



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 15385 of 2021

Noise Pollution Thru Modified Silencers Suo Moto

.....Petitioner(s)

Versus

State Of U.P. And Ors.

.....Respondent(s)

Counsel for Petitioner(s) : Suo Moto, Akanksha Dubey, Gaurav Mehrotra

Counsel for Respondent(s) : C.S.C., A K Verma

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE MANJIVE SHUKLA, J.

1. Affidavit of compliance filed on behalf of the State is taken on record.
2. Affidavit of compliance, as also personal affidavit filed on behalf of opposite party no. 3 are taken on record.
3. These proceedings were registered on a reference by a learned Single Judge of this Court, Suo Motu and in public interest way back in 2021 and are going on since then.
4. We have heard the counsel for the Pollution Control Board as also Shri Sanjeev Kumar Singh, its Member Secretary. While some data has been brought on record along with affidavit, which has been filed today along with an application for taking the same on record. We find that such data, which is collected and compiled, is required to be published. On being asked, Shri Sanjeev Kumar Singh informed that it is published on the portal of the Pollution Control Board. The question is who takes cognizance of this data and what further action, if any, is taken by any other stakeholder who may have a role to play in curbing the menace of noise pollution. Merely putting it up on the web portal may not be of any use if, nobody else, that is, no other department or stake-holder, is taking cognizance of it. Ideally, this data should be sent to the concerned department, whether it be of the State or the Central Government, so that it can be acted upon and be useful for further action to ameliorate the

aforesaid menace.

5. Beside the aforesaid, we find that it is also the duty of the Board under Rule 4 (3) to formulate measures devised for effective prevention, control, and abatement of noise pollution but we do not find anything mentioned in the affidavit filed on behalf of the Board today nor in any document annexed therewith, at least none has been pointed out to us as to what are the measures, if any, devised for the aforesaid purpose.

6. Prima facie, we are not satisfied with the role of the Pollution Control Board in curbing the menace of noise pollution.

7. Shri Sanjeev Kumar Singh, Member Secretary, suggested that a better affidavit would be filed, bringing on record requisite pleadings and documents, if the same exist.

8. The better affidavit by the Board should also throw some light on the causes of noise pollution.

9. At this stage, it is just a suggestion that after discharging its obligations under the relevant Acts and Rules, the Board should communicate the result of collection and compilation of data to the concerned departments, whether of the State or Central Government, suggesting measures which it may have devised for effective prevention, control and abatement of noise pollution, only then any results will come to the fore, otherwise, it will be nothing but a purely administrative and academic exercise at best, which would be of no use.

10. We also expect the Board to take into consideration the submission made by the learned Amicus at the Bar that in view of the averments made in paragraph no. 10 of the counter affidavit of the Board as served upon him, he submitted a complaint on the portal as referred in paragraph no. 10-B of the Board's counter affidavit but no complaint number was generated. The helpline icon was also inoperative. We expect the Board to look into these aspects.

11. During the course of hearing, as a result of our interaction with the Transport Commissioner, Ms. Kinjal Singh, what came out is that the

transport officials try to check fitting of modified silencers, pressure horns and hooters in private vehicles at the garages and workshops and by inspecting the same to find out as to whether they are being used illegally, but they do not have the power to check the sale of such equipment at the shops where they are being sold.

12. We asked Shri Shailendra Kumar Singh, learned Chief Standing Counsel as to which department is responsible for checking or preventing the sale of such equipments at the relevant shops, but we could not get an answer.

13. We also asked the learned Chief Standing Counsel as to who is responsible for preventing manufacturing of such equipment, as, in view of the provisions contained in Section 52 of the Motor Vehicles Act, 1988, no owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer, subject to the proviso mentioned therein, we did not get any answer as to which department will prevent the manufacturing of such equipments and what mechanism is in place as of now to prevent such manufacture and sale.

14. No doubt, a Committee has been constituted by the Principal Secretary, Transport, Government of U.P. vide G.O. dated 11.02.2022, a copy of which is annexed as annexure no. 8 to the counter affidavit filed by the Transport Commissioner, however, on a reading of it, the reference of the said committee is not very clear, as to, what it is expected to do. We would like to have a better affidavit from the Principal Secretary, Transport himself as to what mechanism has been developed by the said Committee, what measures have been put in place to prevent noise pollution on account of use of modified silencers, pressure horns and hooters in the private vehicles and other such illegal measures. The affidavits should be filed before the next date. The said Committee was reconstituted by G.O. dated 20.02.2023 in reference to our order dated 06.10.2023.

15. The Chief Standing Counsel shall address the aforesaid issues on the next date.

16. Ms. Kinjal Singh has also informed us that, for example, in Lucknow Police Commissionerate/Municipal Corporation, there are three Enforcement Officers with four Constables with each Enforcement Officers and three interceptor vehicles, which are used to intercept vehicles to check noise pollution. Apparently, three vehicles and only so many officers and employees for entire Lucknow, is inadequate, therefore, technology has to be pressed into service. There may be limitations to employing manpower to check noise pollution especially when it comes to noise pollution by vehicles which are on the move. One of the suggestions made by the learned Amicus is with regard to use of noise cameras. Ms. Kinjal Singh, as of now, was not aware about it, but the State authorities should explore this suggestion of the learned Amicus as to whether there are noise cameras available or can be procured, if so, whether it would be feasible to deploy them at suitable places so that noise pollution with which we are concerned, is checked.

17. She also informed that there is an Integrated Traffic Management System (I.T.M.S.), which is operated by the Nagar Nigam officials and employees of the Nagar Vikas Department, which has installed cameras at suitable places for checking speed by vehicles, etc.

18. Let the Additional Chief Secretary, Nagar Vikas Department be impleaded by the office as an opposite party in these proceedings in public interest, who shall file his own affidavit after going through the orders passed by us earlier as well as this order.

19. Shri Shailendra Kumar Singh, learned Chief Standing Counsel shall apprise him of the issues involved herein so that a proper affidavit with regard to the role which is being played by the Nagar Vikas Department in curbing noise pollution and the role which it can play in future effectively, comes out in the affidavit clearly.

20. During course of hearing, it also came out that Transport Department primarily challans the private vehicles using modified silencers, pressure horns and hooters violating noise pollution norms, compounding also takes place, there is also a provision as informed by Ms. Kinjal Singh, for imprisonment, but the said provision is rarely exercised.

21. Learned Amicus has pointed out that not only the aforesaid but even licenses can be suspended and cancelled if repeated offences are being committed and there are provisions in support of his suggestions. Registration of the vehicle can also be suspended and cancelled, if there are repeat offences. If it so, then the concerned authorities should look into implementing these provisions regarding cancellation of licenses and registrations or their suspension as the case may be depending upon the facts of the case. We would like to have relevant data in this regard on the next date.

22. The data which has been brought on record by the Transport Department as of now does not appear to be adequate, nor does it point towards effective measures being taken to curb noise pollution based on the aforesaid. For example, for the entire last year, only twenty five challans took place in the entire State of U.P. for use of modified silencers. The Transport Commissioner should look into these aspects, so that special drives are undertaken on a regular basis to curb the menace.

23. We must add that in the garb of such exercise, unnecessary harassment should not be caused to vehicle owners or those who are buying vehicles, but efforts should be made that they are made aware of the problem and are sensitized with respect to the menace of noise pollution and it is curbed in accordance with law, effectively.

24. As regards awareness, Ms. Kinjal Singh suggested that she will ensure that a meeting with garage owners and workshop owners is convened so as to persuade them not to indulge in fitting of prohibited modified silencers, pressure horns and hooters in private vehicles. This is a welcome suggestion, in fact, it should have been done much earlier.

25. Learned Amicus has made certain suggestions regarding awareness, which are on record. Copies of the said suggestion are available with the learned Chief Standing Counsel. He should communicate the same to the Transport Commissioner, Director of Traffic and the Director General of Police, U.P. for taking them into consideration on the point of awareness and implementing them as far as possible and feasible. Such awareness can be spread through social media, print media etc. and by putting

hoardings at suitable and prominent places in a city. In fact, all these suggestions should be brought to the notice of the Committee which has been constituted by the Principal Secretary, Transport as referred hereinabove and, under the guidance and supervision of the Committee, the concerned departments should co-operate and put in place measures for curbing noise pollution. Suggestions can be made by the Transport Commissioner and other stake-holders to the Committee and *vice versa*.

26. Learned Amicus has invited our attention to an affidavit filed on behalf of the State, wherein, action taken by the Committee constituted by the Principal Secretary Transport at that time, keeping in mind the suggestions of the learned Amicus, have been mentioned, however, in this regard it is not known as to what has happened after 2022.

27. The Principal Secretary, Transport should also join these proceedings on the next date. Before joining, he should look into the issues involved in these proceedings and do the needful.

28. Considering the information provided by Shri Rajeev Krishna, Director General of Police, U.P. that now these items i.e. modified silencers, pressure horns and hooters etc. are available online through e-commerce regarding which the police is handicapped to check its sale. We are of the opinion, that this may fall in the domain of the Union of India. Let the Union of India through Secretary, Department of Commerce and Industry, Government of India, New Delhi and Secretary, Department of Transport, Government of India, New Delhi be impleaded as opposite parties during course of the day and notice of the proceedings be given by the office to the learned Deputy Solicitor General of India.

29. Shri Shailendra Kumar Singh, learned Chief Standing Counsel, shall provide all the pleadings which are on record to the learned Deputy Solicitor General of India who shall file a response by the concerned departments of the Union of India with regard to the issues involved herein.

30. We have interacted with Shri Rajeev Krishna, D.G.P., U.P. also. He has informed us about the some action taken by the Committee of the State Government as referred hereinabove on 13.10.2021, wherein twenty

two action points are mentioned. He, however, is not aware as to what has happened subsequently, though he does claim, based on the affidavit filed on behalf of the Police Department, that adequate steps are being taken for checking noise pollution. We are of the view that much more needs to be done. Sub-ordinate police officers need to be sensitized about the need for curbing noise pollution and to take effective steps in this regard.

31. He also informed that awareness workshops are being held in substantial numbers regularly and as many as 46 workshops were held this very year. He also informed us that in fact, the police is authorized to inspect shops to find out as to whether such prohibited items as modified silencers, pressure horns and hooters in private vehicles are being sold, if so, then to check the same.

32. Shri Rajeev Krishna, D.G.P., also informed us about acoustic cameras or noise radars, which are being used in other countries for curbing noise pollution. However, he says that identifying a specific vehicle involved in such noise pollution is rather difficult through such cameras. Learned Amicus says that these cameras are being used in some cities in the India also, such as Hyderabad and Delhi. The Committee and all of the stakeholders shall explore the possibility and feasibility of using such cameras, even if, at limited places, say, in residential areas, where traffic is not much or at other suitable places, as the case may be.

33. The Police Department should file a better affidavit delineating its role and the measures devised for curbing noise pollution rather than simply annexing data in support of its stand. He has also informed us about Police Interceptors which are also useful for curbing noise pollution and that they have been fitted with latest equipments in this context. These facts can also be brought on record in the fresh affidavit to be filed by the Police.

34. At this stage, Shri Rajeev Krishna, D.G.P., has invited our attention to an SOP, which he has annexed with his affidavit, which he proposes to circulate among the Sub-ordinate Officer for implementation. He may do so.

35. All the concerned departments are directed to re-visit the helpline numbers and make them functional and effective and not merely a formality. Awareness about the said helpline numbers should also be ensured. We would go into this issue further on the next date.

36. The matter shall now come up on 20.05.2026.

37. In the meantime, all the stake-holders, especially the Committee constituted under the orders of this Court shall ensure effective and prompt measures through out the State for curbing noise pollution. Keeping in mind the observations made hereinabove, especially the suggestions made by the learned Amicus as also the points noted by the Committee on 13.10.2021.

38. On the next date, the Principal Secretary, Department of Transport, Government of U.P., the Commissioner Transport, Additional Director General, Traffic and an officer not below the rank of Special Secretary, Department of Urban Development U.P. and Member Secretary, Pollution Control Board shall join the proceedings through video conferencing.

39. Designation of Deputy Solicitor General of India be printed in the cause list whenever the case is next listed.

(Manjive Shukla,J.) (Rajan Roy,J.)

April 2, 2026

Satish