enlarged the issue and considered the problems of the noise pollution and its different aspects with reference to the Article 21 of the Constitution of India, which guarantees the life and personal liberty to all persons. Referring its earlier judgments the Court observed that right to life enshrined under Article 21 is not of mere survival or existence but it guarantees a right of persons to life with human dignity and it includes person's life meaningful, complete and worth living. The Court observed that

“who wishes to live in peace, comfort and quite within his house has a right to prevent noise as pollutant reaching him. None can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbors or others.”

(Emphasis supplied)

The Court has turned down the submission that a person has fundamental right under Article 19(1) a) of the Constitution of India for freedom of speech and right to expression but the rights are not absolute. The Court has held that no one can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers.

The Court has considered various sources of noise pollution such as road traffic noise; aircraft noise; noise from railroads; construction noise; noise in industry; noise in buildings; noise from consumer products; noise from fireworks.

The Supreme Court has also referred methodology adopted in other countries for noise control and in this regard it has considered some of the legislation made in Japan, Noise Act, 1966 UK, Noise and Statutory Nuisance Act, 1993, U.S. Noise Pollution and Abatement Act, 1970, Law of the People's Republic of China and Prevention and Control of Pollution from Environmental Noise (adopted on 29.10.1996).

After considering the effect of the noise as nuisance the Court observed as under:

“17. In the modern day noise has become one of the major pollutants and it has serious effects on human health. Effects of noise depend upon the sound's pitch, its frequency and time pattern and length of exposure. Noise has both auditory and non-auditory effects depending upon the intensity and the duration of the noise level. It affects sleep, hearing, communication, mental and physical health. It may even lead to the madness of people.

18. However, noises, which are melodious, whether natural or man-made, cannot always be considered as factors leading to pollution.

19. *Noise can disturb our work, rest, sleep, and communication. It can damage our hearing and evoke other psychological, and possibly pathological reactions. However, because of complexity, variability and the interaction of noise with other environmental factors, the adverse health effects of noise do not lend themselves to a straightforward analysis.*

(i) *Hearing Loss*

20. *"Deafness, like poverty, stunts and deadens its victims."- says Helen Keller. Hearing loss can be either temporary or permanent. Noise-induced temporary threshold shift (NITTS) is a temporary loss of hearing acuity experienced after a relatively short exposure to excessive noise. Pre-exposure hearing is recovered fairly rapidly after cessation of the noise. Noise induced permanent threshold shift (NIPTS) is an irreversible loss of hearing that is caused by prolonged noise exposure. Both kinds of loss together with presbycusis, the permanent hearing impairment that is attributable to the natural aging process, can be experienced simultaneously.*

21. *NIPTS occurs typically at high frequencies, usually with a maximum loss at around 4,000 Hz. It is now accepted that the risk of hearing loss is negligible at noise exposure levels of less than 75 dB(A) Leq (8-hr). Based on national judgments concerning acceptable risk, many countries have adopted industrial noise exposure limits of 85 dB(A)+5 dB(A) in their regulations and recommended practices.*

(ii) *Interference with Communication*

22. *The interference of noise with speech communication is a process in which one of two simultaneous sounds renders the other inaudible. An important aspect of communication interference in occupational situations is that the failure of workers to hear warning signals or shouts may lead to injury. In offices, schools and homes, speech interference is a major source of annoyance.*

(iii) *Disturbance of sleep.*

23. *Noise intrusion can cause difficulty in falling asleep and can awaken people who are asleep.*

(iv) *Annoyance*

24. *Noise annoyance may be defined as a feeling*

of displeasure evoked by noise. The annoyance-inducing capacity of a noise depends upon many of its physical characteristics and variations of these with time. However, annoyance reactions are sensitive to many non-acoustic factors of a social, psychological, or economic nature and there are considerable differences in individual reactions to the same noise.

(v) Effect on performance

25. Noise can change the state of alertness of an individual and may increase or decrease efficiency. Performance of tasks involving motor or monotonous activities is not always degraded by noise. At the other extreme, mental activities involving vigilance, information gathering and analytical processes appear to be particularly sensitive to noise.

(vi) Physiological Effects

26. It has been determined that noise has an explicit effect on the blood vessels, especially the smaller ones known as pre-capillaries. Overall, noise makes these blood vessels narrower. Noise causes the peripheral blood vessels in the toes, fingers, skin and abdominal organs to constrict, thereby decreasing the amount of blood normally supplied to these areas.

27. Possible clinical manifestations of stress concomitant with noise are : (i) galvanic skin response, (ii) increased activity related to ulcer formation, (iii) changes in intestinal motility, (iv) changes in skeletal muscle tension, (v) subjective response irritability perception of loudness, (vi) increased sugar, cholesterol & adrenaline, (vii) changes in heart rate, (viii) increased blood pressure, (ix) increased adrenal hormones, (x) vasoconstriction. Not only might there be harmful consequences to health during the state of alertness, but research also suggests effects may occur when the body is unaware or asleep.

28. The investigations have revealed that the blood vessels which feed the brain, dilate in the presence of noise. This is the reason why headaches result from listening to persistent high noise.

29. Field studies have also been conducted on various other groups such as people living near airports, and school children exposed to traffic noise, showing that there may be some risk for these people. In addition, laboratory studies on

animals and humans have demonstrated a relationship between noise and high blood pressure. Other studies have shown that noise can induce heart attacks.

30. Prolonged chronic noise can also produce stomach ulcers as it may reduce the flow of gastric juice and change its acidity.

31. With what other stress effects can noise be associated? Stress can be manifested in any number of ways, including headaches, irritability, insomnia, digestive disorders, and psychological disorders. Workers who are exposed to excessive noise frequently complain that noise just makes them tired.”

In **Farhd K. Wad ia (Supra)** the Supreme Court has held 'interference by the Court in respect of the noise pollution is premised on “necessity of silence”, “necessity of sleep”, “ process during the sleep and rest” which are biological necessities and essential for health. The Court further held “it is considered to be one of the human rights as noise is injurious to human health which is required to be preserved at any cost”.

The Court has referred a judgement of Calcutta High Court in the matter of Noise Pollution:

The Calcutta High Court in several judgments and in particular in ***Om Birangana Religious Society v. State*** issued various directions, some of them being:

“(a) There will be complete ban on the use of horn type loudspeakers within city residential areas and also prohibition on the use of playback of pre-recorded music, etc. through such horn type loudspeakers unless used with sound limiter.

(b) In cultural functions which are live functions, use of such pre-recorded music should not be used excepting for the purpose of announcement and/or actual performance and placement of speaker boxes should be restricted within the area of performance facing the audience. No sound generating device should be placed outside the main area of performance.

(c) Cultural programmes in open air may be held excepting at least before three days of holding Board/Council Examinations to till examinations

are completed in residential areas or areas where educational institutions are situated.

(d) The distance of holding such functions from the silence zones should be 100 metres and insofar as schools, colleges, universities, courts are concerned, they will be treated as silence zones till the end of the office hours and/or the teaching hours. Hospitals and some renowned and important nursing homes will be treated as silence zones round the clock.”

The Supreme Court in the case of **Balwant Singh Vs. Commissioner Of Police And Others, (2015) 4 SCC 801** has again considered the issue relating to noise pollution and another forms of nuisance. The Court held that the disturbance created by the State officials/the police, violates the fundamental right guaranteed under Article 21 of the Constitution of India. The para 25 of the judgment reads as under:

“25. Now so far as the disturbance created by the police/state officials/people at large in the appellant's peaceful living in his house is concerned, in our considered view, they do result in adversely affecting the appellant's right guaranteed under Article 21 of the Constitution as held by this Court in Noise Pollution (5), In re, (2005) 5 SCC 733 and also in Ramlila Maidan Incident, In re (2012) 5 SCC 1. RSHRC and the writ court were therefore justified in entertaining the complaint under the Act and the writ petition under Article 226 of the Constitution of India and in consequence were justified in giving appropriate directions mentioned above while disposing the appellant's complaint/writ petition.”

In the same judgment the Supreme Court has also considered that its earlier directions issued in the **NOISE POLLUTION (V), IN RE (supra)** has not been complied with in letter and spirit. The Court has observed that the direction of the Court under Article 141 of the Constitution is binding on all the authorities. Relevant part of the order reads as under:

“21. We note with concern that though the aforesaid directions were issued by this Court on

18-7-2005 [Noise Pollution (5), In re, (2005) 5 SCC 733] for ensuring compliance with all the States but it seems that these directions were not taken note of much less implemented, at least, by the State of Rajasthan in letter and spirit with the result that the residents of Jaipur City had to suffer the nuisance of noise pollution apart from other related peculiar issues mentioned above so far as the appellant's case is concerned.

22. Needless to reiterate that once this Court decides any question and declares the law and issues necessary directions then it is the duty of all concerned to follow the law laid down and comply with the directions issued in letter and spirit by virtue of mandate contained in Article 141 of the Constitution.

24. We, accordingly, direct the respondents to ensure strict compliance with the directions contained in paras 174 to 178 of the judgment of this Court in Noise Pollution (5), In re, (2005) 5 SCC 733 and for ensuring its compliance, whatever remedial steps are required to be taken by the State and their department(s) concerned, the same be taken at the earliest to prevent/check the noise pollution as directed in the aforesaid directions.”

The Bombay High Court in a PIL of **Dr. Mahesh Vijay Bedekar Vs. The State of Maharashtra and Ors. , (Public Interest Litigation No. 173 of 2010) 2016 SCC OnLine Bom 9422** has elaborately considered the effect of the Noise Pollution and has issued several directions for strict compliance of its directions. It is apt to extract some directions which are material for our purpose.

“102.....
vi) Wide publicity shall be given to the grievance redress mechanism in the manner provided in clause (iv) above before every major festival religious or otherwise;
vii) In addition to the mechanism as provided above, a citizen shall be entitled to lodge oral complaint about the breach of Noise Pollution Rules or Loud Speaker Rules framed in exercise of powers under Section 33 of the said Act of 1951 on telephone number 100. Immediate action shall be taken by the Police on the basis of such oral complaints. The State Government shall direct that the identity of complainants shall

not be disclosed to the wrong doers or any other person even if the identity could be established from the telephone number from which complaint is received. We make it clear that anonymous complaints shall be entertained on the telephone number 100. On receiving complaints, a police officer shall immediately visit the spot and shall forthwith stop illegal use of public address system or loudspeaker or a musical instrument;

viii) On receiving complaint in any form about the breach of Noise Pollution Rules, the Police Officer visiting the site shall record noise level by use of requisite meter which shall be recorded in a panchanama. Adequate number of Machines/equipment to measure noise level shall be always made available by the State. At present total 1853 meters shall be immediately provided. The meters shall be maintained properly and sufficient funds shall be allocated for repairs/maintenance of meters;

xiv) We direct the District Collectors of all the Districts in the State to constitute a team of Revenue Officers not below the rank of Tahsildars for each Municipal Corporation area. The members of the team shall regularly visit the areas within the limits of the Municipal Corporations for a period of 7 days before the date of commencement of the major religious festivals and during the festivals to ascertain whether any temporary booths/structures have been erected on public streets and foot-paths/footways without obtaining permission of the Municipal Commissioners. Any such structure which does not display the permission and material details thereof shall be deemed to be illegal. The members of the team shall be under an obligation to immediately bring to the notice of the concerned Municipal officers/designated officers, the temporary booths erected on streets and foot-paths or footways without obtaining permission of the Commissioners or in breach of the conditions in permissions. The Municipal Authorities shall forthwith take action of removal on the basis of such information. Even the Municipal Corporations shall constitute a team of Officers who will carry out the same task which is entrusted to the Revenue Officers as above. These directions shall be implemented immediately;

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;

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.”

The Bombay High Court has incorporated some directions issued by the Supreme Court in **NOISE POLLUTION (V), IN RE (supra)**.

At this juncture, it is apposite to extract the directions issued by the Supreme Court to all the States and its functionaries for compliance of its directions to control the noise pollution in the country.

The Supreme Court in **NOISE POLLUTION (V), IN RE (supra)** has issued the following directions:

“(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. The 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 pm and 6 am. 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.

III. Vehicular Noise

176. No horn should be allowed to be used at night (between 10 p.m. and 6 a.m.) in residential area except in exceptional circumstances.

IV. Awareness

177. 1. There is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the text-books which teach civic sense to the children and youth at the initial/early level of education. Special talks and lectures be organised in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it. Police and civil administration should be trained to understand the various methods to curb the problem and also the laws on the subject.

2. The State must play an active role in this process. Resident Welfare Associations, service clubs and societies engaged in preventing noise pollution as a part of their projects need to be encouraged and actively involved by the local administration.

3. Special public awareness campaigns in anticipation of festivals, events and ceremonial occasions whereat firecrackers are likely to be used, need to be carried out.

The abovesaid guidelines are issued in exercise of power conferred on this Court under Articles 141 and 142 of the Constitution of India. These would remain in force until modified by this Court or superseded by an appropriate legislation.

V Generally

178. 1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipments 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, categorization of the areas for the purpose of implementation of noise standards, authorizing 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.

179. Though, the matters are closed consistently with the directions as issued above in public interest, there will be liberty of seeking further directions as and when required and in particular in the event of any difficulty arising in implementing the directions.”

As can be seen these directions issued by the Supreme Court are binding under Article 141 of the Constitution all the courts and authorities as well. But we are constrained to observe that in this

State the directions have been completely overlooked. It is indeed a great pity that authorities appears to have developed a tendency to wait a direction from the Government or the Courts to remind their duties cast upon them by the Statute. The Supreme Court in the case of **Delhi Airtech Services (P) Ltd V. State of U.P (2011) 9 SCC 354** has held that—

“42. As far as this Court is concerned, being conscious of its constitutional obligation to protect the fundamental rights of the people, it has issued directions in various types of cases relating to the protection of environment and preventing pollution. For effective orders to be passed, so as to ensure that there can be protection of environment along with development, it becomes necessary for the court dealing with such issues to know about the local conditions. Such conditions in different parts of the country are supposed to be better known to the High Courts. The High Courts would be in a better position to ascertain facts and to ensure and examine the implementation of the anti-pollution laws where the allegations relate to the spreading of pollution or non-compliance of other legal provisions leading to the infringement of the anti-pollution laws. For a more effective control and monitoring of such laws, the High Courts have to shoulder greater responsibilities in tackling such issues which arise or pertain to the geographical areas within their respective States. Even in cases which have ramifications all over India, where general directions are issued by this Court, more effective implementation of the same can, in a number of cases, be effected, if the High Courts concerned assume the responsibility of seeing to the enforcement of the laws and examine the complaints, mostly made by the local inhabitants, about the infringement of the laws and spreading of pollution or degradation of ecology.”

In view of the law laid down by the Supreme Court in above case, we deem it our duty to enforce the law laid down by the Supreme court in the case of Noise pollution and other directions issued by the Court from time to time.

In the ultimate analysis we are of the firm view that the law relating to Noise pollution need to be strictly complied with in larger

public interest. Accordingly in addition to directions issued by the Supreme Court in **NOISE POLLUTION (V), IN RE (supra) ,** we issue the following directions:

(i) The District Magistrate shall give adequate publicity in leading newspapers regarding this direction and Rules, 2000. He shall notify the name of the authority under the Rules, 2000 and his contact number. Detailed notice shall be put up in the offices of Divisional Commissioners, District Magistrates, District Court Premises, Police Stations, Municipal Corporation Offices, Development Authorities Offices and prominent places of the city.

(ii) A toll free number shall be provided to the citizens to make the complaints. If a loudspeaker, public address system, DJ, a Musical Instrument, a sound amplifier or any sound producing instrument is used beyond the permissible limit of sound, a person can make a complaint on telephone number 100 to police or toll free number provided by the authorities. The concerned Police of the area will immediately visit the spot and shall measure the noise level by the equipment (Noise meter application) supplied to it. If it is found that there is violation of Rules, 2000 it will stop the nuisance forthwith and shall inform the appropriate authority regarding complaint and action taken by it. The authority shall take action against offender in terms of Rule 7 of Rules, 2000. The name and identity of the complainant shall not be disclosed to the wrong doer or to any person. Under Rule 7 of Rules,2000 an oral complaint can be made. The facility shall also be made available to send the complaints by SMS, e-mail and WhatsApp. Anonymous complaint shall also be entertained. All the complaints received by the Police under Rule 7 of Rules, 2000 shall be maintained in a register and a copy thereof shall be forwarded to the competent authority. The action taken shall be recorded by the Police in the register.

(iii) Under the Rules, 2000, no permission for DJ shall be granted by the authority for the reason that noise generated by DJ is unpleasant and obnoxious level. Even if they are operated at the minimum level of the sound it is beyond permissible limits under the

Schedule of the Rules, 2000. A DJ is made up of several amplifiers and joint sound emitted by them is more than thousand dB (A). They are serious threat to human health particularly children, senior citizens and patients admitted in the hospitals.

(iv) The team constituted by the District Magistrate shall make regular visit of their area particularly before commencement of any festival and apprise the organizers regarding compliance of the Rules, 2000 and the directions of Supreme Court and this Court.

(v) All places of the worship of all religion shall be bound by the provisions of the Rules, 2000 and directions issued by the Supreme Court and this Court. Any breach of the Rules, 2000 shall be treated to be violation of fundamental right of a citizen.

(vi) The District Magistrate/ Senior Superintendent of Police shall convene a meeting before commencement of festivals like Dussehera/ Durga Puja, Holi, Shab-e-barat, Muharram, Easter and Christmas festival with organizers and representatives of civil society, to impress upon them to observe the law strictly and in the event of failure the legal consequences that may follow.

(vii) Whoever fails to comply with or contravenes any of the provisions of Noise Pollution Rules shall be liable for a penalty in terms of section 15 of the Environment (Protection) Act, 1986. Non-compliance of the rules attracts the imprisonment for a term which may extend to five years and fine which may extend to Rs.1,00,000/-. It is the duty of the authorities of the State to ensure that the offences under Section 15 of the Environment Protection Act are duly registered.

(viii) The State Government is directed to categorize the areas in all the cities of State into industrial, commercial, residential or silence areas/zones for the purpose of implementation of the noise standard in terms of Rule 3 (2) of Rules, 2000. A fresh exercise be conducted in the light of definition provided under Rule 2 (e) and (f) of Rules, 2000. We find that in Prayagraj the zones have been made in breach of the above mentioned Rules.

(ix) The competent authority under the Rules, 2000 and the SHO

/Inspector of concerned Police Station are charged personally with the duty of ensuring compliance of the order of the Supreme Court, extracted above, the Rules, 2000 and this order, failing which they shall be answerable to this Court in contempt jurisdiction. We grant liberty to any aggrieved person to approach this court for appropriate order for compliance of the above order/directions.

A copy of this order be sent to the Chief Secretary, Government of Uttar Pradesh, Lucknow to issue necessary directions to the appropriate authorities accordingly. The compliance report shall be sent to the Registrar General of this Court, who shall place it on the record of this case.

The writ petition is allowed in the above terms.

Dated: 20 .08.2019

MAA/-