

*Esha***IN THE HIGH COURT OF BOMBAY AT GOA****CONTEMPT PETITION NO. 12 OF 2023
IN****PIL WRIT PETITION NO. 7 of 2021**

SAGARDEEP SIRSAIKAR (DISCHARGED)

DESMOND ALVARES

... PETITIONER

Vs.

STATE OF GOA, THR. ITS CHIEF

SECRETARY & 18 OTHERS

... RESPONDENTS

WITH**MISC. CIVIL APPLICATION NO. 2876 OF 2023 (F)****IN****CONTEMPT PETITION NO. 12 OF 2023**

DARSHAN BHATIA

... APPLICANT

Vs.

STATE OF GOA, THR. ITS CHIEF

SECRETARY & 8 OTHERS

... RESPONDENTS

WITH**CONTEMPT PETITION NO. 1909 OF 2022 (F)****IN****PIL WRIT PETITION NO. 876 OF 2022 (F)****WITH****MISC. CIVIL APPLICATION NO. 984 OF 2023 (F)****IN****CONTEMPT PETITION NO. 1909 OF 2022 (F)**

ARNOLD D'SA

... PETITIONER

Vs.

MAMU HAGE

... RESPONDENT

WRIT PETITION NO. 412 of 2024

JAWISH LAWRENCE MONIS

... PETITIONER

Vs.

STATE OF GOA, THR. ITS CHIEF

SECRETARY & 9 OTHERS

... RESPONDENTS

Mr. Nigel da Costa Frias, Amicus Curiae.

Mr. Nigel da Costa Frias with Mr. Savio Misquita, Advocates for
the Applicant in MCA No. 2876 of 2023 (F).

Mr. Roger Roy D'Souza, Advocate holding for Mr. Gauresh R. Malik, Advocate for the Petitioner in WP No. 412 of 2024.

Mr. Devidas J. Pangam, Advocate General with Mr. Prashil Arolkar, Additional Government Advocate for Respondent-State.

Mr. Manish Salkar, Government Advocate for the GSPCB.

Mr. B. Fernandes with Mr. Sagar Rivankar, Advocates for Respondent No.12 in CP No. 12 of 2023 and for Respondent No. 10 in WP 412 of 2024.

Mr Kapil Kerkar, Advocate for Respondent No.13.

Mr Pankaj Shirodkar, Advocate for Respondent No.14.

Mr. Dattaprasad D. Lawande with Mr. Jay Mathew and Mr. Pradosh Dangui, Advocates for Respondent Nos. 15 and 18.

Mr. Naushad Engineer, Senior Advocate with Mr. Venkatesh Dhond and Mr. Alphy D'Souza, Advocates (through V.C.) for Respondent No. 16.

**CORAM: BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED: 23rd JULY 2025

P.C:

1. Contempt Petition No. 12 of 2023, allege disobedience of the directions issued in PIL Writ Petition No. 7 of 2021, in relation to the implementation of the Noise Pollution (Regulation & Control) Rules, 2000, which impose prohibition on playing of loud music after 10:00 p.m. and the strict implementation of the provisions of Environment (Protection) Act, 1986 read with the Environment (Protection) Rules 1986 and the Noise Pollution (Regulation & Control) Rules, 2000.

2. The Division Bench, on 15.12.2021, had issued certain directions with an intention to regulate/curb/control noise pollution. Similarly, it directed action/steps to be taken by various authorities including night patrolling, foot patrol, surprise raids and checks to be conducted on regular basis, deployment of flying squad, constitution of noise monitoring committees and review committees and most important, commencing of public awareness programmes along with media coverage to create awareness to some of the situations that were offered in the order for its implementation.

3. As and when a grievance was made about the non-compliance of the directions of the Court, this Court took cognizance and the Contempt Petition filed alleging disobedience of the order on various counts is accompanied with the complaint preferred via WhatsApp as well as the physical complaint tendered along with a copy of it and the C.D. The whole attempt of the Petitioner is to point out to the Court that there is a willful and deliberate violation of the order dated 15.12.2021 and to take appropriate action to punish the Contemnors.

During the course of the hearing of the PIL Writ Petition, several orders have been passed and compliance has been sought from distinct Authorities, when on some of the occasions, the Authorities were asked to explain as to why expeditious action was not initiated upon the complaints having been received and the

superiors were directed to issue show cause notices to the Officers. Resultantly, show cause notices were also issued by the Goa State Pollution Control Board (GSPCB) in respect of some of the Respondents, and the responses have been received.

4. In any case, the saga is unending as we find that complaints are filed during festivities particularly, diwali festival, in case of conduct of big scale functions, arranged on large scale, feast and cultural events, which involve outdoor parties, gatherings, competitions by using amplified sound system, lighting of fireworks which has propensity to cause disturbance and inconvenience to the senior citizens, children and the ailing.

For a considerable length of time, whenever such grievances were brought to the notice of the Court, its cognizance was taken and some solution was offered by contemplating an action against the violators.

However, after lapse of more than 2½ years since the Contempt Petition is filed, we clearly express that we were of the view that the proceedings should be put to an end and for that purpose, we requested Mr. Nigel Costa Frias, Amicus to compile his suggestions, which would in long term curb and control the noise pollution, in tune with the directions issued by this Court in its judgment and order dated 15.12.2021 passed in PIL Writ Petition No. 7 of 2021. In accordance thereof, the suggestions given by the Amicus, are placed before us, and we had directed

that they should receive consideration on different fronts, specifically with the GSPCB.

Mr. Salkar, representing the GSPCB, on deliberation of the suggestions with the Officers, has given consensus for the suggestions being implemented as per the directions of this Court.

5. The suggestions placed on record by the Amicus Curiae with its modified form as suggested by Mr. Salkar are accepted and we reproduce the same in our order, to receive the status of directions of the Court, which read to the following effect:-

“A. The Goa State Pollution Control Board to ensure that all establishments which are granted consent to operate open air restaurants and event venues under the relevant statutes and rules, install the online noise monitoring systems and that these systems are functional at all times.

B. Continuous monitoring of these systems to be done by the Goa State Pollution Control Board to ensure that the music is played within the permissible decibel limits as per the Noise Pollution Rules 2000 and that no amplified music is played at any establishment beyond the stipulated time of 10 pm.

C. Any violation is to be acted upon by the Goa State Pollution Control Board by suspension/revocation of the consent to operate and it is to be also reported to the licensing authority under the Noise Pollution Rules 2000 for appropriate action.

D. The Goa State Pollution Control Board and Department of Environment shall map the establishments and residential area and thereafter determine the location for installation of noise monitoring meters to attend its source and the residential areas, which are expected to be within the periphery of the establishment and shall not be installed in an enclosure.

E. The learned Advocate General has tendered a report by the Superintendent of Police (North) pursuant to the Order dated 04.02.2025 passed by this Hon Court. The suggestive measures indicated in the report are as under:

- i. All establishments may be directed to maintain a backup of CCTV footage for a minimum of 30 days.
- ii. All establishments should ensure that the CCTV footage being recorded is kept both in hard disk and also should be backed online on a cloud based platform.
- iii. All establishments should be directed to ensure that proper power backup is provided to the CCTV cameras.
- iv. Directions may be issued to all establishments to submit a Weekly report to the concerned local Police Station regarding the functionality of their CCTV cameras. The same be placed before the District S.P.
- v. All Licensing Authorities should make it mandatory in their conditions that all establishments should have proper CCTV coverage, both inside and outside with proper backups.

F. These measures suggested by the Superintendent of Police (North) as recorded in the order dated 18.03.2025 be accepted and implemented forthwith.

G. The CCTV footage should be made available to the Police, the Pollution Control Board and the licensing authority under the Noise Pollution Rules 2000 for the purpose of any inquiry or investigation.

H. With regard to EDM's and other open air parties/ events the action plan formulated by the Government of Goa dated 21.12.2023 for the Sunburn event needs to be implemented and enforced for all such events throughout the State.

I. In addition, the following steps and measures could be enforced and implemented for long term regulation and control of Noise Pollution.

i. The Village Panchayats to ensure that all commercial establishments such as Bars/ restaurants/event venues, particularly those with open air seating/facility should be registered with the Panchayats and have all required clearances such as consent from the State Pollution Control Board, the permission to play amplified music from the sub-divisional magistrate under the Noise Pollution Rules, etc.

ii. Any such establishment found violating the rules and regulations should be issued closure orders immediately and appropriate action to be taken against the proprietors, managers in accordance with law.

iii. A register of repeated violators should be maintained by the Village Panchayats, the SDM's and the State Pollution Control Board and these establishments should be denied permission to hold any events and permissions to play amplified music.

iv. The authorities should consider not permitting holding of EDM's and late night parties/events in open air areas located in residential zones so as to avoid disturbance and nuisance to the residents. The citizens under Article 21 of the Constitution of India are

guaranteed a clean and healthy life, which would include the right to enjoy and live their lives in peace and harmony without being affected by noise and noise pollution. It is the duty of the state to ensure these fundamental rights of the citizens are protected at all cost. The right of a citizen to do business and conduct his/her trade cannot compete with the fundamental right of the rest of the citizens to a healthy and noise free life, the latter must prevail over the former.”

6. The aforesaid directions/suggestions shall be circulated to all the concerned and we request the learned Advocate General to serve a copy of the same upon the Chief Secretary of the State of Goa, who shall then circulate it to the Collectors, Deputy Collectors and Sub-Divisional Magistrates as well as the Superintendent of Police of both the Districts, Deputy Superintendent of Police and the Sub-Divisional Police Officer. Since the Village Panchayats at the ground level are the implementing agencies for the said norms, we expect the Director of Panchayats to circulate the directions of this Court to each Village Panchayat for its implementation.

We hope and trust that with the aforesaid directions issued by us, which shall be read with the supplementing directions issued by this Court on 15.12.2021 in PIL Writ Petition No. 7 of 2021 and shall be abided by all concerned, and we expect cooperation of the different wings of the Government, including the Village Panchayats.

7. At this stage, we would like to record our appreciation for Mr. Desmond Alvares, the Contempt Petitioner, who has brought to us various instances from time to time, resulting in violations of the directions issued by this Court. Dottingly, he had marked his appearance on every date of hearing of the Contempt Petition, and today also, he is present before the Court with certain suggestions in the form of an action plan to tackle the noise pollution.

We are sure that it is the persistence of Mr. Desmond Alvares, to make a society a better society to live in, and since throughout the proceedings, we found that he was genuinely interested in curbing the noise pollution at every level, and the suggestions given by him are also taken on record and marked 'X' for identification.

We also direct these suggestions to be circulated to the GSPCB through Mr. Salkar, and we expect that the Authorities shall take these suggestions in a positive manner and make every effort to adhere to the same.

8. At this stage, we must make mention of suggestion no. 1 in the action plan suggested by Mr. Alvares that every hotel, guest house, lodging, restaurant and in short, every establishment playing music shall display a board which make use of its location in open air while using sound amplifiers, shall display the warning as regards the maximum decibels which are permitted in the said

area and also indicate that any violation of the noise levels resulting into pollution will call for penalty.

Mr. Salkar readily agree that necessary instructions to that effect shall be issued by the GSPCB for its effective implementation.

9. We also express our deep appreciation to the learned Amicus, Mr. Nigel Costa Frias for his able assistance rendered in the matter in our attempt to implement the Noise Pollution Regulation and curb the pollution in the State of Goa.

10. With the aforesaid directions, we dispose of the Contempt Petitions as well as the pending Miscellaneous Civil Applications along with Writ Petition No. 412 of 2024.

NIVEDITA P. MEHTA, J. BHARATI DANGRE, J.