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DISTRICT & SESSIONS COURT BALOD



PRESENTATION ON LEGAL FRAMEWORK REGARDING NOISE POLLUTION IN INDIA

Presented By
District & Sessions Court,
Balod.

WHAT IS NOISE POLLUTION ?

- 3Ps – Pollution, Poverty and Population.
- Noise –
 1. Unwanted Sound.
 2. Causes pain and Annoyance.
 3. Adverse Effect on unwilling ears.
 4. Potential Hazard to Health.
- Sec 2 (a) of Air Act 1981 defines – Air Pollution includes Noise.

LEGAL FRAMEWORK REGARDING NOISE POLLUTION IN INDIA

1. Constitution of India.
2. Indian Penal Code, 1860 (Sec 268, 290, 291).
3. Code of Criminal Procedure, 1973 (Sec 133 – 143).
4. Chhattisgarh Kolahal Niyamtran Adhiniyam, 1985.
5. Noise Pollution Regulation and Control Rules, 2000.
6. Supreme Court Judgments.

PROVISIONS UNDER THE INDIAN PENAL CODE, 1860

➤ Sec 268 Indian Penal Code define Public Nuisance:-

“ वह व्यक्ति लोक न्यूसेंस का दोषी है जो कोई ऐसा कार्य करता है या किसी ऐसे अवैध लोप का दोषी है जिससे लोक को या जनसाधारण को जो आसपास में रहते हों या आसपास की संपत्ति पर अधिभोग रखते हों, कोई सामान्य क्षति, संकट या क्षोभ कारित हो या जिसमे उन व्यक्तियों का जिन्हें किसी लोक अधिकार को उपयोग में लाने का मौका पड़े, क्षति, बाधा, संकट या क्षोभ कारित होना अवश्यभावी हो ”

PROVISIONS UNDER THE INDIAN PENAL CODE, 1860

- Sec 290 – Punishment for public nuisance in cases not otherwise provided for. (Fine Rs 200)
- Sec 291 – Continuance of nuisance after injunction to discontinue.
(6 month simple imprisonment or fine or both)

PROVISIONS UNDER THE CODE OF CRIMINAL PROCEDURE, 1973 [S.133-143]

1. Conditional order for removal of nuisance.

- Authority – District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate empowered by the State Government.
- Cognizance – Report of Police Officer or other information.
- Ground – Unlawful obstruction or nuisance should be removed from any public place.
- Conditional Order
 - To remove such obstruction or nuisance;
 - On objection – To appear and show cause.
- No challenge before Civil Court.

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PROVISIONS UNDER THE CODE OF CRIMINAL PROCEDURE 1973.

2. Person directed to obey the order:-

- Should perform the act, or;
- Appear and show cause.

3. Consequences of failure:-

- Punishable u/s 188 IPC.

(Simple imprisonment of 1 month or Rs 200 fine or both / 6 month or Rs 1000 fine or both).

- Order to be made absolute.

cont...

PROVISIONS UNDER THE CODE OF CRIMINAL PROCEDURE, 1973

3. Procedure where he appears to show cause:-
 - Order made absolute with or without modification;
 - No further proceeding.
4. Procedure on order being made absolute and consequences of disobedience.
5. Injunction Pending Inquiry.
6. Magistrate may prohibit repetition or continuance of public nuisance.

Thank You

