

No. 2798-5/PPCC/NGT/NP/AP/2020/847
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
PUDUCHERRY POLLUTION CONTROL COMMITTEE
III FLOOR, PHB BUILDING, ANNA NAGAR, PUDUCHERRY - 5.
Telephone: (0413) 2201256 Telefax: (0413) 2203494

OFFICE MEMORANDUM


28 OCT 2020

Sub: PPCC - Hon'ble NGT order in OA No. 519/2016, Hardeep singh vs SDMC and Ors dated 11.08.2020 and in OA No.681/2018 "News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15" vide orders dated 15.03.2019, 06.08.2019, 20.11.2019, on various aspects and directed to prepare an action plans and monitoring mechanism for prevention and control of Noise Pollution - Enforcement of the Environmental Compensation - Reg.

Ref: Minutes of the 168th PPCC meeting dated 10.09.2020.

The Hon'ble NGT in OA 519 of 2016 and in OA 681 of 2018 has accepted the Central Pollution Control Board (CPCB) proposed scale of **Environmental compensation for Enlishment of Violation of Noise Rules and their respective Scale of Compensation**. The scale of compensation for the nature of violation was placed in the 168th PPCC meeting for decision making and the committee after due deliberation decided to adopt the scale of compensation proposed by the CPCB for the violation of the Noise Rules, 2000.

All the concerned officials of the DSTE and PPCC are hereby directed to adopt the scale of compensation prescribed by the CPCB while enforcing / implementation of the Noise Pollution (Regulation and Control) Rules, 2000 and for addressing the violation of the said rules.


(SMITHA. R, I.A.S.)
Member Secretary
PPCC

Encl: (i) The minutes of the PPCC meeting.
(ii) The scale of Environmental compensation prescribed by CPCB.

To

1. Scientist-II, DSTE
2. Scientist, PPCC.
3. Assistant Environmental Engineer, PPCC
4. Junior engineer - I, DSTE.
5. Junior engineer - II, DSTE.
6. Junior Scientific Assistant I- DSTE.
7. Junior Scientific Assistant II- DSTE.
8. Junior Scientific Assistant, PPCC.

For information and necessary action.

Copy to:

1. Senior Scientific Officer
2. Senior Environment Engineer
3. Scientist -I DSTE
4. Environmental Engineer
5. Scientific Officer
6. PA to Chairman-cum-Member Secretary.
7. Standing Guard File.

For information please.

**MINUTES OF THE 168th MEETING OF PUDUCHERRY POLLUTION CONTROL
COMMITTEE HELD THROUGH VIDEO CONFERENCE ON 10.09.2020 AT 4.00 P.M.
IN THE CONFERENCE HALL OF PUDUCHERRY POLLUTION CONTROL
COMMITTEE, PUDUCHERRY**

Rules within six months, considering the institutional requirement of the SPCB and the law laid down by statute by this court and as per the reports of various committees and authorities to ensure that suitable professionals and experts are appointed to SPCB. Central Pollution Control Board (CPCB) in respect of the above said Orders is insisting to frame appropriate Recruitment Rules for the post of Chairman and Member Secretary and reconstitute PPCC accordingly.

The Committee after due deliberations decided to accord clearance to create one post of Chairman (Group-A, Non-Gazetted, Non-Ministerial, Technical) in Level 13 of Pay Matrix in PPCC as per the qualification as stipulated by Hon'ble Supreme Court, Hon'ble NGT and CPCB for compliance and with the approval of the Government.

General Agenda Item No. 2: Adopting the guidelines prescribed by CPCB on periodicity of inspections and increase in frequency with regard to 'Highly polluting 17 category, Red category, Orange category and Green category industries in the U.T. of Puducherry'.

The Committee discussed the proposal in detail and noted that Hon'ble NGT in its Order dated 05.11.2019 in O.A. No. 639/2018 has directed the inspection schedule with periodicity to be adopted by all the SPCB/PCCs.

The Committee after due deliberations decided to adopt the guidelines on periodicity of inspections as prescribed by the Hon'ble NGT and CPCB for compliance as given below:

Sl.No	Category	Periodicity
1	Highly polluting 17 Category	3 months
2	Other Red Category	6 months
3	Orange Category	1 year
4	Green Category	2 year
5	CBWTF/CHWSRDF/ CMSWTFD/CETP/ETP/ STP	3 months.

General Agenda Item No.3: Enforcing the Environmental Compensation for the violators of the rules, standards stipulated under the Noise pollution (Regulation and Control) Rules, 2000 and its amendments.

The committee heard the proposal and decided to implement / enforce Environmental Compensation for the violations of the rules, standards stipulated under the Noise pollution (Regulation and Control) Rules, 2000 and its amendments in the U.T of Puducherry through authority concerned under the said Rules.

The committee also agreed to adopt the modification / guidelines prescribed by NGT/Central Pollution Control Board (CPCB).

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 681/2018

News item published in "The Times of India" Authored by Shri Vishwa
Mohan titled **"NCAP with multiple timelines to clean air in 102
cities to be released around August 15"**

Date of hearing: 21.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Raj Kumar, Advocate for CPCB
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Ardhendu Prashad for MoRTH (in OA 773/2018)

ORDER

S. G27 No.	CONTENT	PARA No.
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I. The Issue: Remedial Action for air pollution in 122 Non-Attainment Cities (NACs)

1. This order is being passed in continuation of order dated 20.11.2019 on the subject of remedial measures to be adopted to enforce

submitted by the States. The States/UTs may address the gaps communicated by the CPCB with respect to the action plans and the States/UTs which have not yet furnished their action plans may do so positively by 31.12.2020.

We may note that in the context of Delhi, the issue of noise pollution has been dealt with by this Tribunal separately vide order dated 11.08.2020 in *Hardeep Singh & Ors. v. SDMC & Ors.*, OA 519/2016. The Tribunal approved the report of the CPCB dated 12.06.2020 laying down regime of compensation for violation of noise pollution norms as follows:

“Table 1: Enlishment of Violation of Noise Rules and their respective Scale of Compensation.

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1.	USE OF LOUD SPEAKERS/PUBLIC ADDRESS SYSTEM¹ (Clause 5(1)-5(2), 6(i,ii,iii and v) ¹⁻⁵	₹ 10,000	Seizure
2.	VIOLATION WRT GENERATOR SETS NORMS (standards attached as Annexure - IV to VI)		
a)	DG sets more than 1000 KVA	₹ 1,00,000/-	Sealing of DG sets
b)	DG sets 62.5 to 1000 KVA	₹ 25,000/-	
c)	DG sets upto 62.5 KVA	₹ 10,000/-	
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENT	₹ 50,000/-	Seizure/ Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv)⁷⁻⁸		
4(1)	Violation by Individual/Household	Residential / Commercial/ Mixed Zone Silence Zone 1,000	Silence Zone 3,000
4(2)	Violation during	10,000	20,000
			Fine to be paid by

	Possession a. Public Rallies b. Baraat during marriage Religious event			Organizer
4(3)	First Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions	20,000		Fine to be paid by Organizer and Owner of the place.
4(4)	Second Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function	40,000		
4(5)	More than Two Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function	1,00,000 and action under EP Act.		Sealing of Premises

Note:

1. *Clause 5(1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.*
2. *Clause 5(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. *Clause 6 (1) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.*
4. *Clause 6(ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.*
5. *Clause 6(iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.*
6. *Clause 5(A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones*
7. *Sound emitting fire crackers shall not be burst in silence zone or during night time in each zone;*
8. *As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers:*
Diwali: 8 pm to 10 pm
Gurpurb: - 4am to 5 am and 9 pm to 10 pm
New year and Christmas: 11.55 P.M to 12.30 A.
9. *It may be noted that imposition of fine for notification of Rule 5A(1) falls within the purview of Motor Vehicle Rules, 2019"*

The Tribunal also directed strict monitoring at ground level for protection of public health and environment to be overseen at higher levels in the administration.

21. With regard to evaluation of existing AQMS, CPCB sought information from the States and after analyzing the same, suggested as follows: