

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-736-CWP-2022 in/and
CWP No.18399 of 2020 (O&M)
Date of Decision :22.09.2022

Tajinder Singh and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Munish Jolly, Advocate for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Sarthak Gupta, Advocate for respondents No.4 to 6.

Mr. Surinder Pal, Advocate for respondents No.7 and 8.

Mr. P.C.Chaudhary, Advocate for the applicants.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

CM-736-CWP-2022

This application has been filed by the co-owners claiming that the property in question is, in fact, a Dharamshala, but the same has been converted into a Gurudwara by respondent No.7, with the connivance of co-owners-respondent No.8 and, therefore, they be impleaded as party in the present petition.

As the aforesaid issue does not arise for consideration in the present lis, this Court is not required to go into any such question or examine the *inter se* dispute of the applicants and respondents No.7 and 8. Accordingly, the application is dismissed with liberty to the applicants to take up the other remedies, available to them, under law.

CWP No.18399 of 2020

This petition has been filed seeking implementation of the

decision dated 22.07.2019, rendered by this Court in **Reet Mohinder Singh Vs. State of Punjab and others (CWP No.6213 of 2016) 2019(5) RCR (Civil) 580**, wherein this Court by relying upon the decision of the Supreme Court in the case of **Anirudh Kumar Vs. Municipal Corporation of Delhi and others 2015(7) SCC 779**, had issued the following directions:-

- i) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that no loudspeaker or public address system shall be used by any person including religious bodies in Temples, Mosques and Gurudwaras without written permission of the authority even during day time, that too, by getting an undertaking that the noise level shall not exceed more than 10dB(A) peripheral noise level.
- ii) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that the loudspeaker, public address system, musical instrument and sound amplifier are not played during night time except in auditoria, conference rooms, community halls, banquet halls as per norms laid down under the Noise Pollution (Regulation and Control) Rules, 2000.
- iii) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that loud speakers or public address systems are not used between 10.00 p.m. to 6.00 a.m., except between 10.00 p.m. to 12.00 midnight during any cultural or religious festive occasion of a limited duration not exceeding 15 days in all during a calendar year, that too, the noise level shall not exceed 10dB(A) above the ambient noise standards for the area. 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 5dB (A). The authority concerned shall keep on visiting and monitoring at the public places, private places, auditoriums, conference rooms, community halls, banquet halls, temples, mosques and Gurudwaras to ensure due compliance of the Rules.

iv) We direct all the Senior Superintendents of Police/Superintendents of Police in the States of Punjab, Haryana and Union Territory, Chandigarh to ensure that no horn shall be blown in silence zone or during the night time between 10.00 p.m. to 06.00 a.m. in residential areas except during public emergency. No sound emitting construction equipments shall be used or operated during the night time between 10.00 p.m. to 06.00 a.m. in residential areas or silence zone. The pressure horns are banned throughout the States of Punjab, Haryana and Union Territory, Chandigarh. The violators of the Rules be penalized under the Rule 6 of the Noise Pollution (Regulation and Control) Rules, 2000.

v) All the Senior Superintendents of Police/Superintendents of Police and Deputy Superintendent of Police in the States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that motorcycles throughout the States of Punjab, Haryana and Union Territory, Chandigarh are duly fitted with silencers to avoid noise pollution and menace.

vi) No person, throughout the States of Punjab, Hayana and Union Territory, Chandigarh, shall carry any fire-arm to a fair, religious procession/ marriage procession or other public assemblage or within the campus or precincts of any educational institution.

vii) The Licensing Authorities are also directed to ensure that no licence is issued to any person, who has not completed the age of 21 years.

viii) No licence shall be issued to a person who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for [any term] at any time during a period of five years.

ix) No licence shall be issued to a person who has been ordered to execute under Chapter VIII of the [code of Criminal Procedure, 1973 (2 of 1974)], a bond for keeping the peace or for good behaviour, during the term of the bond.

x) The Director General of Police in the States of Punjab, Haryana and Union Territory, Chandigarh, are directed to

ensure that no songs are played glorifying the liquor, wine, drugs and violence in any song even in live shows.

xi) The States of Punjab, Haryana and Union Territory, Chandigarh are also directed that no child below the age of 12 years is permitted to enter cinema halls/multiplexes, where “A” certificate films are screened.

xii) The District Administration is directed to ensure that nude posters, semi-nude posters, obscene posters should not be fixed/ displayed in any district near the educational institutions in the States of Punjab, Haryana and Union Territory, Chandigarh.

xiii) The Deputy Commissioners in the States of Punjab, Haryana and Union Territory, Chandigarh, are directed to ensure that no loudspeakers are permitted 15 days before the annual examinations and during the course of examinations.

xiv) The recommendations made by the Committee constituted by this Court are ordered to be implemented in letter and spirit for proper enforcement of law.

xv) The District Magistrates/ Senior Superintendents of Police/ Superintendents of Police of each district shall be personally responsible to ensure due compliance of the directions issued hereinabove.

Learned counsel for the petitioners submits that though the copy of the order was sent to all the authorities in the States of Punjab, Haryana as well as UT Chandigarh, for its implementation and compliance, but the authorities are not taking any action against respondents No.7 and 8, who are violating the directions of this Court by playing the loudspeakers beyond the permissible decibel limit during the midnight. This Court, to verify the submissions of learned counsel for the petitioners, had called for a report from the Environmental Engineer, Punjab, Pollution Control Board, Regional Office, Sangrur. A report dated 05.12.2020, has been submitted by

the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Sangrur, in a sealed cover and the same is opened in the Court, today.

At this stage, learned counsel appearing for respondents No.7 and 8 submits that they shall duly comply with the directions and order issued by this Court and undertake to ensure that henceforth, loudspeaker would not be played, and if required, would be played within the permissible decibel limit and time, as prescribed by law.

Learned Assistant Advocate General, Punjab, submits that they shall also comply with the directions and order issued by this Court and would monitor the activity of respondent Nos. 7 and 8. In case, it is found that they are violating the directions issued by this Court or the law relating to noise pollution, criminal law would be immediately set into motion against them.

In view of the statements/undertaking of the learned counsel for the parties, the petition stands disposed of, in terms thereof.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.09.2022
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No