

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**COCp-326-2020 (O&M)
Date of decision: 19.04.2023**

Panditrao Dharenavar

...Petitioner

Versus

Dinkar Gupta and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Shubham Goyal, Advocate as Legal Aid Counsel
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges violation of the judgment dated 22.07.2019, passed by this Court in CWP-27011-2016, vide which, the following guidelines were issued:

“28. Accordingly, the writ petitions are disposed of with the following mandatory 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

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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. m. The pressure horns are banned throughout the States of Punjab, Haryana and Union Territory, Chandigarh. The violators of the

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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.

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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...”

The petitioner has placed on record a Pen Drive with reference to an event, which was held in the evening of 31.12.2019 at Forest Hill Resort, Mohali, wherein, on Punjabi singer, namely Karan Aujla had sung some songs, which according to the petitioner, are in violation of the aforesaid guidelines, issued by this Court.

The petitioner submits that he has given a complaint(s) to SSP, SAS Nagar, SHO, Nayagaoun as well as DGP, Punjab through email with reference to songs “*Mitra nu shauk hathiyara da;* and *chitta kurta*”, which

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were sung by Karan Aujla on the said date.

Learned counsel for the petitioner submits that since the event was organized by on the last evening of the said year, certain songs, glorifying the weapons, wine etc., were sung by said singer, which amounts to supporting the gangster culture in the States of Punjab and Haryana and Union Territory Chandigarh.

Reply, filed by the Additional Chief Secretary to Govt. of Punjab, Department of Home Affairs and Justice, is on record. As per reply, it is stated that in compliance of the aforesaid directions, passed by this Court, a circular has been issued on 06.09.2019 and further again on 22.07.2019, directing all the concerned Punjab police officials to ensure meticulous compliance of directions, issued by this Court.

It is further stated in reply that the office of the Director, Bureau of Investigation, Punjab has collected information, in which it is reported that an FIR No. 2 dated 03.01.2021 has been registered under Sections 500, 501, 502, 505, 115, 116, 120-B of the IPC at Police Station Civil Lines, Patiala against one accused namely Pawandeep Singh @ Shree Brar, who was arrested on 05.01.2021. It is further stated that even with regard to control the noise pollution, the police officials have been sensitized to ensure meticulous compliance of the aforesaid directions and take appropriate action under Noise Pollution (Regulation and Control) Rules, 2000.

On a Court query, learned counsel for the petitioner could not dispute that the petitioner has not highlighted any such or similar subsequent event, after the event of 31.12.2019.

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In view of the above, the present petition is rendered infructuous.

Rule stands discharged.

The petitioner is granted liberty to revive the present petition, if so required.

19.04.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No